

were the murders of Jean Donovan and Sisters Dorothy Kazel, Maura Clarke, and Ita Ford. White was present when their bodies were recovered from shallow graves on December 4, 1980. He returned to the embassy as angry as his wife, MaryAnne, had ever seen him. It changed him, she told me in 2001, when I interviewed her for a profile of Bob I wrote for Commonweal. Indeed, his refusal to cover up Salvadoran military involvement in their murders—and those of thousands of Salvadorans, including Archbishop Oscar Romero—led to his resignation from the Foreign Service in 1981. He continued his work for democratic reforms and human rights in the Caribbean and Latin America at the Carnegie Endowment for Peace and the Center for International Policy.

Bob, who died on January 13 at the age of eighty-eight, was a great interview; in 2001 I left his Washington office with tapes full of details. He could summon conversations from years past and recount policy details lost in the fog of diplomatic maneuvering. Not only did he remember names and details of long-past events, he was also forthcoming in his analysis of U.S. foreign policy. He had joined the Foreign Service in 1955; after President John Kennedy announced the “Alliance for Progress,” he requested assignment in Latin America. Designed to encourage democracy and human rights, the new policy was a turn away from, as White put it, doing the work of “the colonial office.” That derogatory title summed up the tangled political and economic relationship between the U.S. and its neighbors to the South. Even when support in Washington faltered after Kennedy’s assassination, White tried to keep the policies of the Alliance in play. Full-blown Cold War policies had returned in 1968 with Richard Nixon and Henry Kissinger, coloring White’s years in Honduras, Nicaragua, Columbia, Paraguay, and El Salvador. While serving as U.S. representative to the Organization of American States, he faced down Kissinger, whose statements supporting Pinochet were contrary to U.S. policy. This brought White to the edge of dismissal; he won the battle and stayed on to serve in his final post, El Salvador.

A long history of interventions and exploitation of the continent’s natural resources made the United States the imperial power that both democratic reformers and Marxists loved to hate. White saw in the reformers the path to more democratic governments and respect for human rights. Washington, focused on Soviet threats and Fidel Castro’s support for guerrillas, increasingly favored the dictators and caudillos. Secret agreements were struck between U.S. military and intelligence agencies and their Latin counterparts. This often put the Department of State, though the official representative of the United States, on the margins of both policy and practices. Jimmy Carter’s victory in 1976 pressed U.S. policy once again into a human rights agenda; that ended with Ronald Reagan’s election in 1980.

White had long found himself the middleman in many of the struggles between Latin American governments and reformers as well as with his own government. His job was to work with each country’s political leaders, notwithstanding their anti-democratic policies. While they might tolerate his cajoling and plain speaking about land reform, fair elections, and human rights, they usually had a U.S. military representative or CIA agent to turn to for direct contact with Washington (often someone on the ambassador’s own embassy staff). At the same time, White made it his business to seek out and get to know sympathetic academics, journalists, labor leaders, clergy, and reformers in the Christian Democratic tradition. He understood the central role the

Catholic Church, especially its cardinals and bishops, played among the social and political elites. His friendship with some and parrying with others gave him behind-the-scenes influence; his attendance at Mass could be the occasion for a pointed homily on topics a prelate might otherwise avoid. If White was regarded with suspicion and contempt, especially by Salvadoran politicians and military, his reputation among Americans (and American Catholics) opposed to their endemic violence and abuse was hardly better. The U.S. ambassador was seen to be compromised by his position and not to be trusted.

After his resignation, White more than any U.S. official exposed the hidden ties between U.S. military and intelligence and their Latin American counterparts. He testified against Salvadoran military for their complicity in torture and murder, especially of the American churchwomen. He never ceased pressing for better political and economic conditions in Latin America, termination of sanctions against Cuba, and an end to human rights abuses not only by dictatorships but also by democracies. Bob’s work as an ambassador—from the United States at its best—never really ended.

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

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

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. CORNYN. Mr. President, for the second time in 2 days our friends across the aisle have killed important funding for the Department of Homeland Security, a bill worth about \$40 billion that was passed by the House of Representatives and sent over for the Senate to consider.

I continue to be amazed, watching Member after Member across the aisle come down here and vote to block this important piece of legislation, and then, in the same breath, accuse the majority of threatening to shut down the government. It strikes me as surreal. They are the ones filibustering the funding for the Department of Homeland Security, and they are claiming we are trying to shut down the government.

I know it is sometimes hard to explain what happens in the Halls of Congress and Washington, DC, but my folks back home can’t understand how they can block something and then claim they are for it—and then the people who are actually advocating for the passage of this funding, claiming somehow we are going to shut down the government. It just doesn’t make any sense, and it is the kind of double talk I think people have come to despise and associate with Washington, DC, and Congress.

