

MAYORKAS IMPEACHMENT

Mrs. CAPITO. Madam President, I rise today because we really are at a very historic time for this Chamber. Soon, the House of Representatives is expected to send over Articles of Impeachment against a Cabinet officer for only the second time in our Nation's history. This is not routine business; instead, this is a very serious moment.

On February 13, the House agreed to Articles of Impeachment against Department of Homeland Security Secretary Alejandro Mayorkas for "willful and systemic refusal to comply with the law" and "breach of public trust."

This Chamber will soon have a constitutional duty to uphold. I firmly believe that the U.S. Senate must conduct a full impeachment inquiry trial for Secretary Mayorkas. Our Constitution gives the Senate the responsibility and the duty to try all impeachments, and it requires a vote of two-thirds of the Senate present before the Federal officer is convicted. That is a pretty high standard for a constitutional process.

For every impeachment in our history, the Senate has held some form of a trial unless the Federal officer has resigned prior to the trial. This time, it should be no different.

Under President Biden and Secretary Mayorkas, there have been more than 9.2 million illegal crossings along our country's southern border or, to put it another way, the average monthly encounters have increased 400 percent almost under the Biden-Mayorkas DHS.

The record illegal crossings this past February of 189,922 marked the seventh consecutive month of the highest number of encounters that these months have ever seen. On top of this, there have been 36 straight months with higher encounters at the southern border than any month under the Trump administration. I mean, these numbers are just shocking.

Still, and I have spoken on this before, it is just amazing to me that the President and Secretary Mayorkas haven't tried to change this at all.

Unfortunately, these statistics have become a regular occurrence under the leadership of Secretary Mayorkas, and he bears the responsibility for the worst border crisis of our Nation's history.

Let me be clear. As I said earlier, this crisis did not happen by accident. We have seen the Biden-Mayorkas DHS fail to uphold the law and secure our borders starting on day one of this administration. This broad and willful effort by the Biden administration to open our borders began by ending successful Trump-era policies that brought all those numbers down, like contracts to build the border wall, the "Remain in Mexico" policy—also known as Migrant Protection Protocols or MPP—and safe third country agreements.

Again, the numbers don't lie, and they certainly do not provide the administration with any cover, unlike

the cover the administration gives daily by turning their back to the cartels that are making billions of dollars from human smuggling and drug trafficking operations as long as this crisis continues.

Furthermore, we have seen Secretary Mayorkas abuse the parole process, expanding the program more than any other prior administration, which has led to more than 3 million immigrants coming into our country who would otherwise have been inadmissible. Parole is supposed to be granted on a one-by-one, case-by-case basis, but under Secretary Mayorkas's leadership, DHS has created categorical parole programs to give entry to migrants from many South American and Caribbean countries with minimal vetting.

As the crisis has developed throughout President Biden's 3 years in office, nearly half of the migrants encountered on our southern border are coming from countries outside of Mexico, Guatemala, Honduras, and El Salvador. The immigration crisis on our southern border is now more multifaceted than ever. Why is that? Because it has been allowed to keep fomenting. The open border policies from the Biden-Mayorkas DHS have allowed all of this to happen. We truly have no idea who is entering our country illegally.

We have apprehended 336 individuals on the Terror Watchlist who have illegally crossed our southern border during this administration, but these are just the individuals we know of. To put this into perspective, only 14 terror suspects were apprehended between the ports of entry during the Trump administration—14 over 4 years; 336 in this administration.

Not knowing who is in our country is a national security crisis, and at a time of heightened national security, this is a chance we should not be willing to take.

We have also seen the Biden-Mayorkas DHS abuse the asylum process, expanding eligibility to admit a record number of asylum seekers, which has led to creating a decade-long delay and backlog in our immigration courts. This ensures that anyone who enters our country and passes the very low screening standard will be here for years without any fear of deportation.

This policy allowed the alleged killer of Laken Riley—a nursing student in Georgia who was brutally and senselessly murdered—to enter and remain in this country. Even though he was apprehended by our law enforcement on at least one occasion, he still was here. This will ever serve as a reminder that Secretary Mayorkas's catch-and-release policies have allowed the catastrophe at our southern border to impact every single community.

When our already-overwhelmed Border Patrol agents are faced with thousands of encounters per day of migrants claiming asylum, we know that some border crossers are able to slip through. These are the people who don't want to be caught, and they are

the individuals we need to worry about the most. But don't just take my word for it. In a recent interview, Border Patrol Chief Jason Owens referred to the situation at the southern border as a "national security threat" and that the 140,000 known "got-aways" are what is keeping—he says "keeping me up at night." This is something that all of us should be concerned about and the ripple effect that this causes in communities far away from our southern border.

Additionally, the drugs flowing across our border are responsible for fueling the addiction epidemic that has devastated communities across this country, particularly in my home State of West Virginia. In West Virginia alone, it is estimated that during the year 2023, 1,327 residents died at the hands of illegal drugs. That is the highest per capita of any other State.

