having consulted with the people who did write it and after having consulted with the authorities who were responsible for that policy.

I suspect we are going to hear of requests for millions of documents that came across his desk while he was Staff Secretary, virtually none of which will have any bearing whatsoever on his fitness or qualifications to serve on the Supreme Court.

More relevant, though, are the 12 years he served on the Federal appellate bench here in Washington, DC. The DC Circuit Court has sometimes been called the second highest court in the Nation. We have seen Judge Kavanaugh earn a reputation for being a fair, well-respected jurist who has a record of faithfully applying the law as written.

While it is clear that Judge Kavanaugh is uniquely qualified to serve on the Supreme Court, if I were dreaming up the right qualifications and temperament and experience, I am not sure I could have picked a better person. In its failing to find fault with his character and his qualifications, here is where the opposition has moved in its outlandish claims about how he may apply personal political views to the law.

The opposition started by digging up an old law review article Judge Kavanaugh wrote for the Minnesota Law Review that made the case that Congress should consider enacting legislation to govern a sitting President's lawsuits and investigations. Some of our colleagues have already begun to twist the words in the article and mislead the American people into believing he argued the President could never be investigated or prosecuted.

In fact, the Washington Post fact-check called these claims an ''extreme distortion'' of Judge Kavanaugh's views. It is a bogus conspiracy theory that is only being made by those who haven't reviewed the article or don't want to but who clearly want to try to damage the nomination. In his article, Judge Kavanaugh explicitly wrote that he believes no one is above the law. His point was not to take away checks on the President but only to say Congress might want to consider passing additional legislation.

Some of our friends across the aisle then argued that if confirmed, Judge Kavanaugh would be the deciding vote to overturn the Affordable Care Act, including to overturn protections for preexisting conditions. This is so far-fetched that the New York Times fact-check from two health law professors debunked the claim and called these arguments ''overstated'' and that in Judge Kavanaugh's writings on the topic, he focused on specific legal issues, as judges are supposed to do in the cases that are presented to them.

Most every one of our colleagues agrees that preexisting conditions should be covered, but that is a policy decision for Congress. What a specious idea to suggest that somehow this judge who served on the DC Circuit Court of Appeals for 12 years is some crusader who is determined to undermine preexisting conditions coverage for the American people. It is just a loony idea. It is precisely why we, as elected officials, are the ones to make the law and to make policy and to represent the interests of those we serve. When our constituents don't think we are doing a very good job, they can tell us: Hey, you need to be doing a better job, and if you don't, then I am going to exercise my right at the next election to vote against you.

Judges, though, are presented not with a policy or a political or an ideological agenda that they are supposed to pursue but, rather, with specific cases and facts. Then they are to apply the law without having any predisposed policy preferences. That is what judges do. Opposing him based on a guess of how he might rule on a given case that may or may not ever come before him is an act of pure desperation.

Don't they remember the standards set by Justice Ginsburg, who declined to prejudge any case since she said that would be inappropriate? As she said in her own confirmation, that sort of assurance is completely wrong. Justice Ginsburg gave what, I think, is the correct response to such requests, saying she would offer no hints, no forecasts, and no previews of her specific rulings.

As a former State court judge and justice myself, I strongly believe those who serve in our judicial branch must put their personal, political, and ideological beliefs aside and apply the law as written. If you can't do that, you ought to run for the legislature or city council or county commissioner, not serve as Federal judges. I believe attempts to predict how Justices will decide particular cases are futile, particularly when you have a judge who calls balls and strikes as he or she sees them. Cases depend on specific facts and circumstances as well as on the lengthy and detailed legal arguments by the parties who come before the Court.

I hope our colleagues will spend less time dreaming up hypotheticals that will never come to pass and more time in meeting with and in getting to know Judge Kavanaugh, which, so far, they have declined to do. If they want to get to know the man and the judge, I hope they will take him up on the offer to sit down and talk to them and to answer their questions and explain how his judicial philosophy would be put into action.