That is one reason voters so overwhelmingly repudiated the status quo

on November 4 and said: We want new management, and we don’t want business as usual in Washington, DC.

Speaking of saying one thing and doing another, on this side of the aisle we pointed out some of the tough talk from some of our friends on the other side of the aisle, Senate Democrats, last fall when the President made clear he intended to follow through on a series of unilateral immigration actions that he, himself, on 22 different occasions had said he did not have the authority to take.

Indeed, it is my view this is unconstitutional. He can’t pass or make a new law without following the constitutional pathway, which requires Congress to consider it, vote on it—both Houses—and then send it to the President for signature. For the President just simply to make it up out of whole cloth is dangerous, to say the least.

I guess if the President doesn’t like any other aspect of our laws, this President—or any future President—might claim the sole authority to change it without following the procedures laid out in the U.S. Constitution.

I know what the President did last fall in this Executive action on immigration makes a number of our colleagues across the aisle uncomfortable because they are quoted in the newspaper as saying so. But now somehow in this mind meld going on, on the minority side, they now are walking in lockstep, voting against proceeding to consider this Homeland Security appropriations bill, even though, by my count, at least seven Democrats expressed deep concern with the President’s unconstitutional action.

Here is what the Senator from West Virginia said, talking about the President:

I wish he wouldn’t do it.

The junior Senator from Minnesota said:

I have concerns about executive action.

The same kind of concerns I have just expressed.

The senior Senator from Missouri felt the same way, saying about the President’s unilateral action:

How this is coming about makes me uncomfortable, [and] I think it probably makes most Missourians uncomfortable.

It made the President of the United States uncomfortable, so uncomfortable on 22 occasions he said he couldn’t do it—and then he did it.

It makes me extremely uncomfortable, too, and it certainly makes the vast majority of the people I represent back in Texas uncomfortable as well.

We are a nation of laws. I know we say that all the time, but it is one of the things that distinguishes us from so much of the rest of the world where, no matter who you are—whether you are the President of the United States or the most humble person in the country—the rules apply to you equally. That is what it says over the top of the Supreme Court Building. Look at the front of the building. It says, “Equal Justice Under Law.”

The idea that the President can—after 22 times saying he didn't have the authority—become a law unto himself and try to get away with it is just unprecedented and it is dangerous.

Despite the fact that many of our colleagues on the Democratic side have said what the President did made them feel uncomfortable, they apparently lost their sense of discomfort when they voted in lockstep to block this funding bill.

In order to justify their filibuster, a number of Senate Democrats have said: I don't like the bill the House sent over because it has some things in it that I don't like. I like the funding, but I don't like the spending restrictions.

I know the Presiding Officer understands as well that we can't change a piece of legislation in the Senate unless we vote to get on the bill. It is the same thing as saying you can't finish a journey until you start it, and our friends across the aisle are unwilling to even start that journey.

To state the obvious, if our friends in the minority would like to change the Department of Homeland Security funding bill, they ought to stop blocking it from being debated and amend it. If they have ideas, let's bring them to the floor.

One of the things that has distinguished this 114th Congress from the way things ran last year is we have actually had an open amendment process. Indeed, we found out in the first month of this year and this new Congress that we had more votes than all of last year combined.

So there is going to be an opportunity for anybody with a better idea to come down and get a vote. But this whole idea of saying, I am not even going to participate in the process and—worse than that—I am going to block a funding bill for the Department of Homeland Security because I don't like what is in it is just—well, it is just impossible to explain.

We know some of our colleagues on the other side are using this to play games because they basically have admitted it.

Just yesterday in the Huffington Post, the senior Senator from New York, a member of the leadership of his own party, said that “it is really fun to be in the minority.” That strikes me as extraordinarily cynical because we were not sent to play games, particularly with matters as important as homeland security. That is not what the American people sent us to do, and that is certainly not what they ratified or what they voted for on November 4.

They rejected business as usual in Washington, DC, and they said: Let's do something different, and we may not necessarily endorse everything that Republicans stand for, but, boy, we are sure going to give them a chance to show that they can do better than the management in the 113th Congress.

I think we began to make some positive steps in the right direction, par-

ticularly with passing important legislation.

We passed three important pieces of legislation in the 114th Congress: the veterans suicide bill that we voted on earlier this week, we have passed the terrorism risk insurance bill, and we passed, as the Presiding Officer knows, a very important piece of legislation to our economy and job creation and energy security known as the Keystone XL Pipeline. That is not bad. That is not bad.

We would like to do what I think falls in the category of governance 101, something that is pretty basic. We have to pay to keep the government functioning and particularly the Department of Homeland Security.

I know our friends on the other side of the aisle say: We don't like the bill the way it is, and we don't like the tools that are being used by the majority party to rein in the President's Executive action. Well, I am not going to make any apology for that because what the President did was unconstitutional. It was illegal. He has no authority to do that on his own. Again, it is not just me saying that. It is not just my opinion. It is his opinion. How cynical. How cynical.