At the national level, the numbers are just startling. According to U.S. Customs and Border Protection, agents seized an alltime high of 27,293 pounds of fentanyl coming across the southern border in fiscal year 2023. That amount of fentanyl is enough to kill nearly 6 million people. However, what is even more troubling is that CBP reported that Federal officials are estimating they were only able to seize between 5 and 10 percent of all the fentanyl that has been smuggled through the southern border. With a Border Patrol that has been stretched unfathomably thin with very little support from this administration, there is no telling the amount of drugs that are getting through undetected.

Regarding the matter that will soon be before the Senate, the impeachment articles against Secretary Mayorkas make serious allegations and detail the crisis we have all seen unfolding for more than 3 years. It is unconscionable for Senator SCHUMER to dismiss these charges without allowing the Senate to hear the evidence. Doing so would deny this body from upholding our constitutional duty to hear a case and decide whether or not Secretary Mayorkas should be convicted or acquitted.

The decision to take up these Articles of Impeachment lies with Senator SCHUMER and the Senate Democrats. They must do the right thing and conduct a full trial.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

BORDER SECURITY

Mr. MORAN. Madam President, I appreciate what I heard from the Senator from West Virginia, Senator CAPITO, and I am pleased to follow her and precede a number of my colleagues as we address the issue of the crisis at our southern border.

I want to highlight something I heard her say and reiterate myself, this is a national security threat. There are many reasons to care about what is going on at our borders, and certainly you can take a look at the issue of sovereignty and the nature of our country.

We need to enforce our laws, fentanyl and drugs, human trafficking, but sometimes overlooked is the reality of what a security threat a border like we have between the United States and Mexico is—but really all of our borders. They create a threat to the safety and well-being of the American people, the citizens of our country.

And, yes, we have to deal with the growing drug and crime emergency. It is exacerbated. I have been talking to a number of law enforcement officers in Kansas—sheriff departments and police officers—and there is no question but what they see in Kansas, the challenges are exacerbated by the lack of security, the lack of law enforcement at our borders, and they see the consequences of that activity in human trafficking and drugs.

It is important for us to talk about and focus on all of the things related to our national security. In my view, it is the primary responsibility of the Federal Government to make certain that Americans are safe. And I was on the Senate floor several weeks ago highlighting something I think is hugely important to our national security: the passage of the emergency supplemental.

The consequences of the lack of passing that legislation has consequences to the people of Ukraine and the people of Israel and the Middle East, the safety and security of other countries in the South Pacific, but I highlighted then and would highlight now the passage of that emergency supplemental has a consequence, a negative consequence if it is not passed, on the safety and security of the American people.

And so when I was here to highlight the importance of that legislation and the need to proceed, I also highlighted the consequences of ignoring our border. And I want to say, once again, that our border is a national security issue.

So while we focus on the things that we normally think about national security, sometimes we forget this dangerous circumstance that has been created.

I have been to the border a number of times, numerous times. On my last visit, I watched as Border Patrol agents apprehended Chinese nationals attempting to come into our country illegally. That, in and of itself, ought to cause us to have great concern.

Under Secretary Mayorkas's watch, the U.S. Border Patrol has apprehended 336 individuals on the Terrorist Watchlist. Remember the Terrorist Watchlist and the people who came here on 9/11 and the consequences of us failing to exclude them? But 336 have been apprehended from that Terrorist Watchlist, and that doesn't include the ones whom we have not caught.

It suggests to us, suggests to me and I hope to us, that there is a real serious issue about our national security as a result of our country's failures, this administration's failures, on the border.

In fiscal year 2023—a year ago fiscal year—in that year alone, the men and

women of U.S. Customs and Border Protection had approximately 2.5 million encounters along that southern border. These historic levels of crossings at the southern border have put an astronomical—just a tremendous strain on our immigration system and seriously compromised, as I say, compromised our national security.

Not every immigrant is a criminal, but the sheer number of migrants at the border enables those with evil and malicious intentions to enter our country undetected and to harm Americans.

This historic failure is not an accident. Migrants making their way to the United States, often through the assistance of organized criminal organizations, know our laws and the current lack of enforcement of those laws. This administration has created these conditions and has done little, if not—really nothing to dissuade migrants from making that dangerous journey to our borders.

Migrants know that the administration has resisted detaining those who crossed the border illegally. They know that this administration has resisted hardening border infrastructure, and they know that the administration's abuse of the parole system will increase the chance of remaining in the United States if they can get across. All of those factors lead us to where we are today.

Last fall, I questioned the Department of Homeland Security Secretary, Secretary Mayorkas. We had a joint Appropriations Committee. The hearing was on our national security, and the topic was the supplemental I referenced in my remarks several weeks ago on the Senate floor and just a moment ago. And when I asked Secretary Mayorkas if he was willing to work on areas of immigration reform where there is bipartisan consensus—certain issues I believe in regard to border security would receive 60 votes on the Senate floor and be signed into law—the Secretary told me that he wanted comprehensive reform.

