

big and complex on Capitol Hill is nothing gets done.

So the bill we propose is very simple. Fix the issues in the law, clarify the process so we can actually make absolutely certain that minor children can stay with their parents while their asylum claims are being considered.

We have had agreement on virtually everything. We have agreed that families should be kept together. We have agreed that we need more judges so we can reduce the background. We agreed we need more attorneys to participate in the process—basically a 2-to-1 ratio between a new judge and new attorneys to support the legal process. We agreed on minimum standards for housing so we make sure we are keeping these families in a place that we think are appropriate.

Some people may come to the floor and say we are going to stand up tent cities and subject people to harsh conditions. We don't want to do that. As a matter of fact, we feel so strongly about it that we are putting forth specific requirements for housing. So we are addressing the judge constraint, we are addressing the lawyer constraint, we are addressing specific standards for keeping families together.

We can actually pass this in a heartbeat. We can do it on the Senate floor, and we can do it through what is called unanimous consent. Allow somebody to come down here, put a bill forward, and get it passed. Give those children and parents certainty.

The fact is, some of them are going to apply for asylum and will not have a legitimate case. Others will, but we have proposed a bill that will prevent any sort of lengthy detention. As a matter of fact, if this bill gets passed, the average case with a family would be prioritized. If you have an asylum request and you are with children, we want to keep you together and get it at the front of the docket so you can get certainty fairly quickly—over 40 to 60 days, but we have a constraint we have to get past. It has to do with a court ruling called the Flores case, where if we don't narrowly tailor the language to say, if a child—if a minor comes across the border with their parents, then they will be allowed to be kept with their parents in appropriate housing until such time as their asylum request has been heard before a court of law. It is not getting rid of Flores. You have some people here saying we want to completely eliminate the case. That is not the case.

We don't want children coming across the border who don't have parents with them to be retained in perpetuity or indefinite detention, as it is referred to down there. That is what Flores does. So if a child comes across the border, and they don't have a parent with them, then after 20 days, they have to be placed somewhere other than detention. That is a good policy.

If you have a situation where Flores stands the way that it is, then the law specifically requires the child to be

separated from the parents. This gives the parents the choice. If they want the children with them while they are going through the legal process, then they can have that. If they choose to have the child placed with a family member or a guardian, then they can have that too.

One of the things that I think we have to talk more about is the danger of just randomly placing children with a parent or guardian who comes across the border. We have several cases where in our system there is no way we would place the child with some of the people they are coming across the border with. They have been convicted for a variety of things: child neglect, child abuse, drug trafficking. All sorts of things that would have an American citizen's child removed from their family are the same sort of standards we want for a child coming across the border. Of course, we want to make sure the parent who says they are their parent or guardian really is.

So in this body, there are few opportunities where you can narrowly tailor a policy to a point to where only the most partisan or unreasonable person wouldn't support it. This is one of them. We can get this bill passed, sent to the President's desk, and provide certainty—a compassionate, appropriate method for dealing with what are now hundreds of thousands of people who have come across the border—to children with their parents. Treat them fairly, treat them justly, and have them processed in what I believe is the greatest judicial system that has ever existed.

It is on us to solve this problem. Anybody who comes down here and says, well, no, I have to talk about DACA, which is something I support, a path to citizenship or I want to talk about border security, which I also support—yes, let's talk about that, but let's not hold these children and these families hostage for other immigration matters. This body should have the backbone to deal with the political challenges that may come from their own party and do the right thing—the next time.

This time, let's solve the separation of children from their parents. Let's stop playing the political games that make for great fodder, but they are not compassionate, they are not a part of the solution. I hope we have enough Members to become a part of the solution. Next week, we will be talking more about this and possibly through unanimous consent.

I want somebody to come down to this floor and explain to me why it is a bad idea. I want them to explain it to the American people, but, out of respect for the Senate, we will not offer a unanimous consent request today, but you can be pretty sure we will next week.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the Bounds nomination be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. For the information of all Senators, the nomination will be withdrawn.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 584 as under the previous order and that I then be permitted to speak briefly about it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### LEGISLATIVE SESSION

#### EXPRESSING THE SENSE OF THE SENATE AGAINST THE MAKING AVAILABLE OF CURRENT AND FORMER DIPLOMATS, OFFICIALS, AND MEMBERS OF THE ARMED FORCES OF THE UNITED STATES FOR QUESTIONING BY THE GOVERNMENT OF VLADIMIR PUTIN

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session to consider the following resolution, which the clerk will report.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 584) expressing the sense of the Senate against the making available of current and former diplomats, officials, and members of the Armed Forces of the United States for questioning by the government of Vladimir Putin.

Thereupon, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I am hopeful that we will come together on this resolution, which I introduced with the Senator from New Jersey and the Senator from Hawaii, that it is neither the policy nor the practice of the United States to submit our citizens, let alone our Ambassadors, to the interrogation of a foreign adversary.

Let this resolution be a warning to the administration that Congress will not allow this to happen. I call on President Trump to say once and for

all—not through his spokespersons—that the lopsided, disgraceful trade he called an incredible offer is now off the table. There should be no equivocation on the matter.

