

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The majority whip is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, Senator REID, the majority leader, is absent today. I will be acting in his place. Senator REID called me this morning. He sounded good. We look forward to his speedy recovery.

Following my remarks and those of the Republican leader, the Senate will resume executive session to consider the nomination of Alejandro Mayorkas to be Deputy Secretary of Homeland Security postcloture.

The next hour will be equally divided and controlled between Senators CARPER and COBURN. There will be six roll-call votes at approximately 10:15 a.m.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF ALEJANDRO NICHOLAS MAYORKAS TO BE DEPUTY SECRETARY OF HOMELAND SECURITY

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The bill clerk read the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security.

The PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate on the nomination equally divided and controlled between the Senator from Delaware Mr. CARPER and the Senator from Oklahoma, Mr. COBURN or their designees.

Who seeks recognition? The Senator from Delaware.

Mr. CARPER. Mr. President, I will speak very briefly. Then I would like to yield to Senator LEAHY for some comments he would like to make on the President's nominee to be our next Deputy Secretary of Homeland Security. The Senator has known Mr. Mayorkas for a number of years, worked very closely with him through his committee's oversight of the EB-5 program.

I am delighted he is going to take the floor and move from presiding to

speaking. I am happy to yield to the Senator from Vermont.

The PRESIDING OFFICER (Ms. HIRONO.) The Senator from Vermont.

Mr. LEAHY. I thank my friend from Delaware. You know, the Department of Homeland Security is the leading agency for many of the pressing issues facing our Nation, from providing disaster relief to protecting our borders. The agency needs a full complement of leaders. That is why I am glad the Senate is considering the nomination of Alejandro Mayorkas to be Deputy Secretary of Homeland Security.

I want to thank the chairman of the Homeland Security and Governmental Affairs Committee, Senator CARPER, for pushing forward with this nomination. Alejandro Mayorkas currently serves as the Director of USCIS, the U.S. Citizenship and Immigration Services, the agency that makes the immigration system work.

Director Mayorkas has made it, by every analysis, a stronger and better functioning agency. It is unfortunate that in these partisan times Director Mayorkas' nomination has been the subject of unfair and partisan attacks. It is wrong that some have tried to create controversy about him even before his confirmation hearing occurred in the Homeland Security and Governmental Affairs Committee.

The attacks were made even less credible by the conduct of the former DHS deputy inspector general who was forced to resign in the face of allegations of serious misconduct, a person who frankly has no credibility in my mind because of the egregious and inexcusable things he did while serving in this role.

This former deputy inspector general, Charles Edwards, on the eve of Director Mayorkas' confirmation hearing authorized the transmittal of an email to a Republican Senate office that contained sensitive information about an ongoing investigation involving Director Mayorkas.

One thing that both Republicans and Democrats should agree upon is that this conduct is wrong. I believe it is a clear violation of the law. It is something that should be condemned no matter who did it. Of course, the timing of the transmittal raised serious questions about the motivation for its disclosure.

Inspectors general are supposed to be way above politics. Well, guess what happened? The email authorized by this former and now disgraced deputy inspector general was published shortly after its transmittal on the Web site of a Republican candidate for Governor. Come on. This is wrong. Why would a Virginia gubernatorial candidate care about an investigation being conducted by the Office of Inspector General for the Department of Homeland Security? Well, because some of the anonymous allegations repeated in that email by the Office of Inspector General involved claims that Director Mayorkas intervened in an immigration matter

for Terry McAuliffe, the governor-elect of Virginia. It was obvious this was done for political motives, not to make Homeland Security a better department.

Director Mayorkas, to his credit, has always put the interests of USCIS ahead of his own. He has made tough decisions to make that agency better. Sometimes tough decisions are not popular but needed. He made the decisions that were best for the country. He has brought significant resources to bear in the EB-5 Regional Center program.

Incidentally, the recommendations that he made to improve the EB-5 program were in a bill before the Senate Judiciary Committee on comprehensive immigration reform, a bill that passed the Senate in June. Every single Republican, and every single Democrat, voted for those recommendations in the committee. Now, we have been waiting for the House to pass this important legislation. But in the meantime, Director Mayorkas has worked to ensure the program's integrity. He has acted to make sure the agency's decisions are correct under the controlling law and regulations. The suggestion that Director Mayorkas would risk his reputation and his credibility by improperly intervening in a single immigration case, out of thousands his agency handles every year, is absurd.

I remember during the consideration of comprehensive immigration reform in the Judiciary Committee—the former ranking member, Senator SESSIONS, praised my amendment to improve the EB-5 program following the recommendations of Director Mayorkas. These reforms contained a host of improvements to provide USCIS with strong oversight tools, security enhancements, and anti-fraud provisions. In fact, 68 Senators, Republicans and Democrats, voted for the comprehensive reform bill which had the EB-5 program improvements in it. Now, some have said here on the floor yesterday that we could make reforms to the EB-5 program this very day.

I would respond that the Senate voted for it earlier this year. I appreciate those Senators who want these EB-5 reforms for having voted for them back in June. I have seen no evidence that those Senators, who put such faith in the former Deputy Inspector General's flawed investigation, have asked the tough questions necessary to test the integrity of that investigation.

Instead of considering the circumstances of the disgraced former Deputy Inspector General's disclosure, and taking the opportunity to ask tough questions of Director Mayorkas at his confirmation hearing, Republican Senators on the Homeland Security and Governmental Affairs Committee instead decided to boycott that hearing. And when Chairman CARPER scheduled a Committee business meeting to vote on Director Mayorkas' nomination, all Republican senators but two failed to attend that meeting.