

Many of them have qualified for the temporary relief provided by the Deferred Action for Childhood Arrivals, DACA, program, which has established a path for them to become our next generation of teachers, engineers, public servants, and doctors. Our Senate-passed, comprehensive bill included the DREAM Act, an important measure that would have provided a long-lasting solution to the problems these courageous young individuals face, acknowledging that they deserve to be part of our Nation's future.

The Senate-passed bill would have addressed many of the injustices in our current immigration system. It was a remarkable example of all that we can accomplish when we actually focus on the hard job of legislating. But the Republican-led House of Representatives blocked that effort. It stubbornly refused to even allow a vote on that bill. Given that lack of action, I understand the President's frustration and motivation. His Executive action was a response to what we all acknowledge is a broken system, but it is no substitute for comprehensive immigration reform.

Following the President's announcement, the Senate Judiciary Committee held a hearing on the Executive action program and heard the testimony of Astrid Silva. Hers is a fundamentally American story. It is similar in many ways to those of our parents and grandparents. It is a story of a family looking to find a better life. Astrid qualifies for the President's Deferred Action for Childhood Arrivals, DACA, program. And her parents would be eligible for the Deferred Action for Parents of Americans and Lawful Permanent Residents, DAPA, program because her younger brother is a U.S. citizen. For more than 20 years, Astrid's family has been working hard and contributing to their local community. They are the kind of family we want to have as our neighbors and coworkers. Their stories remind us that their dreams, along with those of so many others affected by our dysfunctional immigration system, hang in the balance, and underscore the need for a permanent legislative solution.

Some in Congress claim that the President's executive action undermined the prospect of achieving comprehensive immigration reform. But I remind them that the President's action—prompted by congressional inaction—is not an excuse for continued congressional inaction. We must keep working to find a permanent legislative solution that provides today's immigrants with an opportunity to prosper and contribute to our country. As families across the Nation gather next week around the table to give thanks, we will all count our family members and their security among our greatest blessings. Our fight for comprehensive immigration reform is at its core a fight to help reunite families and provide the security that we all want for our loved ones. I urge Republicans to return to the cooperative and bipar-

tisan approach of 2013 and work on comprehensive immigration reform legislation. The American people support immigration reform. It is the right thing to do, and it should not be delayed any longer.

#### REFORMING THE EB-5 REGIONAL CENTER PROGRAM

Mr. LEAHY. Mr. President, I have championed the EB-5 Regional Center Program for many years. I have done so because I have seen its ability to generate investment and create jobs in distressed communities. But the program is facing some pressing challenges. Reports of rampant fraud and abuse raise serious concerns and threaten to cripple the program's integrity. The incentives Congress established to invest in high unemployment and rural communities are also routinely abused, undermining a core objective of the program—to spur growth and create jobs in underserved areas. The Regional Center Program is set to expire on December 11. It should be reauthorized, but we should not extend it blindly. There is bipartisan consensus that the program is in dire need of reform, and we cannot squander this opportunity.

I have long sought reforms to the Regional Center Program. Last Congress, my EB-5 amendment to Comprehensive Immigration Reform provided the Department of Homeland Security additional authority to revoke suspect regional center designations or immigrant petitions. It also provided for increased reporting, background checks, and securities oversight. My amendment was unanimously approved in the Judiciary Committee, but unfortunately the improvements it contained have all had to wait, as the House of Representatives failed to allow a vote on the bipartisan immigration reform bill that passed the Senate last Congress.

In the past year, only more concerns have emerged. In January, I joined Senators GRASSLEY, CORKER, JOHNSON, and others in requesting that the Government Accountability Office, GAO, audit the EB-5 program. The GAO report released in August detailed fraud vulnerabilities within the program and questioned its economic impact. Separate reports from the Department of Homeland Security's Office of Intelligence and Analysis and Office of the Inspector General highlighted additional issues that need to be addressed.

