

Thereupon, the Senate, at 1:08 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

NOMINATION OF SARAH R. SALDANA TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided in the usual form.

Who yields time?

If neither side yields time, both sides will be equally charged.

The Senator from Delaware.

Mr. CARPER. Madam President, I rise today to urge my colleagues to vote in a few minutes to confirm Sarah Saldana to be Assistant Secretary for Immigration and Customs Enforcement.

A number of our friends have come to the floor opposing Ms. Saldana's nomination, but incredibly enough, I have not heard them question her qualifications. Their opposition appears to be in response to the President's decision to bring 5 million hard-working, law-abiding immigrants out of the shadows earlier this month.

Let me just say, as one Member of the Senate, we can quarrel about the timing and we can quarrel about the policy. I think for the most part the policy in the President's proposal is good. Do I wish we had done it as a body? Do I wish we had done our job? You bet I do. But I wish the President had delayed the announcement until a little bit later this year. He did not. So that is where we are.

Whether you like the President's Executive order or not, today it is about whether we take our responsibility seriously to ensure that Federal agencies have the leadership they need to operate efficiently and effectively.

The single most important ingredient of any organization, I do not care whether it is a governmental entity—I spent some time in the Navy—whether it is a military unit, whether it is a sports team, whether it is a school, business, whatever it might be, the single most important ingredient to the success of that entity is leadership.

This is an agency where we are talking about filling a big gap in leadership in Immigration and Customs Enforcement. We call it ICE. It is critical. It is a critical law enforcement agency within the Department of Homeland Security. Listen to this: It has been without a Presidentially appointed leader now for more than 16 months. That is far too long, particularly when we consider all the issues we face along our borders and the more than 400 laws that this agency, Immigration and Customs Enforcement, enforces.

The agency plays a critical role in securing our borders. They take dangerous criminals off the streets. They send them back to their own countries in many instances. In fact, on any

given day ICE arrests some 370 criminal aliens in the interior of our country, they have some 34,000 people in detention in this country, and they remove nearly 500 criminal aliens from our country every day. Every day all that happens.

Managing such a large agency, with one of the most complex missions in the Federal Government, is a tall, tall order. This mission is made all the harder when the agency is forced to go month after month without permanent leadership.

Immigration and Customs Enforcement had the unfortunate distinction of finishing last in the annual survey of employee morale among Federal agencies. That is right—actually, not last; they were tied for last. In how many agencies were the employees really quizzed or questioned about whether they are satisfied with their work? They finished last out of not 100, not 200, not 300, but out of 314 agencies. When I visited the agency recently, employees told me that one of their biggest frustrations was the lack of Senate-confirmed leadership. Thankfully, this is one problem we can remedy, and we can remedy it today.

Ms. Saldana is a true American success story. She rose from humble beginnings in South Texas as the youngest of seven children. She went on to become an accomplished partner at a major law firm. She is now one of the Nation's top law enforcement officers. She could not be more qualified to lead Immigration and Customs Enforcement.

But do not take my word for it. One of our good friends here in the Senate, Mr. JOHN CORNYN, the senior Senator from Texas, felt strongly enough about her qualifications that he was good enough to come and introduce Ms. Saldana at her confirmation hearing before the committee I chair and the Presiding Officer serves on, the Committee on Homeland Security and Governmental Affairs. Senator CORNYN told us that day that she was highly qualified, fiercely independent, and had served her State with honor.

This is what he said:

If respect for the rule of law is our standard, and I think it should be, we would be hard pressed to find a person more qualified to enforce the law than Ms. Saldana.

His comments. That is high praise, and I could not agree more.

Nevertheless, Senator CORNYN and some of his colleagues now oppose Sarah Saldana's nomination—not because she is unqualified, not because she does not work hard, not because she does not have good values, but because she will have to carry out the President's recent Executive order on immigration. That may be understandable. I think it is also unfortunate. It does not punish the President to leave this position unfilled. It does not just punish the employees to leave this position unfilled. In the end, it punishes the citizens of this country. It makes it harder for Immigration and Customs

Enforcement to accomplish its critical mission of helping to secure our borders. It makes it harder for them to do their job in terms of taking dangerous criminals off of our streets. And it hurts the men and women at ICE who deserve a leader to ensure this important agency runs as effectively as possible.

