H. RES.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. Biggs submitted the following resolution; which was referred to the Committee on ________________________

RESOLUTION

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

1 Resolved, That Alejandro Nicholas Mayorkas, Secretary of Homeland Security, is impeached for high crimes and misdemeanors and that the following article of impeachment be exhibited to the United States Senate:

5 Article of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against Alejandro Nicholas Mayorkas, Secretary of Homeland Security, in maintenance and support of its
impeachment against him for high crimes and mis-
demeanors.

ARTICLE I

Alejandro Nicholas Mayorkas, in his conduct while Secretary of Homeland Security, engaged in a pattern of conduct that is incompatible with his duties as an Officer of the United States, as follows:

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

Secretary Mayorkas has failed to faithfully uphold his oath and has instead presided over a reckless abandonment of border security and immigration enforcement, at the expense of the Constitution and the security of the United States. Secretary Mayorkas has violated, and continues to violate, this oath by failing to maintain operational control of the border and releasing hundreds of thousands of illegal aliens into the interior of the United States.

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

The Secure Fence Act of 2006 (Public Law 109–367) requires the Secretary of Homeland Security to take all actions “necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States[.]”. The Act defines “operational control” as the “prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.”.

During the Trump Administration, the Department of Homeland Security constructed approximately 450 miles of new and replacement border wall system; an additional 285 miles were either under construction or in the pre-construction phase at the end of the Trump Administration in January 2021. Under Secretary Mayorkas’s direction, the Department of Homeland Security terminated contracts for additional border wall construction despite funds being appropriated by Congress for this purpose. His decision has left key portions of the southern border unsecure and cost American taxpayers billions of dollars.

Secretary Mayorkas has willfully violated the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) by releasing illegal aliens into the interior of the United
States despite the plain language of the Act, which requires the Secretary of Homeland Security to detain inadmissible aliens arriving into the United States or aliens who are present in the United States without inspection while such aliens are processed under expedited removal or placed in removal proceedings. The Secretary of Homeland Security does not have the option of simply releasing those aliens into the interior of the United States.

Secretary Mayorkas reinstituted the catch and release policies of the Obama Administration and has even released inadmissible aliens into the interior of the United States without issuing the aliens a Notice To Appear for immigration proceedings. The Secretary is relying on the aliens to report on their own volition to U.S. Immigration and Customs Enforcement offices to be placed into removal proceedings, a practice that violates the law and defies logic and common sense. Department of Homeland Security data shows that over 80 percent of these released illegal aliens are failing to report to a U.S. Immigration and Customs Enforcement field office. This practice is intentionally done to keep illegal aliens off of the immigration court docket and prolong their time in the United States unlawfully.

On May 13, 2021, Secretary Mayorkas admitted during testimony before the Senate Committee on Homeland
Security and Governmental Affairs that U.S. Customs and Border Protection was releasing inadmissible aliens, whom the Department of Homeland Security is required to detain, into the interior of the United States. This was an admission that under his direction, the Department of Homeland Security is violating the law.

Secretary Mayorkas terminated the Migrant Protection Protocols, which provided a lawful avenue to consider claims and served as a deterrent to illegal immigration and aliens making fraudulent asylum claims.

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

As a result of Secretary Mayorkas’s actions and policies, the border and the country are less secure today than when he began serving as Secretary. U.S. Customs and Border Protection apprehensions have increased each month since he became Secretary. Since February 2021, over 4.28 million aliens have been apprehended by U.S. Customs and Border Protection personnel at the southwest land border. This number does not include the increasing number of “got aways”, illegal aliens who have evaded Border Patrol, of which there have been estimated to be between 1,000–2,400 per day. Under Secretary
Mayorkas, over 300,000 unaccompanied alien children have been trafficked to the border, and at least 1,300 illegal aliens have died in attempted crossings.

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

Under Secretary Mayorkas, tens of thousands of illegal alien court cases were dismissed during fiscal year 2022 after the Department of Homeland Security did not properly file notice to appear documents ahead of the scheduled court hearings. Secretary Mayorkas has also usurped the parole process, especially using humanitarian parole to bypass immigration law and “legally” admit aliens who intended to cross the border illegally. He has abused categorical parole, allowing unprecedented numbers of unvetted aliens (particularly Afghans, Ukrainians, and Venezuelans) to enter the United States, effectively disregarding Congressional enforcement measures and encouraging further illegal immigration.

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

The actions of Secretary Mayorkas have made the border less secure and encouraged aliens to enter the United States illegally, instead of taking actions to maintain operational control of the border. His actions have subverted the will of Congress and the core tenants of the Constitution.

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