I have been in this body, the Senate. I have been in the House before then. We have talked about immigration changes. We have talked about border security. Those two things go hand in hand, in my view, and we know where this insistence that we have comprehensive immigration reform ends.

No evidence in my time in the Senate and no evidence in my time in the House that if we have to do everything—the evidence is that we do nothing, and that is what I told the Secretary. I would tell him that again.

If you are unwilling to work with us to find the things we can agree on, then nothing is going to happen to protect our borders, and our immigration system remains so flawed.

There is value, of course, in comprehensive reform—things that deal with all issues top to bottom—to ensure the needs of safety for the American people and the importance of that to our economy. But, again, my experi-

ence and my time in Congress is that if we keep waiting for comprehensive reform, the result is we do nothing.

Secretary Mayorkas has an obligation to use the tools Congress has already provided to enforce legislation that has already passed. Waiting for comprehensive reform is an excuse for the Secretary and for the President, President Biden, to do nothing.

Mayorkas's inaction on the border and his leniency toward enforcing the law has resulted in what we see, the crisis we face today. We keep waiting to reach the tipping point in that crisis, but that, I think, has long passed. Migrants are living on the streets of New York. We have lost thousands of Americans to fentanyl poisoning, and our borders have been exploited by our enemies.

My point is that America is in jeopardy in many ways. We face tremendous challenges around the globe, and our adversaries and enemies are aligned to do us harm. And one of the places that we cannot look the other way is our border and our border security. It is too great a risk and too much of an opportunity for death and destruction to come to the United States of America.

The Biden administration has made it clear, over the last 3 years, that securing our border is not a priority; it is not a priority of theirs. And now it is up to the Senate to hold the administration accountable for those failures, the failures at our southern border, again, that affect our national security, the No. 1 priority of the Federal Government.

Every State is a border State, and the American people deserve a secure border.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Tennessee.

Mr. HAGERTY. Madam President, in our Nation's 248-year history, the House of Representatives has impeached individuals in 21 cases. Reflecting the grave, highly rare exercise of this constitutional power, the Senate has tried each such case, except where the person resigned office before the Senate trial, rendering such trial moot.

This includes two partisan Democratic impeachments of the former President—one in which the Republicans controlled the Senate and one in which it was equally divided.

Shattering norms, however, is becoming a defining theme for Democrats this year. Why are my Democratic colleagues so eager to shirk their constitutional duty and ignore an impeachment? Because they want to ignore the damning evidence of Secretary Mayorkas's willful violations of immigration law.

I can think of no better example than the Secretary's decision to willfully and knowingly exceed his parole authority set forth in the Immigration and Nationality Act. That law permits the Secretary to grant parole but only

on a case-by-case basis, temporarily, and “for urgent humanitarian reasons or significant public benefit”; for example, when a person is in need of urgent medical care or the person needs to attend a family member’s funeral. He has even created a new taxpayer-funded parole program to allow aliens from numerous countries to be flown directly into the United States.

He has abused his case-by-case parole authority beyond any degree imaginable. He is now flying 30,000 illegal aliens per month directly into the United States for resettlement.

This is a blatant violation of the law, and it is abuse of the parole law in particular. Two weeks ago, every single Senate Democrat voted against my appropriations amendment to defund this very parole flight program. That vote is impossible to explain to ordinary Americans. They see the absurdity of flying in tens of thousands of illegal aliens right in the midst of an illegal immigration crisis.

So, instead, partisan so-called fact checkers have recently been quibbling over which flights or which airports are being used. This is clearly an attempt to distract from the basic problem with this taxpayer-funded program, which is that it is illegal and it is absurd.

I understand why Democrats want to cover it up though. It is the same reason they don’t want to consider these impeachment articles.

Similarly, the Secretary terminated contracts for border wall construction and refused to expend funds that Congress appropriated for this specific purpose.

Secretary Mayorkas’s impoundment of funds is a clear attempt to usurp the will of Congress by refusing their mandate, our mandate, to build the border wall.

The Secretary has also replaced detention mandates in law with unlawful mass catch-and-release policies that encourage illegal immigration.

The law requires that illegal aliens are detained until they are deported, unless they are clearly and beyond a doubt entitled to be allowed into the United States. Instead of complying with this requirement, the Secretary has released millions of illegal aliens into American communities.

We have seen the devastating effects of the Biden administration’s illegal border policies. We have heard from Americans whose lives and property are being destroyed by droves of illegal aliens who are coming into the United States every single day.

We have heard from Border Patrol agents who want nothing more than to do their jobs and secure the border, but whose hands have been tied by the Mayorkas-led Department of Homeland Security.

The American people have seen the chaotic images of the southern border under this administration. They have witnessed the ravaging effects of illegal immigration in their own commu-

nities. This includes drug overdoses, violent crime, local disorder, and the national security threat of unknown bad actors from all over the world coming across our open border.

And 249 people on the Terrorist Watchlist have been encountered at the southern border just last year alone.

