

118TH CONGRESS
1ST SESSION

H. RES. 89

Impeaching Alejandro Nicholas Mayorkas, Secretary of Homeland Security,
for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2023

Mr. BIGGS (for himself, Mr. DUNCAN, Mrs. MILLER of Illinois, Mr. NORMAN, Mr. CLOUD, Ms. GREENE of Georgia, Mr. CRANE, Mrs. BOEBERT, Mr. OGLES, Mr. POSEY, Mr. GAETZ, Mr. GOSAR, Mr. CLYDE, Ms. MACE, Ms. TENNEY, Mr. GOOD of Virginia, Mr. PERRY, Mr. BURLISON, Mr. BABIN, Mr. ROSENDALE, Mr. NEHLS, Mrs. LESKO, Mr. ZINKE, Mr. WEBER of Texas, Mr. GROTHMAN, Mr. FALLON, Mr. STEUBE, Mr. JACKSON of Texas, and Mr. HERN) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Impeaching Alejandro Nicholas Mayorkas, Secretary of
Homeland Security, for high crimes and misdemeanors.

1 *Resolved*, That Alejandro Nicholas Mayorkas, Sec-
2 retary of Homeland Security, is impeached for high crimes
3 and misdemeanors and that the following article of im-
4 peachment be exhibited to the United States Senate:

5 Article of impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and of the people of the United States of

1 America, against Alejandro Nicholas Mayorkas, Secretary
2 of Homeland Security, in maintenance and support of its
3 impeachment against him for high crimes and mis-
4 demeanors.

5 ARTICLE I.—Alejandro Nicholas Mayorkas, in his
6 conduct while Secretary of Homeland Security, engaged
7 in a pattern of conduct that is incompatible with his duties
8 as an Officer of the United States, as follows:

9 Secretary Mayorkas took an oath to defend and se-
10 cure our country and uphold the Constitution when he was
11 sworn in as Secretary of Homeland Security on February
12 2, 2021. Article II of the Constitution tasks the Executive
13 Branch—which today includes the Secretary of Homeland
14 Security—with ensuring the laws passed by Congress and
15 signed into law by the President are faithfully executed.

16 Secretary Mayorkas has failed to faithfully uphold his
17 oath and has instead presided over a reckless abandon-
18 ment of border security and immigration enforcement, at
19 the expense of the Constitution and the security of the
20 United States. Secretary Mayorkas has violated, and con-
21 tinues to violate, this oath by failing to maintain oper-
22 ational control of the border and releasing hundreds of
23 thousands of illegal aliens into the interior of the United
24 States.

1 Secretary Mayorkas has willfully refused to maintain
2 operational control of the border as required by the Secure
3 Fence Act of 2006. His actions have directly led to an
4 increase in illegal aliens and illegal narcotics, including
5 deadly fentanyl, entering the United States.

6 The Secure Fence Act of 2006 (Public Law 109–367)
7 requires the Secretary of Homeland Security to take all
8 actions “necessary and appropriate to achieve and main-
9 tain operational control over the entire international land
10 and maritime borders of the United States[.]”. The Act
11 defines “operational control” as the “prevention of all un-
12 lawful entries into the United States, including entries by
13 terrorists, other unlawful aliens, instruments of terrorism,
14 narcotics, and other contraband.”.

15 During the Trump Administration, the Department
16 of Homeland Security constructed approximately 450
17 miles of new and replacement border wall system; an addi-
18 tional 285 miles were either under construction or in the
19 pre-construction phase at the end of the Trump Adminis-
20 tration in January 2021. Under Secretary Mayorkas’s di-
21 rection, the Department of Homeland Security terminated
22 contracts for additional border wall construction despite
23 funds being appropriated by Congress for this purpose.
24 His decision has left key portions of the southern border
25 unsecure and cost American taxpayers billions of dollars.

1 Secretary Mayorkas has willfully violated the Immi-
2 gration and Nationality Act (8 U.S.C. 1101 et seq.) by
3 releasing illegal aliens into the interior of the United
4 States despite the plain language of the Act, which re-
5 quires the Secretary of Homeland Security to detain inad-
6 missible aliens arriving into the United States or aliens
7 who are present in the United States without inspection
8 while such aliens are processed under expedited removal
9 or placed in removal proceedings. The Secretary of Home-
10 land Security does not have the option of simply releasing
11 those aliens into the interior of the United States.

