

who flee for their lives and to the mothers and fathers who try to protect their girls from sexual violence and rape?

On April 6, Attorney General Jeff Sessions announced that the Trump administration had adopted a new zero tolerance approach in prosecuting border cases, making family separation the official policy of the United States of America. It declares that all who present themselves at our borders, even those who legitimately seek asylum, are to be treated as criminals.

The goal is clear. White House Chief of Staff John Kelly said that separating families is a “tough deterrent” to parents who flee persecution. Kelly also dismissed any concerns because “the children will be taken care of—put into foster care or whatever.”

Under this harsh and harmful policy, thousands of children have been forcibly removed from their parents by our government. They have been transferred to facilities all over the country, often thousands of miles away from their parents. The American Academy of Pediatrics and the American Medical Association have condemned this Trump policy. In the starkest terms, the President of the American Academy of Pediatrics has called it “government-sanctioned child abuse.”

Two weeks ago, on June 26, a Federal court in California mercifully stepped in. Judge Dana Sabraw was appointed to the Federal bench by Republican President George W. Bush. Judge Sabraw held that these family separations result in “irreparable harm.” He ordered the children who were separated by the Trump administration under the zero tolerance policy be returned to their parents within 30 days and within 14 days for those kids who were under the age of 5.

The Trump administration has tried to paint a rosy picture of the situation. On June 26, Health and Human Services Secretary Alex Azar testified to the Senate Committee on Finance: “Every parent has access to know where their child is.” Secretary Azar said: “There is no reason why any parent would not know where their child is located.” He also claimed that HHS had 2,047 separated children in custody. Last Thursday, Secretary Azar admitted that, actually, “up to 3,000” separated kids are still in its custody. As has been documented in numerous heartbreaking reports, many parents of the separated kids still do not know where their children are, and their attempts to contact them have been unsuccessful.

Yesterday was the deadline imposed by Judge Sabraw for reuniting children under the age of 5. What did we learn? The Trump administration notified the court that it had identified 102 separated children under the age of 5 and that only 4 of those 102 children would be reunited before the deadline. The administration only has concrete plans to reunite about half of these 100 children. It has made no effort to contact

12 parents whom the government deported, and it can’t even identify the parents of one toddler. We still don’t know the fate of thousands of other children who are supposed to be reunited in just a few days.

This is an outrage. This is a toxic mix of cruelty and incompetence. The Trump administration continues to try to shift the blame for this humanitarian crisis to Congress and the courts, but Judge Sabraw said that this is a “chaotic circumstance of the government’s own making.” He went on to say yesterday, as reported in the New York Times, that these are firm deadlines and not aspirational goals—admonishing the government.

In another Federal courtroom, the administration’s real plan was made clear. Because of the backlash from the courts and the public, it is no longer separating families. Instead, this administration wants to jail these families indefinitely. Experts tell us that separation is child abuse, that jail is no place for children, and that even short-term detention can do permanent damage to a child’s health and well-being.

The administration asked the Federal district court to set aside the Flores settlement—a legally binding agreement to protect the best interests of kids that has been in place for over two decades. On Monday, the Federal court rejected the Trump administration’s request, saying it was “wholly without merit.” According to media reports, the Trump administration plans to appeal, and it is asking Congress to pass legislation to overturn the Flores agreement. Instead of putting social workers to work in reuniting families and children, the Trump administration wants to lawyer up so that it can be spared from the standards that Democratic and Republican administrations have faced in the humane treatment of children.

The Trump administration’s goal is clear. In the midst of the world’s worst refugee crisis, it wants to make the situation for families who flee persecution as painful as possible in order to deter them from seeking safe haven.

Let me be clear. This Senator will do everything in his power to stop legislation that would authorize the Trump administration to put migrant children in jail. It is immoral. It is shameful. It is un-American. I call on my colleagues—Republicans and Democrats—to join me in opposing the Trump administration’s cruel immigration policy.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

THANKING THE SENATOR FROM ILLINOIS

Mr. SCHUMER. Mr. President, let me first thank my friend and colleague from Illinois. He is a lamp of light in this horrible moment when children are being separated from their parents, when we don’t even know where they are, and when we don’t even know who

their parents are. He is showing the inhumanity and the incompetence of this administration rolled into one. He has been a constant and vigilant voice to reunite the families and bring some justice, some peace, some calm to these poor kids. So I thank him for the work he has done.