Since October, a record number of Chinese nationals—22,000, in fact—have been encountered by Border Patrol; in all, over 10 million illegal aliens have crossed the border under this Secretary’s watch. The collapse of our southern border and the devastating consequences and future risks it has created for our Nation is the greatest national security risk we face as a nation.

The House of Representatives took the extraordinary step of impeaching a government official for his role in this, and yet Senate Democrats want to completely ignore all of this? They don’t want you to hear about it. They want to sweep it under the rug in an election year.

The Secretary’s alleged violations of law warrant a trial before the Senate. It warrants basic diligence in examining the evidence. And every Senator should go on record regarding the charges.

I have cosponsored resolutions by several colleagues establishing impeachment procedures that are in line with past Senate impeachment trials. We are open to debate on the details of the process, but there must be a process.

This is an important point: The current debate is not even whether or not Secretary Mayorkas is guilty as charged but whether we should even examine the question or whether, instead, as the Senate majority leader reportedly plans to do, we should just hide the evidence from the American people and avoid discussing this administration’s failures at all costs.

Why? Because this is an election year. If the majority leader wishes to honor and preserve the world’s greatest deliberative body, I urge him not to take this unprecedented step of blocking consideration of the impeachment articles against Secretary Mayorkas.

I yield the floor.
The PRESIDING OFFICER (Ms. ROSEN). The Senator from Nebraska.

Mr. RICKETTS. Madam President, the fundamental purpose of our Federal Government is to protect Americans, to keep Americans safe. What we have seen happen on our southern border has put Americans at risk. It is a national security crisis, a drug trafficking crisis—child trafficking, sex trafficking. It is putting Americans at risk. And the people responsible for this open border policy are Joe Biden and the Secretary of the Department of Homeland Security, Alejandro Mayorkas.

Since the Biden administration has been in power, we have seen a flood of drugs coming across our border. The cartels are making billions. Fentanyl and other illegal drugs are the leading

killer of young Americans in this country. If you are in the age of between 18 and 45, the most likely cause of your death is drug overdose, and the majority of that is fentanyl—70,000 young people a year dying because of fentanyl.

When I was Governor, we saw the amount of drugs coming into my State under Joe Biden go up dramatically. We saw twice as much methamphetamine, three times as much fentanyl, ten times as much cocaine.

We have seen the number of people on the Terrorist Watchlist skyrocket as well. Under the Trump administration, a total of 11 people on the FBI Terrorist Watchlist were caught trying to cross the border during 4 years of President Trump. In the last fiscal year, 169 people on the FBI Terrorist Watchlist were trying to cross the border illegally.

In all, since the Biden administration has been in place, 9.2 million people have either tried to get into this country illegally or have succeeded in getting into this country illegally, and Secretary Mayorkas has willfully refused to support our immigration laws at the direction of this administration. He is culpable in what is going on at our southern border.

If you ask Americans, “Who do you think is responsible?” 57 percent say there has been a willful unenforcement of our laws. Our laws are not being enforced. That includes 61 percent of Independents and a third of Democrats.

And if you wonder who is responsible for this, you need to look no further than a memorandum—a guideline—that was issued in 2021 from Secretary Mayorkas. According to news accounts, Secretary Mayorkas issued a memorandum to Immigration and Customs Enforcement officials saying:

The fact an individual is a removable non-citizen therefore should not alone be the basis of an enforcement action against them.

Think about that. What he is saying is that, just because somebody broke the law, it doesn’t mean you have to enforce the law against them—in fact, that you shouldn’t enforce the law against them. That is not what the law is about. This is absolutely stunning.

When you are in the private sector and somebody is not doing their job, you hold them accountable. We need to hold accountable the people who have opened our southern border.

Madam President, 57 percent believe that there has been a willful disregard. And not only do those people in our country believe that, but the U.S. House of Representatives has passed an impeachment resolution condemning Secretary Mayorkas, for “willful and systematic refusal to comply with [current U.S. immigration] law” and for “breach of public trust.”

Impeachment is serious, and these allegations are serious. We in the U.S. Senate need to treat them with that level of seriousness.

We have seen an open border policy from this administration. Secretary

Mayorkas is responsible for carrying out the policy. It is now our duty, as a U.S. Senate, to have the trial to determine guilt or innocence. This is a constitutional responsibility. However, it appears that our leader and the Democrats are determined to table this, to set it aside in a manner that is unprecedented. It has never happened that the U.S. Senate has refused to take up the charges.

Folks, we don't need to be breaking more norms in the U.S. Senate. We are abdicating our constitutional responsibility if we do not hold this trial.

The people responsible need to be held accountable. We need to hear the evidence. So why don't the Democrats want to hold this trial? Well, perhaps because they are afraid of the American public hearing again how bad the situation at the southern border is, the 9.2 million people coming in here. Or perhaps they don't want to know how this administration and Secretary Mayorkas is abusing the parole function.