12 Secretary Mayorkas reinstated the catch and re-
13 lease policies of the Obama Administration and has even
14 released inadmissible aliens into the interior of the United
15 States without issuing the aliens a Notice To Appear for
16 immigration proceedings. The Secretary is relying on the
17 aliens to report on their own volition to U.S. Immigration
18 and Customs Enforcement offices to be placed into re-
19 moval proceedings, a practice that violates the law and de-
20 fies logic and common sense. Department of Homeland
21 Security data shows that over 80 percent of these released
22 illegal aliens are failing to report to a U.S. Immigration
23 and Customs Enforcement field office. This practice is in-
24 tentiously done to keep illegal aliens off of the immigra-

1 tion court docket and prolong their time in the United
2 States unlawfully.

3 On May 13, 2021, Secretary Mayorkas admitted dur-
4 ing testimony before the Senate Committee on Homeland
5 Security and Governmental Affairs that U.S. Customs and
6 Border Protection was releasing inadmissible aliens, whom
7 the Department of Homeland Security is required to de-
8 tain, into the interior of the United States. This was an
9 admission that under his direction, the Department of
10 Homeland Security is violating the law.

11 Secretary Mayorkas terminated the Migrant Protec-
12 tion Protocols, which provided a lawful avenue to consider
13 claims and served as a deterrent to illegal immigration and
14 aliens making fraudulent asylum claims.

15 Secretary Mayorkas has even refused to tell aliens not
16 to attempt to enter the United States illegally. During a
17 White House press briefing on March 1, 2021, Secretary
18 Mayorkas stated, “We are not saying, ‘Don’t come’.”

19 As a result of Secretary Mayorkas’s actions and poli-
20 cies, the border and the country are less secure today than
21 when he began serving as Secretary. U.S. Customs and
22 Border Protection apprehensions have increased each
23 month since he became Secretary. Since February 2021,
24 over 4.28 million aliens have been apprehended by U.S.
25 Customs and Border Protection personnel at the south-

1 west land border. This number does not include the in-
2 creasing number of “got aways”, illegal aliens who have
3 evaded Border Patrol, of which there have been estimated
4 to be between 1,000–2,400 per day. Under Secretary
5 Mayorkas, over 300,000 unaccompanied alien children
6 have been trafficked to the border, and at least 1,300 ille-
7 gal aliens have died in attempted crossings.

8 Secretary Mayorkas’s open border has left our Nation
9 at greater risk of terrorism. In fiscal year 2022, 98
10 known-suspected-terrorists were apprehended at the bor-
11 der, in addition to 9 apprehensions in the first month of
12 fiscal year 2023. These record numbers, combined with
13 a blatant disregard for national security vetting proce-
14 dures, are a failure to protect the American people.

15 Under Secretary Mayorkas, tens of thousands of ille-
16 gal alien court cases were dismissed during fiscal year
17 2022 after the Department of Homeland Security did not
18 properly file notice to appear documents ahead of the
19 scheduled court hearings. Secretary Mayorkas has also
20 usurped the parole process, especially using humanitarian
21 parole to bypass immigration law and “legally” admit
22 aliens who intended to cross the border illegally. He has
23 abused categorical parole, allowing unprecedented num-
24 bers of unvetted aliens (particularly Afghans, Ukrainians,
25 and Venezuelans) to enter the United States, effectively

1 disregarding Congressional enforcement measures and en-
2 couraging further illegal immigration.

3 In addition to increasing the number of illegal aliens,
4 Secretary Mayorkas's policies have led to a significant in-
5 crease in illegal drug smuggling across the southern bor-
6 der. In just 2 months of fiscal year 2023, more deadly
7 fentanyl has been seized at the border than the entire
8 amount in any year on record before. The 14,700 pounds
9 seized at the border in fiscal year 2022 is enough to kill
10 every American 10 times over. As a result of this, fentanyl
11 is now the leading cause of death among people 18–45,
12 and opioid deaths are at an all-time high across our Na-
13 tion.

14 The actions of Secretary Mayorkas have made the
15 border less secure and encouraged aliens to enter the
16 United States illegally, instead of taking actions to main-
17 tain operational control of the border. His actions have
18 subverted the will of Congress and the core tenants of the
19 Constitution.

20 Wherefore, Alejandro Nicholas Mayorkas, by such
21 conduct, warrants impeachment and trial, and removal
22 from office.

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