I guess he figures he is going to get away with it, and our friends on the other side of the aisle are going to be the enablers, to enable the President to get away with something he said he didn't have the authority to do on 22 times.

I sure wouldn't want the folks back home to see me in that same light. I would have a hard time explaining to my constituents back home, saying, yes, I am helping the President do something that he said was illegal and he didn't have the authority to do, and we are going to play games by blocking important funding for the Department of Homeland Security in order to facilitate him getting away with it.

That is a cynical game and it is dangerous, particularly in the threat environment we are living in.

So I come to the floor for the third time this week to ask our colleagues on the other side of the aisle—especially those who have boldly stood up to their own President, a member of their own party, the leader of their own party, a few short months ago—to ask them to stand up again and to tell the President and to tell their own leadership that we want to have a Senate that actually works, where the minority and the majority get to participate through an open amendment process. But we are going to respect the Constitution, we are going to respect this institution and, yes, we are going to respect the role of the Presidency under our Constitution enough to rein in this President's overreach, and we are not going to jeopardize funding for the Department of Homeland Security and allow that to be held hostage to the President's unconstitutional act.

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

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

Mr. CARPER. Mr. President, earlier this week we learned about the young Jordanian pilot who was horrifically burned alive in a cage at the hands of the Islamic State of Iraq and the Levant, ISIL. This is the same group that haunts us with images of beheadings and mass murders week after week and enslaves women into servitude. It is the same group that recently declared it is determined to “reach America.”

My friends, we live in a world that is scary. And it is not just ISIL. It is the lone wolves who gather ammunition and equipment and carefully draft plans to attack us where we work, such as the attack we saw last year in Ottawa and last month in Paris, as well as the individual from Ohio who was planning to attack the Capitol right here in Washington, DC.

It is pandemics such as Ebola. It is the criminals trying to traffic illegal drugs and human beings across our borders and through our ports of entry. It is those individuals trying to sabotage our airplanes and our trains. It is those people trying to attack our computer networks and critical infrastructure.

But thanks in large part to the work of the Department of Homeland Security and its employees, Americans are safe—at least a lot safer than we otherwise would be. Our airplanes and our airports are protected 24/7. Our borders and our ports throughout our country are secure. Trafficking of illegal drugs and human beings is better controlled, and our critical infrastructure networks are better protected.

For anybody who thinks it makes sense to put the Department of Homeland Security out of business, to put it on the sidelines at this point in time in this world in which we live, I ask: Have we lost our minds? I hope not. I hope not. Yet today, here in the Congress, we are locked in a political debate about whether we fund that very agency that is charged with keeping Americans safe—those who live here with us—from the Islamic State and any other number of additional threats. That is irresponsible and shameful behavior. In order for the Department of Homeland Security to officially and effectively carry out its critical role in combating the multiple and ever-changing threats our country faces, the Department needs fiscal certainty and the full support of this Congress.

Throughout this week I joined nearly half of my Senate colleagues to reject the House funding bill for the Department of Homeland Security, H.R. 240, which contains riders that block the President's recent immigration actions. Many of our colleagues on both

sides of the aisle have significant concerns with these amendments, and the President has promised he would veto this bill if these amendments were not stripped from it.

My colleagues' insistence that we accept these House amendments is jeopardizing timely enactment of a vital and bipartisan Homeland Security funding bill and threatens to prolong the crippling budget uncertainty the Department of Homeland Security has been operating under since last year.

On top of that, according to the non-partisan Congressional Budget Office, this House bill with the amendments would increase deficits over the next 10 years by a total of \$7.5 billion. Instead of helping our Nation move forward with our economic recovery and our deficit reduction, this bill would move us backwards.

I understand why some of our colleagues are upset about the President's immigration policies. We can and we should have a debate about those concerns. We started the process just yesterday in the Committee on Homeland Security and Governmental Affairs, where I serve as ranking member.

Let me remind my colleagues that we wouldn't even be here having this conversation today or at that hearing yesterday if Congress had finished the job we began some 2 years ago in the Senate, right here on this floor. As most of my colleagues in this Chamber will recall, two-thirds of the Senate came together in 2013. We passed by a wide margin a comprehensive immigration reform bill. Was it perfect? No, but we took significant steps to fix our badly broken and outdated immigration system and to enhance the security of our borders.

At the same time, the bill would have reduced our budget deficit by nearly \$1 trillion—\$1 trillion—over the next 20 years, according to the Congressional Budget Office. Let me repeat that. Comprehensive immigration reform adopted here by a two-thirds vote would reduce our deficit by nearly \$1 trillion over the next 20 years. We demonstrated almost 2 years ago that we can debate our Nation's immigration policies in a thoughtful way in the Senate, and, I think, over in the House. There is no reason why we can't do it again. We need to have this debate on the Senate floor as we did last Congress.