Thank goodness for a couple of our colleagues, both the junior Senator from North Dakota and the senior Senator from West Virginia. They were quick to say they will not be influenced by their leadership's pressure or messaging from their far-left base. Let's hope others will follow suit.

In having failed to pick apart Judge Kavanaugh's character or his 12-year judicial record, some of our colleagues are now requesting to see every piece of paper—every email, every document—from Judge Kavanaugh's career at the Bush White House. I agree we should fully vet the nominee, and it makes sense to review documents that are important to the confirmation process.

Yet, with nearly half of the Democrats having already announced their opposition to this nomination, why are they requesting these documents? Is it because it would cause them to reconsider their opposition to his nomination? I think they have pretty much made a political decision to oppose the nomination, so any effort to force the production of documents that will not have any relevance whatsoever to his qualifications makes no sense. Instead, we know some of these demands are being made merely so they may drag their feet—as a pretext in order to delay Judge Kavanaugh's confirmation.

Instead of chasing after irrelevant records from the Bush White House, I urge our colleagues to read Judge Kavanaugh's opinions and meet with the judge and get to know him. Sadly, I have heard, as I said, that virtually all of the Democrats have, so far, not been able to or have not found time to meet with the judge, which, I think, is a shame.

Despite the attacks, the attempts to distract, and the efforts to stall, though, the American people can be assured of one thing—we will press forward in our vetting process and vote on the confirmation of Judge Kavanaugh this fall in advance of the October term of the Supreme Court. The majority leader, Senator MCCONNELL, has made it clear that if there is foot-dragging, and this is drug out beyond the first Monday in November, when the Supreme Court has its first oral argument, we will stay here until the bitter end—all the way up to and including the midterm elections on November 6. That would be the consequence of dragging this out for no good reason, but we will vote on his nomination before the midterm election.

NOMINATION OF ROBERT WILKIE

Mr. CORNYN. Mr. President, on another note, we will vote today on the nomination of Robert Wilkie to be Secretary of Veterans Affairs.

Mr. Wilkie brings to this position a firsthand understanding of the mental and physical demands of military life. The son of an Army commander who was wounded in Cambodia during the Vietnam war, he said his father's recovery was at the forefront of his mind when he was offered the position at the Veterans Health Administration. He himself is an Air Force Reserve officer who has spent three decades helping to shape military policy.

In fact, he started out his career in this very Chamber and worked, most recently, for our friend from North Carolina, Senator TILLIS. He holds a law degree and multiple master's degrees, but he has had real-world experience as the Under Secretary of Defense

for Personnel and Readiness, as Assistant Secretary of Defense, and as Senior Director of the National Security Council. Those are positions of great responsibility and great importance. My home State of Texas is home to 1 in 12 veterans, so having a well-functioning Veterans Health Administration is crucial to my State.

Mr. Wilkie, I believe, has the experience, the compassion, and the drive to make sure our Department of Veterans Affairs can efficiently and effectively serve those who have served in uniform, to whom we owe a moral duty. No nominee for this position has ever received a ''no'' vote on the Senate floor, and my hope is, we continue that tradition during the vote today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FAMILY SEPARATION

Mr. NELSON. Mr. President, do you remember children being separated from their families? This crisis is far from over. As a matter of fact, we found out it is not 2,000 children; it is 3,000 children.

A district court judge in San Diego has ordered the administration to reunite all of the families who were separated at the border by Thursday. Yet with the deadline looming this week, the administration continues to cite the many obstacles it says that are hindering the work they are trying to do to comply with the court's order.

When I went to the detention center in Homestead, FL, they said they were going to reunite families soon thereafter. That was more than a month and a half ago. As a matter of fact, of the 1,300 children that had been separated from their parents, there were 70 of them who were there.

