

Senate When Sitting on Impeachment Trials (in this section referred to as "rule XI"), not later than 7 session days after the date on which the articles of impeachment are transmitted, the Presiding Officer shall appoint a committee of 12 Senators to perform the duties and to exercise the powers provided for in rule XI (in this resolution referred to as the "committee").

(b) **RECOMMENDATIONS.**—The Majority Leader and Minority Leader, in consultation with their respective conference, shall each recommend 6 members, including a chair and vice chair, respectively, to the Presiding Officer for appointment to the committee.

(c) **AUTHORITY AS A STANDING COMMITTEE.**—The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under rule XI.

(d) **AUTHORITY TO WAIVE REQUIREMENTS RELATING TO QUESTIONS.**—During proceedings conducted under rule XI, the chair of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

(e) **REPORT.**—Not later than 90 calendar days after the date on which all members of the committee are appointed under subsection (a), the committee shall submit to the Senate a report compiling all evidence, exhibits, and witness testimony received by the committee, which—

(1) shall include a certified copy of the transcript of the proceedings had and testimony given before the committee; and

(2) may include a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

(f) **STAFFING AND EXPENSES.**—The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chair of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

(g) **TERMINATION.**—The committee shall terminate not later than 45 calendar days after the pronouncement of judgment by the Senate on the articles of impeachment against Alejandro Nicholas Mayorkas.

### SEC. 3. CONVENING AS COURT OF IMPEACHMENT.

At 1 p.m. on the first day on which the Senate is in session after the date that is 90 calendar days after the date on which all members of the committee established under section 2 are appointed, the Senate shall convene as a Court of Impeachment to consider the articles of impeachment against Alejandro Nicholas Mayorkas.

### SEC. 4. NOTICE.

The Secretary shall notify the House of Representatives and counsel for Alejandro Nicholas Mayorkas of this resolution.

## SENATE RESOLUTION 623—TO PROVIDE FOR RELATED PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST ALEJANDRO NICHOLAS MAYORKAS, SECRETARY OF HOMELAND SECURITY

Mr. KENNEDY (for himself, Mr. LEE, Mr. CRUZ, Mr. SCHMITT, Mrs. BLACKBURN, and Mr. HAGERTY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 623

*Resolved,*

### SECTION 1. SUMMONS.

(a) **IN GENERAL.**—Not later than 7 session days following the date on which the articles of impeachment with respect to Alejandro Nicholas Mayorkas are transmitted, pursuant to rule III of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials (referred to in this resolution as the "Rules of Impeachment"), the Senate shall proceed to the consideration of the articles of impeachment and the Secretary of the Senate shall notify the House of Representatives of the time and place fixed for the Senate to proceed upon the impeachment of Alejandro Nicholas Mayorkas in the Senate Chamber.

(b) **SUMMONS AND FILINGS.**—Under rule VIII of the Rules of Impeachment—

(1) the summons shall be issued in the usual form to Alejandro Nicholas Mayorkas, provided that he may have until 12 p.m. on the date that is 7 session days after the date on which the articles of impeachment are transmitted, to file his answer with the Secretary of the Senate;

(2) the House of Representatives may have until 12 p.m. on the date that is 7 session days after the date on which the summons is issued under paragraph (1), to file its replication with the Secretary of the Senate;

(3) if the House of Representatives wishes to file a trial brief, it shall be filed by 10 a.m. on the date on which the articles of impeachment are transmitted;

(4) if Alejandro Nicholas Mayorkas wishes to file a trial brief, it shall be filed by 10 a.m. on the date that is 7 session days after the date on which the summons is issued under paragraph (1); and

(5) the House of Representatives may file a rebuttal brief no later than 10 a.m. on the date on which impeachment proceedings begin.

### SEC. 2. IMPEACHMENT.

(a) **IN GENERAL.**—The House of Representatives shall file its record with the Secretary of the Senate, which will consist of those publicly available materials that have been submitted to or produced by the Committee on the Judiciary of the House of Representatives, including transcripts of public hearings or mark-ups and any materials printed by the House of Representatives or the Committee on the Judiciary of the House of Representatives pursuant to House Resolution 863 (118th Congress), agreed to February 13, 2024. All materials filed pursuant to this subsection shall be printed and made available to all parties.