Parole is a function that allows the executive branch to bring in foreigners. It is supposed to be done, according to the Immigration and Naturalization Act, on a case-by-case basis, only in instances of extreme humanitarian need or in the best interest of the country. Under the Obama and Trump administrations, it happened about 5,600 times a year—5,600 times a year. Last year alone, this Biden administration paroled into the country 1.2 million people. We are doing whole classes of people. It is a clear abuse of power.

This administration is also abusing the asylum system, and Secretary Mayorkas is overseeing the Department of Homeland Security with both this new policy in parole and what is going on in asylum.

And think about this: Say you are somebody who comes across that border, and you were granted parole to get to this country, like Jose Ibarra, the Venezuelan accused of killing Laken Riley, and you get into this country. What is the first thing you are doing? You are contacting folks back home to tell them what happened to you.

This creates more incentive for people to come here illegally. It is part of why we have this problem. We need to explore topics like this.

Or perhaps the Democrats know how bad this is and don't want to defend the catastrophe that is going on at the southern border. They don't want to have to defend this administration's policy, what Secretary Mayorkas has been doing with regard to parole. Maybe they think it is bad, too, and don't want to have to defend it.

But whatever the reason, if our leader does not have a trial, it will be the first time this has happened. It will be unprecedented, and we will be breaking, again, another norm for the U.S. Senate.

Impeachment is serious. These charges are serious. The American people deserve an answer. We need to have

a trial. I call on my colleagues on the other side of the aisle to insist upon a trial and uphold our constitutional authority. Let's have a trial so that we can hear and determine the guilt and innocence. That is what the American people deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Madam President, next week, we are scheduled to begin a trial of the Secretary of Homeland Security. It doesn't begin a conversation about homeland security in our country. That conversation started years ago now.

The American people are incredibly frustrated with what they are seeing on the southern border, and they keep saying it over and over again—remarkably so in a nation where inflation continues to be stubbornly high, where it is harder and harder to afford a carton of eggs and gasoline and all of the basics of life. In all of the areas that you would think the economy would be the No. 1 issue in the Nation, actually, national security and border security end up being No. 1, regardless of what State you live in. This is no longer a border State issue. Americans feel this is a problem.

Well, they should. In the past 3 years, more people have illegally crossed our southern border than in the previous 12 years combined, and it is not close—the number. We are approaching 8 million people who have illegally crossed our southern border just in the last 3 years.

Cities feel it. Americans feel it. School districts feel it. Communities feel it. Homeless shelters feel it. It continues to spiral into our country.

This is not some accident of migration, as the administration tries to say over and over again—that there is global migration that is happening everywhere. This was a series of Executive orders that were done in 2021 that were intentionally designed to change what is happening at our southern border, and they certainly have.

Decisions were made in 2021 by the Biden administration to be able to shift multiple things, starting with loosening enforcement. On day one of the Biden administration, stop any construction of the wall and announce it publicly: We are no longer going to do wall construction, not even repair.

Step No. 2, dramatically loosen the actual enforcement within the country so that fewer people would actually be deported when they came. So if you crossed the border illegally, it is a much greater likelihood that, once you get across, you will not be deported.

The third thing, they changed the "Remain in Mexico" policy—that simple policy to say that, yes, you can request asylum, but you can't just be released in the country. They shifted it immediately, and shifted it from "remain at the border or in Mexico." Rather than being in detention, you could be released anywhere in the

country on your own recognizance and to be able to go anywhere you want. That dramatically increased the number of people who were crossing.

They also shifted where the State Department is no longer negotiating deals with Central America—Guatemala, Honduras, and El Salvador—to be able to stop migrants from moving through that direction. They have withdrawn those agreements from Central America, and the State Department stopped putting pressure on recalcitrant countries that wouldn't take their people back.

These are not accidental things. These were intentional actions.

But what I don't think the administration intended was how this has spiraled out of control. They sowed the wind, and the Nation is reaping the whirlwind of it—almost 8 million people now who have illegally crossed our border.

And now it is no longer people from the Western Hemisphere. Literally, it is people from all over the world. Pick up any tracking, at any point, to be able to track what is happening at the border, and you will find thousands of people who are crossing from China, from Russia, from Pakistan, from West Africa, from all over Asia.

When I talk to people at the border—and I do talk often to them—one of the first things I ask is: What are the trends? What are you seeing?

And for the past year and a half, they continue to tell me: a greater and greater number of non-Spanish speakers who are crossing that border, who are males in their twenties, from all over the world, who are coming.

Just in the past year, we have picked up individuals who have al-Shabaab terrorist connections, picked up folks with Hezbollah terrorist connections, picked up folks with all kinds of different connections to all kinds of different terrorist organizations. And we have been able to pick up some, but some have gotten through or have been released. This is an issue I continue to be able to bring up that this administration is not managing. In the past year, there were over 70,000 individuals who were identified as what was defined as a "special interest alien." These individuals crossed our border. The administration designated them as a "special interest alien" and then released them on their own recognizance into our country.