I am also troubled by the fact that the incentives Congress created to promote EB-5 investment in rural and high unemployment areas have been rendered meaningless. Investors are provided a discount if they choose to invest in rural or high unemployment areas, known as targeted employment areas or TEAs. At present, however, the most affluent neighborhoods in the country routinely qualify as TEAs by selectively stitching together otherwise unrelated census tracts. Depart-

ment of Homeland Security Secretary Johnson rightly described this practice as gerrymandering. I do not suggest that affluent areas should not benefit from EB-5; they should. But they should not qualify for incentives intended to benefit high unemployment and rural areas. These areas typically do not have access to significant capital and often struggle to create jobs.

Secretary Johnson himself called for significant reforms to strengthen the Regional Center Program. In a letter to the Judiciary Committee last April, he asked for authority to quickly act on criminal and national security concerns, additional protections for investors, enhanced reporting and auditing, improved integrity of TEAs, increased minimum investment amounts, and more.

I have now worked for over 2 years to develop legislation that would provide a necessary overhaul of the Regional Center Program. In June, I was joined by Chairman GRASSLEY in introducing this reform-oriented legislation, S.1501. Since then, Chairman GRASSLEY and I have worked with House Judiciary Chairman GOODLATTE on a bicameral bill based on S.1501.

This bicameral bill would provide the Department with the authorities and investigative tools necessary to address national security concerns and fraud. The reforms include further expanding background checks, conducting a more thorough vetting of immigrant investors and proposed investments, and providing for the ability to proactively investigate fraud, both in the United States and abroad, using a dedicated fund paid for by certain program participants. The bill would provide greater protections for investors and clarity and shorter processing times for project developers. It would also raise minimum investment thresholds so more money goes to the communities that need it. And it would help to restore the program to its original intent, by ensuring that incentives to invest in distressed and undercapitalized areas are restored.

Such reforms would answer the concerns raised by Secretary Johnson, the Department's inspector general, the GAO, and others, instilling both confidence and transparency in the program. I believe these reforms would result in a secure EB-5 program that creates American jobs and promotes economic growth throughout our country. We cannot continue to leave the Department ill-equipped to administer this job creation program. We know what is needed to fix it. And we should fix it now.

#### NOMINATION OBJECTION

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent request at the present time relating to the nomination of Thomas A. Shannon, Jr., of Virginia, a career member of the Senior Foreign Service, class of Career Ambassador, to be an

Under Secretary of State, Political Affairs.

I will object because the Department of State has still not responded to almost a dozen investigative letters dating back to 2013. In addition, on August 20, 2015, my staff met with Department officials in an effort to prioritize material for production. The Department has failed to comply with its commitments, producing material late, failing to provide all requested material, and even failing to provide material to the Senate Judiciary Committee contemporaneously with providing the same documents to Freedom of Information Act, FOIA, requestors. These are the same complaints that I raised on September 30, 2015, when I placed a hold on Brian James Egan of Maryland to be legal advisor of the Department of State. Apparently, the Department simply does not understand its obligation to respond to congressional inquiries in a timely and reasonable manner.

Two and a half years ago I began a broad inquiry into the government's use of special government employee programs. I did not single out the State Department on this issue. To the contrary, I wrote to 16 different government agencies.

Two and a half years have passed since I began my inquiry, and the State Department has still not produced the materials I have requested or certified they do not exist.

In addition to the investigation of the Department's special government employee program, I am also investigating the Department's compliance with the FOIA as it pertains to Secretary Clinton's private server that was used to transit and store government information.

The Minority Leader has questioned whether the Judiciary Committee's jurisdiction extends to these matters. I would note that the special government employee designation is an exception to Federal criminal conflict-of-interest laws. Those laws are within the jurisdiction of the Judiciary Committee, as is FOIA.

During the course of my investigation, a former State Department employee—Mr. Bryan Pagliano—declined to speak to the Judiciary Committee about his work on Secretary Clinton's email server.

He pled the Fifth Amendment.

We keep hearing that the FBI's inquiry is just a security review and not a criminal inquiry; yet this witness cited his Constitutional right against self-incrimination to avoid talking about his work on the email server. And he is relying on the Fifth Amendment to withhold his personal emails as well.

So naturally we are searching for other ways to get information before deciding whether it might be appropriate to seek an immunity order for his testimony. The most likely source of information without forcing the witness to testify would be his emails.

Yet the Department has failed to produce any in response to my request

and the request of Chairman JOHNSON of the Homeland Security and Governmental Affairs Committee.