(b) **MOTIONS.**—Alejandro Nicholas Mayorkas and the House of Representatives shall have until 9 a.m. on the date on which impeachment proceedings begin to file any motions permitted under the Rules of Impeachment with the exception of motions to subpoena witnesses or documents or any other evidentiary motions. Responses to any such motions shall be filed no later than 11 a.m. on the date on which impeachment pro-

ceedings begin. All materials filed pursuant to this subsection shall be filed with the Secretary and be printed and made available to all parties. Arguments on such motions shall begin at 12 p.m. on the date on which impeachment proceedings begin, and each side may determine the number of persons to make its presentation, following which the Senate shall deliberate, if so ordered under the Rules of Impeachment, and vote on any such motions.

(c) **PRESENTATIONS BY PARTIES.**—Following the disposition of such motions, or if no motions are made, then the House of Representatives shall make its presentation in support of the articles of impeachment for a period of time not to exceed 16 hours, over up to 2 session days. If no motions are made under subsection (b), the House of Representatives shall begin its presentation at 12 p.m. on the date on which impeachment proceedings begin. Following the House of Representatives' presentation, Alejandro Nicholas Mayorkas shall make his presentation for a period not to exceed 16 hours, over up to 2 session days. Each side may determine the number of persons to make its presentation. Each side shall have the right to decide for how many hours it shall make its presentation on each of the up to 2 session days allotted to it, except that neither side shall make its presentation for more than 8 hours on any single session day. The parties' presentations need not be limited to argument from the record described in subsection (a).

(d) **PERIOD OF QUESTIONING.**—Upon the conclusion of the period allotted for presentations by the parties as provided under subsection (c), Senators may question the parties for a period of time not to exceed 4 hours over not more than 1 session day.

(e) **ARGUMENT AND DELIBERATION.**—Upon conclusion of the period allotted for Senators' questions as provided under subsection (d), there shall be 2 hours of argument, equally divided between the parties, followed by deliberation by the Senate, if so ordered under the Rules of Impeachment, on the question of whether it shall be in order to consider and debate under the Rules of Impeachment any motion to subpoena witnesses or documents. The Senate, without any intervening action, motion, or amendment, shall then decide by the yeas and nays whether it shall be in order to consider and debate under the Rules of Impeachment any motion to subpoena witnesses or documents. Following the disposition of that question, other motions provided under the Rules of Impeachment shall be in order.

(f) **WITNESSES.**—

(1) **IN GENERAL.**—If the Senate agrees to allow either the House of Representatives or Alejandro Nicholas Mayorkas to subpoena witnesses, the witnesses shall first be deposited and the parties shall be allowed other appropriate discovery. The Senate shall decide after deposition and other appropriate discovery which, if any, witnesses shall testify, pursuant to the Rules of Impeachment. No testimony shall be admissible in the Senate unless the parties have had the opportunity to depose such witnesses and to conduct other appropriate discovery.

(2) **RULES.**—If the Senate agrees to allow either party to subpoena witnesses, provisions for the admission of evidence, issuance of subpoenas, arrangements for depositions, other appropriate discovery, testimony by witnesses in the Senate, if such testimony is ordered by the Senate, and any related matters are to be determined by subsequent resolution of the Senate.

(g) **MOTION TO ADMIT EVIDENCE.**—

(1) **IN GENERAL.**—If the Senate decides that no party shall be permitted to subpoena witnesses pursuant to subsection (f), the House of Representatives shall be recognized to