Let me clarify what that term is. A "special interest alien"—this is their definition—is a non-U.S. person who, based on the analysis of travel patterns, potentially poses a national security threat to the United States or its interests. Madam President, 70,000 of those in the past year have crossed the border and have been released into the United States.

This is no longer a simple migration issue; this is a national security issue, and it is one this administration has not only invited but they have now chosen to not even take seriously.

This body knows full well—I believe there are some things that can only be done by acts of this body: changing the definition of “asylum,” increasing the number of detention beds. There are multiple issues that we need to do and that we should take responsibility for. But this body should not sit and say that nothing can be done when the White House has authorities they are not using. We should do our job. The White House should do their job. Currently, that is not happening, and the threat continues to increase.

Next week, we start an impeachment trial which has never happened in the history of the Department of Homeland Security—that they would have an impeachment of the Secretary. That starts. But can I say to you, even if the Secretary is removed, the White House still created this policy. The Obama administration had multiple leaders in that role, but they had one policy. The Trump administration had multiple leaders in that role; they had one policy. This White House has a policy of maintaining an open border, and until this White House changes that policy and actually uses the authority they already have, none of this is going to change.

So my challenge is to us. We should do our job and work on the issues we should do, but this White House needs to step up because right now, they are just hoping that none of those 70,000 people they defined as a national security risk actually does an act of terrorism or crime in the country.

I don't want to just hope that someone we have defined as a national security risk doesn't actually carry it out. I think we need to actually enforce the law, I think we need to discourage illegal immigration, and I think we need to actually have a secure border, and I don't believe I am alone in that in this body or in our great country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. TUBERVILLE. Madam President, Homeland Security Secretary Alejandro Mayorkas and globalist Democrats have been derelict in their duty to secure the border under President Joe Biden—I repeat: derelict in their duty.

Our border is the least secure it has been in the history of our country. In fact, it is almost nonexistent. At least 9 million illegal immigrants have entered our country since the beginning of this administration. Our Border Patrol agents are overwhelmed and receive such little support from the Biden administration to enforce our laws that they have been forced to release millions of illegal immigrants into the United States.

Those who are released on parole are given work permits. Tell me this: How does handing out work permits discourage illegal immigration? It doesn't. How do these actions secure the border? They don't. We might as well start mailing every criminal, drug traf-

ficker, and terrorist an open invitation to invade our country.

I have spoken numerous times on the floor to highlight stories of Americans dying at the hands of illegal aliens: 12-year-old Travis Wolfe of Missouri, 22-year-old Laken Riley of Georgia, Washington State Trooper Chris Gadd. The tragic deaths are a direct result of Secretary Mayorkas's inaction. How many more Americans have to die before the globalist Democratic Party takes meaningful action to secure the border? This madness must end. Americans deserve to be safe from the drug traffickers, terrorists, and murderers who are flooding into our country.

The number of people crossing into the United States who are on the Terrorist Watchlist is unprecedented.

Fentanyl flows freely across our borders and is killing more and more Americans every day. Law enforcement officers in Alabama tell me time and time again that their officers must wear heavy equipment and carry Narcan spray to protect themselves from the fentanyl that is pouring into our communities. Three years ago, they had never heard the word “fentanyl,” says our police chief in the city of Montgomery.

The cartels are trafficking professionals. They are managing the human and drug trafficking at our border. This is a billion-dollar industry that the Biden administration is turning its back on and allowing.

Secretary Mayorkas has completely—completely, 110 percent—refused to do his job. He swore an oath to support and defend the Constitution of the United States from all enemies, foreign and domestic. Can any one of us seriously say that Secretary Mayorkas has upheld his oath of office?

Progressive Democrats are wanting to try to table the Articles of Impeachment and sweep Biden's border blood-bath under the rug. Every House Democrat already voted. They have already voted to save Mayorkas's job. Globalist Democrats are lying to themselves and risking the lives of American citizens. Senator SCHUMER and the progressive Democrats can't say they want to fix our border while voting to save Secretary Mayorkas's job.

Despite the critical need to secure our borders and discourage illegal immigration, Secretary Mayorkas travels the world discussing national security with our strategic partners while his own country is being invaded. It is embarrassing.

Last month, Secretary Mayorkas was in Guatemala discussing migration flows from South America to the United States. Have these folks done anything to stop the border invasion from their countries? They have done absolutely nothing.

In February, Mayorkas traveled to Austria to speak with Chinese officials about counternarcotic efforts. Did he discuss with them the flood of Chinese illegal immigrants coming to the United States through the southwest border?

Madam President, 22,000 Chinese nationals have been arrested by Border Patrol agents at the southwest border since October and released into our country. Most of these individuals are single adult males of military age. Yet the media tries to act like all these people who cross the border are nice people, nice women and children. Some of them are, but most are not.

This invasion is more than a border crisis; it is a national security crisis. Yet I seriously doubt that Secretary Mayorkas even brought that up in his meeting with the Chinese officials a few months ago.