One more point. I am so disappointed in the failure of the resolutions earlier today. We had a real chance for bipartisanship. The resolutions were modest and mild, and they were just resolutions, but we couldn't even come to agreement on those. Our Republican colleagues, given the crisis we have in foreign policy, have to step up to the plate and join us not just in resolutions but in bipartisan action that is so important.

I was told that one of the reasons the resolution was objected to was because we couldn't—they didn't even want us to get the notes, let alone hear from the translator of this 2-hour, mysterious meeting where nobody seems to know what happened. The American people should know what happened. The Senate should know what happened. Our leaders in the State Department and Defense Department should know what happened. Our colleagues on the other side of the aisle seem to be too afraid to let us bring that up. That is so wrong for the security of America.

I am hopeful—there are bipartisan efforts going on today—that we cannot do what we did earlier and block the resolution by the Senator from Vermont and the bipartisan resolution from the Senators from Arizona and Delaware but move together in real action to undo the damage—try to undo the damage that the President has done to this country this week.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. McCAIN) and the Senator from Alabama (Mr. SHELBY).

The PRESIDING OFFICER (Mr. CASSIDY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—98

Alexander	Cardin	Daines
Baldwin	Carper	Donnelly
Barrasso	Casey	Duckworth
Bennet	Cassidy	Durbin
Blumenthal	Collins	Enzi
Blunt	Coons	Ernst
Booker	Corker	Feinstein
Boozman	Cornyn	Fischer
Brown	Cortez Masto	Flake
Burr	Cotton	Gardner
Cantwell	Crapo	Gillibrand
Capito	Cruz	Graham

Grassley	Manchin	Sasse
Harris	Markey	Schatz
Hassan	McCaskill	Schumer
Hatch	McConnell	Scott
Heinrich	Menendez	Shaheen
Heitkamp	Merkley	Smith
Heller	Moran	Stabenow
Hirono	Murkowski	Sullivan
Hoover	Murphy	Tester
Hyde-Smith	Murray	Thune
Inhofe	Nelson	Tillis
Isakson	Paul	Toomey
Johnson	Perdue	Udall
Jones	Peters	Van Hollen
Kaine	Portman	Warner
Kennedy	Reed	Warren
King	Risch	Whitehouse
Klobuchar	Roberts	Wicker
Lankford	Rounds	Wyden
Leahy	Rubio	Young
Lee	Sanders	

#### NOT VOTING—2

McCain	Shelby
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The resolution (S. Res. 584) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

#### MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Maryland.

#### HEALTHCARE

Mr. CARDIN. Mr. President, I am proud of the advancements we have made in healthcare in this country—advancements that have been made, including those in the Affordable Care Act.

At lunch today we had an opportunity to see one of the faces of the progress that we have made. Elena Hung brought her daughter to our caucus lunch today, and we had a chance to see how a young girl has been able to literally survive as a result of the coverage provided under our healthcare system.

Since the passage of the Affordable Care Act, we have found that more and more Americans have not only been able to get health insurance but they have been able to get quality health insurance that covers their essential health benefits and provides them protection against discriminatory insurance company practices. We are clearly moving to where healthcare is a right, not a privilege.

I say that fully aware that President Trump's policies have reversed some of this progress and that he is trying to reverse even more of this progress. The President's policies have sabotaged the individual marketplace. As a result, we have seen significant premium increases caused by actions taken by the Trump administration in eliminating the individual responsibility, not providing the cost-sharing, and making it difficult for reinsurance to take place.

All those add to the instability within the individual marketplace, turning it into more of a high-risk pool, increasing premiums, and causing a lot of insurance companies to wonder whether they should be in that market at all.

Recently, the Trump administration went one step further—and I would hope all Americans would be very much outraged—and that is the protection against preexisting conditions that were included in insurance policies prior to the adoption of the Affordable Care Act.

With regard to preexisting conditions, most of us have some form of preexisting condition. You may have high blood pressure, high cholesterol, asthma, heart condition, or diabetes. You may have had cancer, or you may have had behavioral health issues. All of those are preexisting conditions.

According to a recent study by Health and Human Services, there are as many as 133 million Americans, nonelderly, who would qualify for preexisting conditions and would be subject to discriminatory actions by private insurance companies if the protections under the Affordable Care Act were to vanish.

In my own State of Maryland, that number is about 2.5 million Americans, nonelderly, that could be subject to discriminatory practices by insurance companies—320,000 of whom are children.

In June 2018, President Trump's administration broke a longstanding tradition and practice in this country and announced that it would not defend the court challenge to the Affordable Care Act. In the case of Texas v. United States, not only did the Trump administration say that they would not intervene to protect the constitutionality of the act passed by Congress but that they would submit a brief to the Court recommending that protections such as the preexisting conditions protections that we have under existing law should be held invalid.

Well, the Trump administration is going to the courts asking them to allow insurance companies to once again discriminate against people in this country based upon preexisting conditions. That is why we have insurance, to protect you for what you need.

This is now in the courts, and we will see what will happen with Texas v. United States in that court, but it could very well end up in the Supreme Court of the United States. It is very clear that as we evaluate our judicial appointments, we need to understand the importance of the decisions they will be called upon to make.

We had a circuit court appointment this afternoon that we were supposed to vote on, and it has been withdrawn. I am pleased about that because that individual would not have been sensitive to the rights of the people of our country.

Now we have a nominee for the Supreme Court of the United States, Judge Brett Kavanaugh. It is critically