make a motion to admit into evidence the materials relied upon by the House of Representatives during the trial. The House of Representatives shall be recognized to make such a motion, however, only if it has disclosed to Alejandro Nicholas Mayorkas all materials it will move to admit into evidence at least 48 hours before making said motion. Arguments on the motion shall be limited to 1 hour equally divided. The Senate, without any intervening action, motion, or amendment, shall then decide by the yeas and nays whether to admit into evidence such materials. If a majority of Senators voting, a quorum being present, shall vote in the affirmative, the materials shall be admitted into evidence. If a majority of Senators voting, a quorum being present, shall vote in the negative, the materials shall not be admitted into evidence. Alejandro Nicholas Mayorkas shall then be recognized to make a motion to admit into evidence the materials relied upon by him during the trial. Alejandro Nicholas Mayorkas shall be recognized to make such a motion, however, only if he has disclosed to the House of Representatives all materials he will move to admit into evidence at least 48 hours before making said motion. Arguments on the motion shall be limited to 1 hour equally divided. The Senate, without any intervening action, motion, or amendment, shall then decide by the yeas and nays whether to admit into evidence such materials. If a majority of Senators voting, a quorum being present, shall vote in the affirmative, the materials shall be admitted into evidence. If a majority of Senators voting, a quorum being present, shall vote in the negative, the materials shall not be admitted into evidence.

(2) EXCEPTION TO DISCLOSURE REQUIREMENTS.—The disclosure requirements established under paragraph (1) shall not apply to evidence discovered by the movant after the disclosure deadline, so long as the movant declares in writing that the movant was unaware of such evidence until after the disclosure deadline, and that such evidence could not reasonably have been discovered until after the disclosure deadline.

(3) RULE OF CONSTRUCTION.—The admission of any evidence pursuant to this subsection shall not be treated as a concession by any party as to the truth of the matter asserted by the parties, and the Senate as the trier of fact shall decide the weight to be given such evidence.

(h) CONVENING ON SUNDAY.—Unless the Senate shall have already voted on the articles of impeachment, the Senate shall convene as a Court of Impeachment at 2 p.m. on the Sunday following the date on which impeachment proceedings begin, notwithstanding rule III of the Rules of Impeachment.

(i) FINAL ARGUMENTS.—Immediately upon the conclusion of any action by the Senate under subsection (g), or immediately upon the next day on which the Senate reconvenes as a Court of Impeachment after the conclusion of such action, the Senate shall proceed to final arguments as provided in the Rules of Impeachment, waiving the 2-person rule contained in rule XXII of the Rules of Impeachment. Such arguments shall not exceed 4 hours, equally divided between the parties.

(j) VOTE.—At the conclusion of final arguments as provided under subsection (i), the Senate, without intervening action, except for deliberation if so ordered under the Rules of Impeachment, shall vote on the articles of impeachment.

**SENATE RESOLUTION 624—TO PROVIDE FOR RELATED PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST ALEJANDRO NICHOLAS MAYORKAS, SECRETARY OF HOMELAND SECURITY**

Mr. LEE (for himself, Mr. KENNEDY, Mr. SCHMITT, Mrs. BLACKBURN, Mr. CRUZ, and Mr. HAGERTY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 624

**SECTION 1. SUMMONS.**

(a) IN GENERAL.—Not later than 7 session days following the date on which the articles of impeachment with respect to Alejandro Nicholas Mayorkas are transmitted, pursuant to rule III of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials (referred to in this resolution as the “Rules of Impeachment”), the Senate shall proceed to the consideration of the articles of impeachment and the Secretary of the Senate shall notify the House of Representatives of the time and place fixed for the Senate to proceed upon the impeachment of Alejandro Nicholas Mayorkas in the Senate Chamber.

(b) SUMMONS AND FILINGS.—Under rule VIII of the Rules of Impeachment—

(1) the summons shall be issued in the usual form to Alejandro Nicholas Mayorkas, provided that he may have until 12 p.m. on the date that is 7 session days after the date on which the articles of impeachment are transmitted, to file his answer with the Secretary of the Senate;

(2) the House of Representatives may have until 12 p.m. on the date that is 7 session days after the date on which the summons is issued under paragraph (1), to file its replication with the Secretary of the Senate;

(3) if the House of Representatives wishes to file a trial brief, it shall be filed by 10 a.m. on the date on which the articles of impeachment are transmitted;

(4) if Alejandro Nicholas Mayorkas wishes to file a trial brief, it shall be filed by 10 a.m. on the date that is 7 session days after the date on which the summons is issued under paragraph (1); and

(5) the House of Representatives may file a rebuttal brief no later than 10 a.m. on the date on which impeachment proceedings begin.