I believe the President acted within the bounds—I know not everyone agrees with me on this, but I believe the President acted within the bounds of the law in announcing his Executive action. While I may quarrel with the timing of it, I also feel very deeply if we—not in this body but in the other body on the other side of the Capitol—had done our job with respect to immigration reform, we would not have this dustup today over this nomination. But whether or not you agree with me, opposing Ms. Saldana's nomination will do nothing to change what the President has done—nothing.

I said it before; I will say it again. It is irresponsible for us to leave a critical agency such as this without a proven leader. It has been more than 16 months. It should not be another month or two or three.

So I hope Ms. Saldana—the first Hispanic person and the second woman ever to be nominated to run Immigration and Customs Enforcement—does not fall victim to politics here in the Senate. By all accounts, she is exactly what this critical agency needs: a proven leader, a respected member of the law enforcement community.

I urge all of my colleagues—Democratic and Republican and even the two Independents who are here with us serving their States—I urge you to support her. I am proud to do that today.

Thank you, Madam President.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Sarah R. Saldana, of Texas, to be an Assistant Secretary of Homeland Security.

Harry Reid, Thomas R. Carper, Patrick J. Leahy, Patty Murray, Tom Udall, Brian Schatz, Charles E. Schumer, Barbara Boxer, Benjamin L. Cardin, Richard Blumenthal, Jeff Merkley, Al Franken, Robert P. Casey, Jr., Martin Heinrich, Elizabeth Warren, Richard J. Durbin, Christopher Murphy.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Sarah R. Saldana, of Texas, to be an Assistant Secretary of Homeland Security, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER)

and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. JOHANNIS), and the Senator from Alabama (Mr. SESSIONS).

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

The yeas and nays resulted—yeas 53, nays 41, as follows:

[Rollcall Vote No. 359 Ex.]

YEAS—53

Baldwin	Heinrich	Nelson
Begich	Heitkamp	Pryor
Bennet	Hirono	Reed
Blumenthal	Johnson (SD)	Reid
Booker	Kaine	Rockefeller
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Coons	Manchin	Udall (CO)
Donnelly	Markey	Udall (NM)
Durbin	McCaskill	Walsh
Feinstein	Menendez	Warner
Franken	Merkley	Warren
Gillibrand	Mikulski	Whitehouse
Hagan	Murphy	Wyden
Harkin	Murray	

NAYS—41

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Collins	Isakson	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker
Enzi	McConnell	

NOT VOTING—6

Boxer	Cochran	Sanders
Chambliss	Johannis	Sessions

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 41.

The motion is agreed to.

Mr. LEAHY. Madam President, today, we will vote on the nomination of Ms. Sarah Saldaña to serve as Assistant Secretary of Homeland Security, where she will lead the Immigration and Customs Enforcement, ICE, office. Ms. Saldaña has been considered and favorably reported by both the Senate Homeland Security and Government Affairs Committee and the Senate Judiciary Committee.

A native of South Texas, Ms. Saldaña is the youngest of seven children. Inspired by her mother's emphasis on education, Ms. Saldaña went to college and graduated from law school. She established a successful career as an attorney in private practice before becoming a Federal prosecutor. In 2011, with the support of her home State Senators from Texas, the Senate unanimously confirmed her as U.S. attorney for the Northern District of Texas, and she became the first Latina U.S. attorney in the State's history. In this position, Ms. Saldaña has earned a reputation as a tough but fair prosecutor. Throughout her career, she has

demonstrated a firm and unequivocal commitment to enforcing the law, and she has pledged that she will maintain that commitment if confirmed to lead ICE.

At her hearing before the Senate Homeland Security and Government Affairs Committee in September, Senator CORNYN introduced Ms. Saldaña and vouched for her qualifications, stating: "If respect for the rule of law is our standard . . . we would be hard-pressed to find a person more qualified to enforce the law than Ms. Saldaña." I agree. Ms. Saldaña has made clear that, if confirmed, she will "faithfully execute all immigration laws, including those laws that [she] or the President disagree with."