They would not let me speak to them, so I inquired about whether the children had been able to speak to their parents on the phone. I was told that of the 70, 62 of the children had spoken to their parents. It has recently been made clear why some of those families have been unable to connect for so long. A report that was just published stated that the administration—the Trump administration—has been charging detained parents—get this—as much as $8 a minute to call their children. These children were separated from their parents because the administration separated them. That is $8 a minute if you want to talk to your child. That is a new low.

Charging these families an exorbitant fee such as this, just to talk—just to talk—to their children, when the cost of providing that service is minimal, that is not even a conscionable act.

Many of those families have come and asked for political asylum. They are asking for what the law provides, and yet we have separated the children from their parents and have prevented those parents from simply using the telephone to contact their children. Many of those children are just terrified, and they are being held thousands of miles away. It is not only unnecessary, it is simply cruel.

It also seems to fly in the face of ICE's own policy to permit calls by detainees to immediate family members in case there are family emergencies and to do so at a reasonable cost, certainly not $8 a minute for poor families who don't have $1, much less $8. A number of us in the Senate have now sent a letter urging the administration to stop this ridiculous practice and allow those parents the ability to talk to their children.

The list of obstacles this administration claims it is facing in order to reunite the families seems to be never-ending. But I would suggest that the list of obstacles the administration has created for these families to overcome, just to see their children again, seems to go on and on.

As a country, the United States is better than this. We should be making it easier for these families to reconnect and ultimately bring them back together, as the court has ordered. There are many in this Chamber who would certainly join with me. We are not going to turn our backs on these children. We will continue to fight to ensure that they and everyone else are being treated the way the American people want them to be treated.

I urge this administration to do the same, and I urge the administration to pay attention to the letter by a couple of dozen Senators that is coming to them today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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 (Mr. BOOZMAN). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Mr. President, on Saturday, the Senate Judiciary Committee received the completed questionnaire from Brett Kavanaugh, President Trump's nominee to the Supreme Court.

As legal minds on both sides of the aisle pore over these preliminary documents, a common thread has already emerged: Brett Kavanaugh seems to have an imperial conception of the American Presidency. He has written that a sitting President shouldn't be subject to civil or criminal investigations while in office.

In at least three separate instances, Brett Kavanaugh has shown a willingness to openly question precedent relating to Presidential power and Presidential accountability.

First, in his opinion in Seven-Sky v. Holder, Kavanaugh wrote that the President does not have to enforce the laws if he ''deems'' a statute unconstitutional, regardless of whether a court has already held it constitutional.

What the heck do we have a Supreme Court for? If the President can deem a law unconstitutional even after the courts have ruled it is and then not obey it—wow. That goes very far. I fear to think what this President, in particular, who doesn't seem to have much respect for the rule of law or people who disagree with him, will do if that becomes the law.

Second, when Brett Kavanaugh was asked which case he would choose if he could overturn precedent in any one case, he said the decision in Morrison v. Olson. That is the case that upheld the constitutionality of the independent counsel law.

Many of us did not agree with the independent counsel law, but it is telling that the first and only case Brett Kavanaugh cited when asked ''What case would you overrule, would you overturn stare decisis on?'' was a case about executive accountability.

Third and most recently, on Saturday, we learned that Brett Kavanaugh even believes that the 8-to-0 decision in United States v. Nixon may have been wrongly decided. This new revelation adds to the body of evidence that Kavanaugh believes sitting Presidents should be free from civil and criminal investigations while in office—a view, of course, that could have significant ramifications for the future of the Presidency and our democracy.

Let me ask this Senate and the American people a very important question: If Kavanaugh would have let Nixon off the hook, what is he willing to do for President Trump? Alarm bells should be going off for anyone who believes in checks and balances.

It is a fundamental principle of our democracy that no one is above the law, including the President. Our Presidents are not Kings. But Brett Kavanaugh's jurisprudence does not bode well for the future rulings on the accountability of the President, including those that may arise from Special Counsel Mueller's investigation.

Kavanaugh's views of an imperial Presidency would be alarming under any President, but it is especially alarming under President Trump, who almost daily tests the bounds of our Constitution, the separation of powers,