**SEC. 2. IMPEACHMENT.**

(a) IN GENERAL.—

(1) HOUSE RECORDS.—The House of Representatives shall file its record with the Secretary of the Senate, which will consist of those publicly available materials that have been submitted to or produced by the Committee on the Judiciary of the House of Representatives, including transcripts of public hearings or mark-ups and any materials printed by the House of Representatives or the Committee on the Judiciary of the House of Representatives pursuant to House Resolution 863 (118th Congress), agreed to February 13, 2024.

(2) ADMISSION INTO EVIDENCE.—Materials in the record described in paragraph (1) will be admitted into evidence subject to any hearsay, evidentiary, or other objections that Alejandro Nicholas Mayorkas may make after opening presentations are concluded.

(3) AVAILABILITY TO PARTIES.—All materials filed pursuant to this subsection shall be printed and made available to all parties.

(b) MOTIONS.—

(1) IN GENERAL.—

(A) FILING.—Alejandro Nicholas Mayorkas and the House of Representatives shall have until 9 a.m. on the date on which impeachment proceedings begin to file any motions permitted under the Rules of Impeachment with the exception of motions to subpoena witnesses or documents or any other evidentiary motions.

(B) RESPONSES.—Responses to any motions filed under subparagraph (A) shall be filed no later than 11 a.m. on the date on which impeachment proceedings begin.

(C) AVAILABILITY TO PARTIES.—All materials filed pursuant to this paragraph shall be filed with the Secretary of the Senate and be printed and made available to all parties.

(2) ARGUMENTS.—Arguments on any motions filed under paragraph (1) shall begin at 1 p.m. on the date on which impeachment proceedings begin, and each side may determine the number of persons to make its presentation, following which the Senate shall deliberate, if so ordered under the Rules of Impeachment, and vote on any such motions.

(c) IMPEACHMENT.—

(1) PRESENTATIONS BY PARTIES.—

(A) HOUSE OF REPRESENTATIVES.—Following the disposition of such motions, or if no motions are made, then the House of Representatives shall make its presentation in support of the articles of impeachment for a period of time not to exceed 24 hours, over up to 3 session days.

(B) SECRETARY OF HOMELAND SECURITY.—Following the House of Representatives’ presentation, Alejandro Nicholas Mayorkas shall make his presentation for a period not to exceed 24 hours, over up to 3 session days.

(C) NUMBER OF PERSONS.—Each side may determine the number of persons to make its presentation.

(2) PERIOD OF QUESTIONING.—Upon the conclusion of Alejandro Nicholas Mayorkas’s presentation, Senators may question the parties for a period of time not to exceed 16 hours.

(3) ARGUMENT AND DELIBERATION.—

(A) IN GENERAL.—Upon the conclusion of questioning by the Senate, there shall be 4 hours of argument by the parties, equally divided, followed by deliberation by the Senate, if so ordered under the Rules of Impeachment, on the question of whether it shall be in order to consider and debate under the Rules of Impeachment any motion to subpoena witnesses or documents.

(B) MOTION TO SUBPOENA WITNESSES OR DOCUMENTS.—The Senate, without any intervening action, motion, or amendment, shall then decide by the yeas and nays whether it shall be in order to consider and debate under the Rules of Impeachment any motion to subpoena witnesses or documents.

(4) OTHER MOTIONS.—Following the disposition of the question under paragraph (3), other motions provided under the Rules of Impeachment shall be in order.

(5) WITNESSES.—

(A) IN GENERAL.—If the Senate agrees to allow either the House of Representatives or Alejandro Nicholas Mayorkas to subpoena witnesses, the witnesses shall first be deposed and the Senate shall decide after deposition which witnesses shall testify, pursuant to the Rules of Impeachment.

(B) DEPOSITION REQUIREMENT.—No testimony shall be admissible in the Senate unless the parties have had an opportunity to depose such witnesses.

(6) VOTE.—At the conclusion of the deliberations by the Senate, the Senate shall vote on each article of impeachment.