Some want to use Ms. Saldaña's nomination as an opportunity to attack President Obama's Executive action on immigration, but that is not the issue we are considering today. There is no evidence that she was involved in either the House's refusal to allow a vote on the Senate-passed comprehensive immigration reform bill or the President's decision to take what steps he could in the wake of the House's refusal to act. The vote before us concerns Ms. Saldaña's qualifications to lead ICE, and she has proved that she is more than capable of executing the duties of the position. Immigration and Customs Enforcement has been without a Senate-confirmed leader for more than a year. If Senators want our immigration laws enforced, they should focus on filling this key leadership position.

There is no question that Sarah Saldaña is qualified to lead the Immigration and Customs Enforcement office. I urge Senators to vote to confirm her to this important law enforcement position at the Department of Homeland Security without further delay.

Mr. ENZI. Madam President, I wish to express my opposition to the nomination of Sarah Saldaña to be Assistant Secretary of Homeland Security.

My concerns are not based on Ms. Saldaña's qualifications. In fact I supported reporting her out of the Homeland Security and Governmental Affairs Committee on November 12, 2014 with every other member of that committee. However, in the wake of the President's unilateral changes to our immigration policies through Executive actions, I cannot support her confirmation at this time.

The head of Immigration and Customs Enforcement is responsible for enforcing Federal laws governing border control, customs, trade and immigration. But last month President Obama announced that he and his Cabinet do not intend to deport several million illegal immigrants, and I cannot vote for someone who will not enforce our laws.

By circumventing Congress on immigration and instituting his will through Executive actions last month, President Obama is eroding the very foundation of our country and form of

government. This sets a dangerous precedent where future Presidents can flout any law they happen to disagree with and alter the law without going through Congress. Each branch of government is to act as a check against the others and not sit idly by as one exercises authority it does not have.

For these reasons I must oppose Ms. Saldaña's nomination at this time.

Under the previous order, all postcloture time has expired. The question occurs on the nomination.

The question is, Will the Senate advise and consent to the nomination of Sarah R. Saldaña, of Texas, to be an Assistant Secretary of Homeland Security?

Mr. WICKER. 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 assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. JOHANNIS), and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 360 Ex.]

YEAS—55

Baldwin	Hatch	Nelson
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Brown	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Coburn	Levin	Udall (CO)
Coons	Manchin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden
Hagan	Murphy	
Harkin	Murray	

NAYS—39

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Coats	Hoeven	Rubio
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kirk	Toomey
Cruz	Lee	Vitter
Enzi	McCain	Wicker
	McConnell	

NOT VOTING—6

Boxer	Cochran	Sanders
Chambliss	Johannis	Sessions

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid

upon the table, and the President will be immediately notified of the Senate's action.

NOMINATION OF ANTONY BLINKEN TO BE DEPUTY SECRETARY OF STATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Antony Blinken, of New York, to be Deputy Secretary of State.

The PRESIDING OFFICER. Under the previous order, the time until 5 p.m. will be equally divided in the usual form.

The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—EXECUTIVE
CALENDAR NO. 1058

Ms. MIKULSKI. Mr. President, I come to the floor with my colleague Senator BEN CARDIN from Maryland.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Take your conversations out of the Chamber.

Ms. MIKULSKI. Does that mean all conversations, Mr. President?

The PRESIDING OFFICER. Please take your conversations outside the Chamber. Thank you.

Ms. MIKULSKI. Mr. President, I am on the floor, along with my colleague Senator BEN CARDIN from Maryland, to advocate for Carolyn Colvin to be confirmed as the Social Security Commissioner, making her the chief executive officer of the Social Security Administration.

I am very frustrated that her nomination has become a casualty of the Senate clock and unfair attacks by some Members of the Republican Party. We need a Social Security Administrator and we need a competent, qualified person to lead it and that is Carolyn Colvin. Ms. Colvin's nomination is important because the work of the Social Security Administration is important.

Over 60 million Americans rely on Social Security—900,000 in Maryland. Seniors, individuals with disabilities, and children depend on the benefits and services of the Social Security Administration. It is a big agency with big responsibilities. It supports 63,000 Social Security employees; 11,000 are in the Social Security headquarters in Woodlawn. It is not about the numbers, it is about what they do.