We need to have this debate in committees as we did in the last Congress. We need to have this debate in our towns and States across America as we did in the last Congress. But we should not have this debate while we are deciding the fate of the budget of the Nation's most critical national security agency, the Department of Homeland Security.

I am not the only one who thinks so. All three former Department of Homeland Security Secretaries—Republicans Tom Ridge and Michael Chertoff and Democrat Janet Napolitano—wrote to the Republican leadership last week and this is what they said:

We do not question your desire to have a larger debate about the Nation's immigration laws. However, we cannot emphasize enough that the DHS's responsibilities are much broader than its responsibility to oversee the federal immigration agencies and to protect our borders. . . . And funding for the entire agency should not be put in jeopardy by the debate about immigration.

The Washington Post's editorial board has also weighed in. Last week, here is what they wrote:

If congressional Republicans want to attack those—

Talking about immigration—actions responsibly, with discrete legislation, they are free to try. . . . However, it is another thing to wield their frustration over immigration as a cudgel, holding hostage an entire department of government that is critical to the nation's security. That is as irresponsible as it is politically ill-advised.

I could not agree more. We need to focus now on doing the job we were sent here to do—to provide the funding necessary to keep America safe in an ever more dangerous world. Once we have done that, we should engage in an urgent debate on how to amend America's immigration policies for the 21st century.

If we choose instead to continue down this irresponsible path toward a shutdown of the Department of Homeland Security, we will actually put America at greater risk. Why would we do that? Why would we do that?

If we allow the Department of Homeland Security to shut down, here is what is going to happen—a few things that will happen. First of all, over 50,000 TSA security screeners keeping terrorists off of airplanes are going to go without pay. We want them to do their jobs, but we are just not going to pay them for it. Over 40,000 Customs and Border Protection officers needed to keep our borders secure are going to go without pay, too. We want them to do their jobs. We are not going to pay them, either.

In addition, over 13,000 Immigration and Customs Enforcement agents, enforcing our immigration laws and combatting human and drug trafficking, are going to go without pay too. We want them to do their jobs. We are not going to pay them, either. Essentially, a large part of our Federal homeland security personnel would be working on an IOU. Now you say: How is that fair? How is that fair? Well, it is not. Even if we avoid a shutdown but continue to keep the Department on a continuing resolution, we prevent the men and women who work there from doing their jobs as effectively and as efficiently as they can.

For example, we will not be able to replace obsolete surveillance technology along the high-risk areas of our border with Mexico. Our Nation will have significantly fewer resources to respond to any future surges of unaccompanied minors along the Southwest border. Morale will continue to degrade at the Department, which already ranks dead last for morale among other major Federal agencies. This is not

how we want to be treated. It is no way for us to treat the men and women who are working around the clock to keep us safe.

It is also an egregious waste of money. As we have learned over the years, crisis budgeting costs taxpayers millions of dollars. This latest situation is no exception. Employee hiring and research efforts at the Department would come to a halt. The contracts for a variety of security projects would be stalled and would need to be renegotiated, in all likelihood at a higher cost to taxpayers.

For example, a continuing resolution would delay a \$600 million contract to build a national security cutter that the Coast Guard urgently needs—keep it from being awarded. This cutter is critical to stopping the illegal trafficking off of our shores and ports of entry, including illegal immigration and drug and human trafficking. That is just one example.

As any business owner would tell us, this is not the way to run a business. It is certainly no way to run a vital national security agency of the United States.

So how are we going to remedy this situation? Fortunately, we have a solution sitting right in front of us, the bill that Senators MIKULSKI and SHAHEEN have introduced. It is S. 272. It is a clean fiscal year 2015 appropriations bill, which both Democrats and Republicans agreed to just this past December, 2 months ago. This measure provides the stable full-year funding that the Department of Homeland Security and our national security need without demanding a ransom.

In closing, I want to urge, as strongly as I can, my colleagues in this Chamber, in this body, to join me in doing the right thing. Support passage of this clean full-year appropriations legislation for the Department of Homeland Security. Reject the amendments approved by the House. Once we have done that, let's begin a fulsome and badly needed debate that will enable us to hammer out a thoughtful, 21st century immigration policy for America, a policy that is fair, a policy that will significantly reduce our Nation's budget deficit, and a policy that will strengthen the economic recovery in this country that is now underway.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AFFORDABLE CARE ACT

Mr. MURPHY. Mr. President, the Affordable Care Act is working. It is working better, frankly, than many of us who were there at its inception believed it would at this early stage in its implementation. The numbers are pretty hard to argue with. You have got now upwards of 10 million people who are on either private insurance with tax credits to help them get that coverage, or are on Medicaid through different State plans.