NOMINATION OF BRETT KAVANAUGH

Mr. President, President Trump’s nomination of Judge Kavanaugh to the Supreme Court will bring up many issues. The next Justice on the Supreme Court will have an ability to impact labor rights, women’s reproductive rights, LGBTQ rights, voting rights, civil rights, environmental rights, and so much more for generations to come. We need to know how Judge Kavanaugh views those issues.

On the issue of a woman’s freedom to make her own health decisions, for example, yesterday, while shepherding Judge Kavanaugh around the Capitol, Vice President PENCE said that he wanted to see *Roe v. Wade* overturned. This isn’t some ancient belief that the country has pushed aside. There are people in high parts of the government—the Vice President yesterday, the President constantly, and some others—who want to repeal *Roe v. Wade* tomorrow. Americans should not be complacent. The vast majority of Americans wants to see *Roe* in place, but there is an active movement here now, personified by Judge Kavanaugh’s potential elevation to the Bench—I hope it doesn’t happen—and we have to be vigilant.

Vice President PENCE’s remarks that he wants *Roe* overturned was a prescient reminder that both the President and Vice President have explicitly promised to appoint “strict constitutionalists to the Supreme Court” who would “consign *Roe v. Wade* to the ash heap of history.” Those are the Vice President’s words.

Judge Kavanaugh has also written some troubling things about environmental protections, consumer protections, commonsense gun safety laws, all of which should be carefully examined by this Senate and by the American people before we have any hearings. His history as a Republican partisan lawyer during the Clinton and Bush eras—documents, emails, writings—needs to be thoroughly examined, particularly his more recent writings about executive authority.

Judge Kavanaugh argued that a President should not be subject to an investigation while he is in office, that a President should be above criminal and civil indictments, even going so far as to say that a President need not enforce a law that the President deems unconstitutional.

Those are serious and dangerous beliefs. They are particularly dangerous—maybe even more dangerous now—because we have a President who clearly wishes to aggregate all power to himself regardless of the separation of powers, regardless of the norms this country has had for centuries, regardless of the rule of law. Senators from

both parties need to scrutinize what Judge Kavanaugh has said because, if he is the swing vote on any kind of rational check on this President, I worry. We should all worry.

Conservatism has always believed in small aggregations of power so that the individual would have more freedom. That is the core of conservatism. Yet, when conservatives embrace Donald Trump, who wishes to aggregate power and roll over any checks to his power and now chooses to get behind Judge Kavanaugh, who seems to have an almost monarchical view of Presidential power, we have trouble. We had better be awfully careful here in this country. The Senate is going to have to look at each and every one of these issues in due time.

Today, however, I want to focus on the issue that might have the most profound consequences for the average American most immediately—healthcare and the protections for Americans who have preexisting conditions. In a few minutes, I will be joined by some of my colleagues over in the Mansfield Room to discuss this issue at length. Right now, though, here is what I would like to say.

Prior to Judge Kavanaugh's selection, President Trump promised to nominate a judge who "would do the right thing, unlike Judge Roberts on health care." Those are Trump's words.

He commissioned a list of judges from the Heritage Foundation—a far-right special interest group that is dedicated to dismantling government, including and especially the healthcare law. It is the place where the government spends a lot of money. These rich people who are behind the Heritage Foundation—the Kochs and others—don't want to pay any taxes. Those poor folks. They are struggling. Where do more taxes go than any other place? They go to healthcare. Why? Because that is what the American people want. Who wouldn't give everything they have if their spouse, their children, their relatives were sick and needed a lot of money to be cured?

That is why we have insurance, and that is why we have the government involved with things like Social Security and Medicare and Medicaid, but the Heritage Foundation—a handful of rich people who fund them and the so many Republicans who dance to their tune—don't want that. They hide it from the American people because the American people don't agree with it, but they don't want it. They have pushed forward Judge Kavanaugh to be the torchbearer on the Court for their mission.