In February, Secretary Mayorkas was in Germany for the Munich Security Conference. The Munich Security Conference is the largest international security meeting in the world. Secretary Mayorkas was there giving speeches on strengthening global security and partnership. Americans are dying—dying—from our dangerous open borders, and he is talking about other borders across the world. The Secretary responsible for securing our borders is collecting passport stamps while lecturing other countries on their national security. Our allies must be laughing at us. The Secretary's priority should be here, securing our borders, not somebody else's, and protecting our citizens, not somebody else's.

President Biden has made the United States a joke on the world stage—an absolute joke. We need to get our house in order. We are in trouble.

So far, there has been only talk as far as border security is concerned for the last 3 years. Now is the time for every Senator to go on the record. If you are at all concerned about the drugs and criminals flooding into our country and moving to your State, you will vote for a full and fair trial. This is not a gray area.

Secretary Mayorkas has intentionally—intentionally—failed to do his job. It is time that the Senate take action. The families of Laken Riley, Travis Wolfe, Trooper Gadd, and countless others deserve—they deserve a fair trial.

I will be voting to hold Secretary Mayorkas accountable, and I ask my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, first, I would like to congratulate and commend the comments by the previous speaker, the Senator from Alabama, who makes important points that are important for the history as well as the future of this country.

I rise today, as he did, to speak about the impeachment of the Secretary of the Department of Homeland Security, Secretary Mayorkas. I bring with me today to the floor “The Federalist Papers” written by Alexander Hamilton, James Madison, and John Jay and refer to Federalist 65.

As I stand here and look at the pages in here and pages in the book and the

pages in the front of the Senate Chamber, I would recommend to them that they read "The Federalist Papers." I recommend the same to my intern who is here on the floor today, Eve Hawkins, and to the students in the Galleries. There is a lot to learn about the country and a lot to learn about our history, our heritage, and the reason we have the Nation we have today.

Federalist 65 talks about impeachment. This is about the abuse and violation of public trust. Hamilton goes on to say that impeachment is an important power to remedy "injuries done immediately to the society itself." This is the case we are here to talk about today and why I bring the book along.

The charges against Secretary Mayorkas are serious, are substantive. The facts in support of them are compelling. They deserve careful consideration by this body. Secretary Mayorkas must be held accountable. His duty as Secretary is to protect the homeland. That is not what has happened. Instead, he refuses to secure the border.

The House charges that Secretary Mayorkas has "willfully and systematically refused," they say, "to enforce border security laws." Secretary Mayorkas wants to open our borders so the entire world, from Beijing to Belize, can come in. He has turned a secure border into a welcome center.

Remember, in September of 2021, the Secretary issued a shocking priorities memorandum. Our country has been shaken as a result of that memorandum, and it has not been forgotten. The memo severely limited who ICE was allowed to arrest—that is Immigration and Customs Enforcement. He also revived the catch-and-release program and abused parole laws. In fact, the Secretary bragged on MSNBC that he had—Secretary Mayorkas—"rescinded so many Trump immigration policies, it would take so much time to list them." For people who prefer a secure border for our Nation and care about our Nation's security, this is an admission of willingness to ignore the law of the land. It also provided an open invitation for illegal immigrants or, as the Biden administration calls them, "newcomers."

After 3 years of open borders, the number of illegal crossings is up to at least 9.2 million people into this country illegally.

Crimes are up. Drug overdose deaths across America are up. What about the number of deportations of criminal illegal immigrants? Well, they are not being sent back. Deportations are down. Arrests are down. Illegal immigrants are not being detained. Murderers, rapists, other criminals—they are not being deported. That is a decision that is coming out of this administration and the Secretary of Homeland Security. Americans like Laken Riley and Ruby Garcia—they have been brutally murdered. America is less safe.

Secretary Mayorkas claims—he has come to the Senate and claimed; he has

come to the House and claimed—that the border is secure. People laugh knowing how untrue it is. It is a lie to the Senate, a lie to the House. It is such a serious matter, though; it is hard to laugh.

Meanwhile, our country is losing control of our borders to the cartels and to the criminals. Every fairminded person knows that these are serious charges, and the Senate must hold a full and fair trial. It is our constitutional duty. The House has done its job. Yet Senate Democrats—each and every one of them—are refusing to do theirs.

It seems, this week, that the Democratic leader is scheming—scheming—to bury these charges against Mayorkas without a full and fair trial. The Constitution demands there be one. The Senate majority leader's actions would turn the Senate from the world's greatest deliberative body into the world's quickest dismissal body.

The Senate majority leader is not here on the floor today. He seems to be afraid of allowing the case against the lawless actions of the Secretary of Homeland Security to even be presented to the American people. His plan to bypass the trial breaks the rules, breaks the standards, and breaks the traditions of this body.

Let us set the record straight: The Senate has always done its constitutional duty. We know the history. The House has sent impeachment articles to the Senate 21 times in the history of this country, and the Senate has never dismissed those articles without the official first resigning. Seventeen of those cases went to trial right here in the Senate and ended in decisions of either guilty or not guilty. Three of the cases were dismissed during the trial. The reason why is that the official resigned or they were expelled before a verdict was reached. One of them never went to trial because the official resigned before the trial began.

