

# United States Senate

WASHINGTON, DC 20510-1304

January 26, 2021

Senator John Cornyn  
Senator Thom Tillis  
Senator Michael S. Lee  
Senator Ted Cruz  
Senator Joni K. Ernst  
Senator Josh Hawley  
Senator Marsha Blackburn  
Senator Ben Sasse

Dear Senators:

I write in response to your January 25, 2021 request to hold a hearing in the Judiciary Committee to consider Alejandro Mayorkas's nomination to be Secretary of Homeland Security. As you know, the Committee on Homeland Security and Governmental Affairs has already held a confirmation hearing for Mr. Mayorkas. To hold a second hearing would only delay the confirmation of Mr. Mayorkas, needlessly putting our national security at risk. A second hearing is unnecessary, outside of my present authority, and a departure from longstanding Senate practice, not to mention the inattention to the Department of Homeland Security (DHS) displayed by Republican members of the Judiciary Committee during President Trump's tenure.

First and foremost, it is critical to our national security to immediately confirm Mr. Mayorkas. Just three short weeks ago, the United States Capitol where we all serve was attacked by domestic terrorists and overrun for the first time since the War of 1812. After this horrific attack, Congress should be working together to address domestic terrorism in America. The security of our nation is at stake. The very least we can do is ensure that DHS has steady, capable leadership today.

Second, there is simply no need to hold a second hearing to consider Mr. Mayorkas's nomination to head DHS. As noted above, the Senate Committee on Homeland Security and Governmental Affairs held a hearing for Mr. Mayorkas on January 19, 2021, at which Senators on both sides of the aisle had the opportunity to question the nominee on the multitude of issues within DHS's purview, including immigration.

By longstanding agreement with the Homeland Security and Governmental Affairs Committee, the Judiciary Committee has never before held a confirmation hearing for a DHS Secretary. This includes both Secretaries confirmed during the Trump Administration, John F. Kelly and Kirstjen Nielsen. To impose an additional obstacle to the swift confirmation of Mr. Mayorkas would depart from longstanding bipartisan precedent.

Third, in light of Minority Leader McConnell's unprecedented obstructionism, the Senate has yet to adopt an organizing resolution. As such, I am not yet the Chair of the Judiciary Committee and do not have the authority to schedule a hearing to consider Mr. Mayorkas's nomination. Even if I had such authority at present, however, such a hearing is unnecessary.

This Committee's limited time and resources are better spent on other matters, including addressing the domestic terrorism threat, rather than delaying the confirmation of a critical national security nominee.

Fourth, while I welcome your newfound interest in Judiciary Committee oversight of the Department of Homeland Security, I am struck by the opportune timing of your request in light of Committee Republicans' inattention to DHS oversight in the 116th Congress. In fact, during the entirety of the 116th Congress, Committee Republicans did not hold a single DHS oversight hearing, and the Immigration Subcommittee, which Senator Cornyn chaired, held only two hearings. Rest assured, with Democrats in the majority, the Judiciary Committee will conduct robust oversight over DHS, including the anti-immigrant abuses perpetrated by the previous Administration.

I appreciate your interest in the nomination of Ali Mayorkas. An immigrant himself, Mr. Mayorkas is ideally poised to run DHS, having served in senior leadership roles within the Department and its components. As Deputy Secretary of Homeland Security, Mr. Mayorkas oversaw DHS's \$60 billion budget and 230,000-member workforce. And thanks to his tenure as the Senate-confirmed Director of United States Citizenship and Immigration Services, Mr. Mayorkas is well-versed in federal immigration law and policy.

Four former Secretaries of Homeland Security, every person ever to serve as Senate-confirmed DHS Secretary prior to the Trump Administration, recently endorsed Mr. Mayorkas. They said he is, "a man of character, integrity, experience and compassion," and "a proven leader to right the ship." In their endorsement of Mr. Mayorkas, they went on to note, "[T]he leadership vacuum and turmoil at DHS may have contributed to the failure to anticipate and adequately prepare for the attack on the Capitol."

In short, Mr. Mayorkas's experience and expertise are a welcome change from the chaos that engulfed DHS under President Trump, where a leadership vacuum and a commitment to policies based on fear and division hobbled the Department and put our nation's security at risk.

I urge you to join me in supporting Mr. Mayorkas and swiftly confirming this outstanding nominee.

Sincerely,



Richard J. Durbin  
United States Senator