The list of 25 that President Trump selected from was vetted and approved by this very Heritage Foundation. The Heritage Foundation would not give its stamp of approval to anyone who would maintain or grow our healthcare law, particularly protections for Americans with preexisting conditions.

The American people deserve to know where Judge Kavanaugh stands.

This is a serious issue. This is not something we can allow a nominee to hide behind and say: I will follow existing law. We need to know their view of the government's ability to be involved in people's healthcare; to help it be funded when the average person can't afford it, given how high the costs are.

Right now, several cases that challenge the structure and constitutionality of the law are wending through our courts. If one or many reach the Supreme Court, I will say to my fellow Americans, your right to be protected if, God forbid, someone in your family is sick is at risk. Your right to have an insurance company not cut you off if, God forbid, someone in your family is sick is at risk if Judge Kavanaugh ascends to the Bench. That is probably the No. 1 reason he is opposed by so many of us on this side of the aisle.

Can you imagine a Supreme Court thrusting us back to a time when you could be denied health insurance precisely because you needed it so desperately, to a time when a mother with a child who has cancer is made to watch her daughter suffer in agony because they can't get affordable healthcare because no insurer will insure someone who has a child with cancer in their family? Do we want to go back to that? Come on. This is not Democrat or Republican; this is what America believes in. The hard right, through subterfuge and, to their credit, long-term diligence, is getting these people on the Court. They could never pass such a law in the Congress, the elected body of the people, even with the Republican majorities, but the Court, the unelected branch, is where they are headed, and that is why we have to be so vigilant.

Up to 130 million nonelderly Americans have a preexisting condition—more than one-third of Americans. For insurance companies, it used to be the case that a condition as commonplace as asthma was justification for jacking up rates to unaffordable levels. The law we wrote to prevent those despicable abuses by insurance companies is potentially on the chopping block, in my view, and likely to go if Judge Kavanaugh becomes Justice Kavanaugh. How can we afford that?

The American people should have their eyes wide open to the stakes. The Supreme Court may very well hear a challenge to the legal protections for people with preexisting conditions, and President Trump's own Justice Department is currently arguing in court that those protections are unconstitutional. I would like President Trump, at one of his rallies, to tell the people at the rally he is for taking away their protections when they have someone with a preexisting condition in their family. He wouldn't dare, but that is what his legal departments in HHS and Justice are doing.

The President doesn't tell people what he is doing. He brings these hard-right people in and says: I am with

you. He whispers: I am with you. He doesn't dare tell the American people.

That is why it is our job in the minority, since the Republican side, by and large, has shown so little spine on this issue—it is our job to let the American people know the peril they are in, that their healthcare is in.

If anyone doesn't believe that President Trump is still intent on tearing down our healthcare system, just look at what the administration did yesterday. The President decimated funding that helps people sign up for health insurance, cutting it to one-sixth of what it was 2 years ago. This funding is used to help people navigate the complex landscape of health insurance and select the plan or program that is right for their family. Even worse, of the little funding that remains, Trump mandated that it be used to direct people into his junk insurance plans that don't cover basic essential healthcare. Yesterday's news should remind us that President Trump remains ruthlessly committed to tearing down our healthcare system. He will not admit it at his rallies. He does not dare talk about it, but that probably is the most important thing he is doing in terms of effect on the American people, and we are not going to let him hide it. Anyone who thinks President Trump did not make this Supreme Court nomination without an end goal of furthering healthcare sabotage is kidding themselves.

So while there are many rights and freedoms at stake on the Supreme Court, the right of all Americans to be able to afford healthcare is at the very top of the list. The selection process for Judge Kavanaugh and President Trump's own words should motivate Americans from all corners of the country to contact their Senators and urge them to oppose this nominee.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. TILLIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALLING FOR THE RELEASE OF PASTOR ANDREW BRUNSON

Mr. TILLIS. Mr. President, I come here in fulfillment of a promise that I made a couple of months ago to bring to the attention of the American people an injustice that is occurring in Turkey.

I am here to talk about an American pastor, Andrew Brunson. He is from a church. He is from western North Carolina. He spent 20 years in Turkey as a missionary. He started out just doing missionary work without a church. Then he built a very small church that maybe can house 100 people, in Izmir.

After the coup in 2016, Pastor Brunson was apprehended, and he has