Guess what they do. They administer \$950 billion in benefit payments, approximately 25 percent of all government spending. Last year over 40 million people came to its field offices, 47 million people called the 800 number, 5 million came for retirement, 2.8 million came for their disability. I go through the numbers because it shows an agency, with the magnitude of its responsibility, making sure we determine who is eligible for Social Security,

that there is no fraud in Social Security, and that it is administered in a competent, careful way for the American people.

That means you have to have a permanent Administrator; you cannot have someone acting. That is why we go to Carolyn Colvin. She is skilled. She is seasoned. She is experienced. She started out as a clerk at Social Security, and in her public service she has risen through the ranks in a variety of very important positions, being well known and well respected, and is an excellent public administrator. She is a problem solver, she is a reformer, and she has been the Deputy since December 2010 and Acting Commissioner since February 2013.

I am frustrated at the attacks on Ms. Colvin. It is about a techno boondoggle that began under her predecessor, not under her. In fact, she commissioned the McKinsey & Company to study the problem. The minute she wanted to get to the bottom of the problem, she was accused of all kinds of things.

Everything has been referred to the inspector general. They said let's wait for the inspector general. Guess what. The inspectors general keep recusing themselves for this reason or that reason. While they are recusing, the Republicans are using it as excusing, and we can't get to Carolyn Colvin.

For those who need Social Security, as well as for those who want to make sure the benefits are administered competently, we need a permanent Administrator.

Mr. President, I ask unanimous consent that the Senate proceed to the following nomination: Calendar No. 1058, the nomination of Carolyn Watts Colvin to be the Commissioner of Social Security; and further that the Senate proceed to vote on the confirmation of the nomination; the motion to reconsider be considered made and laid upon the table with no intervening action or debate; and that no further motions be in order to the nomination; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. No, Mr. President; reserving the right to object.

I spoke at length on the floor about my opposition to confirming Ms. Colvin at this time. While I do not doubt Ms. Colvin's qualifications for this position, there is a cloud hanging over her nomination, and I do not believe the Senate should move forward with her confirmation until that cloud is removed.

Since Ms. Colvin's nomination was reported out of the Finance Committee, several sources, including the House Ways and Means Subcommittee on Social Security, the House Over-

sight and Government Reform Committee, and individual whistleblowers have reported that the Social Security Administration, over a 6-year period, burned through \$300 million in a failed attempt to develop and implement the Disability Case Processing System or DCPS. Some of this happened on Ms. Colvin's watch as she has served as Acting Commissioner of the SSA.

Sadly, it gets worse. We also heard allegations from multiple sources that SSA officials intentionally misled the agency's inspector general, as well as Congress, about the deficiencies in the development of the DCPS in order to facilitate Ms. Colvin's confirmation in the Senate.

These are serious allegations, and an investigation—one that may very well conclude a criminal element—is ongoing. Once again, Ms. Colvin currently serves as the Acting Commissioner of SSA. This investigation includes people working in her immediate office.

Put simply, the Senate should not move forward on her nomination until this matter is resolved. I intend to work with our two colleagues from Maryland to see if we can resolve this issue. It may very well be that Ms. Colvin has done nothing wrong. I voted for her out of committee. I certainly hope she has done nothing wrong. I hope that is the case. But we should at least be sure before we move her nomination forward; therefore, I have to object at this time.

I believe my colleague Senator ISAKSON may have some comments on this matter as well.

I will surely try to work with my colleagues and see if we can expedite this if there is no problem.

I have nothing against Ms. Colvin at all. In fact, I interviewed her in my office. I quite enjoyed meeting with her.

We will see what we can do to move this forward, but as of right now I have to object.

The PRESIDING OFFICER. Objection is heard.

The junior Senator from Maryland.

Mr. CARDIN. Mr. President, I greatly respect Senator HATCH and his respect for the integrity of our system. I know he is acting with his sincere beliefs, but I am disappointed and I need to say that.

The inspector general's report is a serious investigation. It involves episodes that took place during the previous administration in which the Commissioner was appointed by a Republican. There is no indication at all of Carolyn Colvin being the subject of the investigation.

In fact, she has tried to take steps to be totally open and transparent about what has happened and has been totally forthcoming with our committee, the Ways and Means Committee, in providing information.

I wish to stress what Senator MIKULSKI said about the urgency of this matter. If we don't confirm her during the lameduck session, it will be more than 2 years that the Social Security Administration has operated without a