As a further example of the Department's continued intransigence, I requested all SF-312 "Classified Non-Disclosure Agreements" for Secretary Clinton, Ms. Huma Abedin, and Ms. Cheryl Mills on August 5, 2015. My staff met with Department personnel three times since that letter and participated in dozens of emails and phone calls in an effort to acquire these documents. In addition, after the Department complained that it had received too many requests from me, my staff produced a prioritized list of requests to assist the Department in producing responses. At number three on that list were the SF-312 forms, and at number one are the official emails of Mr. Pagliano.

Notably, during conversations with my staff on the subject, Department personnel stated that they could not locate those forms with the exception of only page 2 of Ms. Abedin's SF-312 exit form. On November 5, 2015, the Department produced SF-312 entrance forms for Secretary Clinton, Ms. Abedin, and Ms. Mills to a FOIA requestor but failed to provide the same to the Committee. Clearly, the documents exist.

In addition, I am also looking into several State Department inspector general and whistleblower reports that suggest that the State Department does not hold its own employees accountable for human-trafficking and prostitution violations.

Earlier this year, the Judiciary Committee led the effort to pass the Justice for Victims of Trafficking Act, and I have sent letters to DOJ and DHS—and not just the State Department—to ensure that Federal employees are held accountable for soliciting prostitutes.

Last week, the minority leader questioned my use of Judiciary Committee resources to conduct these investigations, suggesting that my work in this area is somehow taking away from the committee's other work.

Back in September, the Justice Department sent me a letter complaining that I have sent them almost 100 oversight letters containing more than 825 questions and document requests—in 2015 alone.

Since then, my office has sent 11 additional oversight letters to the Justice Department, containing more than 65 questions and document requests. So perhaps the minority leader should ask the assistant attorney general for legislative affairs at DOJ whether my committee is not doing enough DOJ oversight.

The continued intransigence and lack of cooperation make it clear that the Department did not care enough about their Foreign Service officer candidates to "get in gear" and begin to produce responses to my oversight letters. Accordingly, I have released my hold on these officer candidates and have escalated to Mr. Shannon.

The Department of State's refusal to fully cooperate with my investigations is unacceptable.

As I have noted before on the floor of the Senate, the Department continues to promise results, but there has been very little or no follow-through. The Department's good faith will be measured in documents delivered and witnesses provided.

My objection is not intended to question the credentials of Mr. Shannon in any way. However, the Department must recognize that it has an ongoing obligation to respond to congressional inquiries in a timely and reasonable manner.

#### REMEMBERING NOHEMI GONZALEZ AND THE VICTIMS OF THE PARIS TERRORIST ATTACKS

Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me in honoring the life of Nohemi Gonzalez, a 23-year-old senior at California State University, Long Beach who was tragically killed during the recent terrorist attacks in Paris.

Nohemi grew up in Whittier, CA with her mother, Beatriz, who described her as "very strong and independent," even graduating high school early because she couldn't wait to go to college. At Cal State, she chose to study industrial design—recently taking home a second place prize in an international design competition. She was thrilled to be achieving one of her dreams of studying at the Strate School of Design in Paris this semester.

Nohemi's professors laud her as a very gifted student—curious, determined, and incredibly caring. She took on a leadership role as a teacher's aide and shop technician for the department of design. Classmates remember Nohemi as a mentor and tutor, someone who encouraged everyone around her to strive to be the best versions of themselves. Friends say she was a blessing and always had an upbeat, cheerful attitude. She always looked on the bright side.

I want to send my deepest, heartfelt condolences to Nohemi's mother, Beatriz, her stepfather, Jose Hernandez, and to all who loved her. While there are no words to express how sorry I am at this tragic loss, I hope they can take comfort knowing that Nohemi's beautiful legacy will serve as an inspiration for us all.

I also want to send my thoughts and prayers to the members of the Palm Desert-based band, Eagles of Death Metal, who were playing at the Bataclan concert hall the night of the attacks. As they grieve the death of their British merchandise manager, Nick Alexander, and representatives from their record company, Thomas Ayad, Marie Mosser, and Manu Perez, I know there has been an outpouring of love and strength from the caring Desert community. I hope that brings them some comfort in this very difficult time.