

**Opening Statement of Chairman Thomas R. Carper
Nomination of Alejandro Mayorkas to be Deputy Secretary of the Department of
Homeland Security
July 25, 2013**

As prepared for delivery:

Today we meet to consider the nomination of Alejandro Mayorkas, President Obama's choice to serve as Deputy Secretary of the Department of Homeland Security. Mr. Mayorkas currently serves as the Director of U.S. Citizenship and Immigration Services. We thank him for that service and for his willingness to be considered for the Deputy Secretary position.

This Committee is responsible for working with the Administration to help protect our nation's security at home and abroad. At the same time, we strive to make sure federal agencies work better and more efficiently with the resources we entrust to them.

Part of that responsibility is ensuring that we have effective leaders in place to provide essential guidance. To that end, our Committee must consider Administration nominees in both a thorough and a timely manner as part of the full Senate's confirmation process.

At DHS alone, I believe there are fifteen senior leadership positions that are, or will be, vacant in the very near future. At least six of these positions require Senate confirmation. I call this phenomenon "Executive Branch Swiss Cheese."

Congressman Jason Chaffetz, a Republican colleague from Utah who sits on the House Homeland Security Committee, recently put the leadership predicament at DHS this way: -- *'It's one of the biggest agencies that we have, and it's got one of the lowest levels of morale on record based on the surveys. And when you have vacancies at the top, you have this vacuum that's unfulfilled, and there is a total lack of leadership.'*

In six weeks, we face the prospect of a Department of Homeland Security led by an acting Secretary and an acting Deputy Secretary. The issues this Department deals with every day are daunting: the threat of terrorist attacks; cyber attacks on a 24/7 basis; border security; immigration reform, and the list goes on.

This Department has needed and will continue to need strong leadership. Janet Napolitano and former Deputy Secretary Jane Holl Lute have provided it for the past four years. Jane has already left and Secretary Napolitano will be gone by early September. All of us must feel a sense of urgency to ensure that we have the leadership the Department needs in place.

Having a confirmed Deputy Secretary of Homeland Security will help fill this leadership vacuum. It is critical, then, that we carry out our constitutional responsibility to provide "advice and consent."

Although our nominee is currently the Director of the agency that manages the largest immigration system in the world, I'm sure it comes as no surprise to him when I say the next Deputy Secretary will have some big shoes to fill.

The former Deputy Secretary, Jane Holl Lute, was widely respected by this Committee for her leadership, expertise, and candor. I think it's safe to say that the Department needs somebody with her same level of commitment to tackling problems head-on.

In no small part, due to her leadership, the Department made great strides in many areas – for example, in narrowing the many operational and management issues identified as "high risk" by the Government Accountability Office.

In my talks with Director Mayorkas I believe he understands well these management challenges and is committed to continuing these efforts and to move the Department further forward.

His leadership has earned the respect of several former DHS officials, including Jane Holl Lute, Richard Skinner (Inspector General), Elaine Duke (Undersecretary for Management), and Robert Bonner (CBP Commissioner)—all of whom have written strong letters of recommendation for Director Mayorkas.

I'd like to ask for unanimous consent to enter these letters and all the others we have received—including one from the U.S. Chamber of Commerce— into the hearing record.

I would also like to take a minute to review Director Mayorkas' qualifications. The Senate has twice before found him qualified for Senate-confirmed positions. The Senate confirmed him by voice vote in 1999 to serve as U.S. Attorney for the Central District of California, the largest federal judicial district in the nation. It did so again in 2009 to serve as the Director of U.S. Citizenship and Immigration Services.

As Director of U.S. Citizenship and Immigration Services he has made national security a priority by taking on fraud head on. He even created a new Directorate for fraud detection and prevention.

He was also responsible for turning around the agency's ambitious "Transformation" project to create an electronic case management system. This system had previously been mired in cost overruns and schedule delays. Now, it is on much sounder footing and is beginning to deliver new capabilities for users every few months.

He was also in charge of standing up a massive new program – the *Deferred Action for Childhood Arrivals*. Not everyone may agree on the merits of this program, one which I support. But I think we can all agree that getting it up and running in a very short time – 60 days to be exact – is a remarkable accomplishment.

Of course, with the immigration debate in Congress still ongoing, Director Mayorkas' expertise would be extremely helpful in leading the Department that would be charged with implementing comprehensive immigration reform.

But there are also some questions that have recently been raised about Director Mayorkas' qualifications.

Over the last 72 hours, we have learned – albeit through some rather unusual circumstances -- that Director Mayorkas is reportedly the subject of an on-going DHS Inspector General investigation. News reports suggest that the investigation relates to his purported role in facilitating investor visas.

At this point in time, we do not have all the facts. It's also my understanding that Director Mayorkas, has not even been interviewed by the Office of Inspector General, despite the fact that this investigation began nearly a year ago in September 2012. Furthermore, the Office of Inspector General apparently does not have any “preliminary findings” regarding Mr. Mayorkas – in contrast to earlier reports. In fact, the initial allegations have not been confirmed at this point in time and the Office of Inspector General has found no wrongdoing by Mr. Mayorkas.

Lastly, before this highly sensitive information was disseminated in a rather questionable manner on Monday night, the Office of Inspector General had not informed Mr. Mayorkas of its investigation.

So, rather than allowing rumor, speculation, and innuendo to rule the day, this hearing will allow us to continue the process of vetting this nominee.

I recognize that our Republican colleagues, in a letter sent to me yesterday, would like me to hold all action – including even a hearing – on Mr. Mayorkas' nomination until the Inspector General has concluded his investigation. I respectfully disagree.

First, a hearing provides an appropriate setting for Members of our Committee to ask questions of the nominee and get answers in public and under oath. This type of open forum where Members ask questions and the nominee is given the opportunity to respond should be encouraged, not stifled.

Second, in talking with the Office of Inspector General, we know it is months away from completing its investigation. And given that this office is confronting its own set of challenges and controversies – including lacking a Senate confirmed leader for over two years--it appears highly likely that this investigation will not be concluded in a timely manner.

I believe it would actually be irresponsible to leave the Department without a permanent Deputy Secretary until the investigation is completed – especially given that, in early September, we will not have in place a Senate-confirmed Secretary to run the Department.

How can we honestly expect this Department to effectively and efficiently carry out its mission - - things like stopping cyber attacks, responding to natural disasters, or preventing another Boston-like terrorist bombing, or preparing to implement comprehensive immigration reform -- without strong and stable leadership?

Given the qualifications of this nominee and the critical need for leadership in the Department, I believe it is important to proceed with nomination hearing today. In doing so, we will be

practicing one of my core principles -- to adhere to the 'Golden Rule' by treating others as we want to be treated.

At the end of the day, I'm interested in the truth and nothing but the truth. I hope my colleagues on this Committee feel the same way. All nominees, Mr. Mayorkas included, should have an opportunity to address Members' questions about the nominees' experiences and qualifications for a positions – both in public and in private. I have seized the opportunity to speak with Mr. Mayorkas privately several times in regards to his qualifications and I believe he deserves to tell his story in public. I have also taken the opportunity to review Mr. Mayorkas' FBI file, not once, but twice. Nothing in my conversations with Mr. Mayorkas or in my review of his FBI file has convinced me that we should not be holding this hearing today.

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