The Democratic leader doesn't seem to care about any of this, not at all. He wants to ignore the charges against Mayorkas without a trial at all. This would be disastrous for the Senate and for our Nation.

So, within the next week, the Senate Democrats must make a choice: Will they provide the transparency that the American people demand, the accountability that American citizens deserve? Or will the Democrats—each and every one of them—vote to bury these serious charges before the Senate is allowed to hear a single piece of evidence?

The Senate Democrats have now established a history of coddling criminals, people who have come to this country illegally. All 100 Senators have a solemn responsibility to work to keep our Nation safe and secure. Without a full and fair trial, there will be no accountability.

Republicans want the Senate to do what it has always done—allow the House to present its case, allow the Senate to hold a full trial, and let the American people hear the truth. Hold-

ing a full and fair trial is a matter of transparency and accountability. Avoiding a trial would be an act of partisanship at the expense of public trust.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I did not intend to speak on Secretary Mayorkas, but I want to say a few words before I get to the content of my speech.

What I would say is that I respectfully disagree with my colleagues and my friends on the Republican side of the aisle and with the politics that are being played.

I was the Governor of the State of West Virginia, and I made an awful lot of appointments under what we call will and pleasure. I asked the State senate to confirm people I thought would work and do a great job for the people of West Virginia. It was my responsibility. If it went wrong or they did not basically fulfill their duties, that was my responsibility. If they had criminal charges brought against them, whether they were civil or criminal, then the courts would take it. They have a right to remove, and I would have been respectfully obligated to remove. And, if not, they had a right to impeach.

We are not there. Everyone seems to be upset that Secretary Mayorkas, whom I know to be a good man, is being ostracized for doing the job he has done, that he has been basically directed to do by his boss, the President of the United States. If you are unhappy, go to the polls. It is the boss, OK? That is where it is. I think it has been a disaster. The first 2 or 3 years, right now, have been a disaster.

I have asked—I have begged—the President to change: Secure our border. It has to be secured. It is the most dangerous thing we face.

And when I have said that, I have said: Declare a national emergency.

Well, the mistakes the President has made, basically, were tried to be corrected when he supported the piece of legislation we had before us, about 2 or 3 weeks ago, that was negotiated. The lead negotiator, I think, is one of the most honorable people we have in the Senate, Republican and our friend JAMES LANKFORD from Oklahoma—Senator LANKFORD. I think it was a tremendous piece of legislation that would have given us more security at the border, and it would have stopped all the illegal flow. But it was still politicized, and it didn't happen, and I think Ali Mayorkas is being blamed for that too.

I am sorry. It was not him. And for us to go through a trial with what precious time we have left and all the challenges we have—let's just vote on securing the border. Once and for all, secure the border. Let's vote on taking care of our responsibilities around the world and at home—securing our border and helping our allies defend their own. That is what we should be doing.

Everything is politicized to the point now that we can't get beyond whose fault it is rather than say: Hey, we are Americans. If I am a Democrat and you are a Republican and vice versa, you are not my enemy. You are my colleague whom I might have differences with, but we can work it out. No one wants to find that sensible middle anymore. It is a bad word—"compromise." You never hear it anymore.

But to blame Secretary Mayorkas for your thinking he didn't do the job or what he said was in violation of the Constitution is ridiculous. It is basically something that I can't wait to vote against and get out as soon as it comes here. Why did they wait until next week? We could have voted on it today or tomorrow. Why? Did they want to let it fester a little bit? It doesn't make any sense to me whatsoever.

With that being said, I would hope that we would come to our senses and get to the real problems we have in America, and let's try to help the people who are living through some very high pricing. As far as food, the basic necessities of life are very difficult for an awful lot of people in my State of West Virginia, and I am going to do all I can to help them. But, with that, this is not the way to get our job done—to waste more time on something that is so senseless and reckless.

S.J. RES. 61

Madam President, let me just say I am rising in support of my resolution with Senator CRAMER and my colleague Senator CAPITO that would overturn the Federal Highway Administration's greenhouse gas reduction rule.

We all have a responsibility to the climate—we all are here to do it better—but to be practical about what we are doing, to be sensible. And if it is not feasible, it is not reasonable to go down this path.

The rule is another example of the administration trying to implement laws or bills they wanted but bills they didn't pass.

We are saying: Stay within the confines of the laws we pass.

It is an unworkable, one-size-fits-all approach. It burdens States with setting and enforcing declining emissions standards for travel on highways. It makes absolutely no effort to consider the unique needs of rural States like West Virginia.

Let me explain to you—I and my colleague Senator CAPITO—where we live. It is the most beautiful State—we consider it to be—in the country, with the most beautiful, hard-working people in the country. We all feel that way or we wouldn't be here representing our States. My friend from North Dakota here, Senator CRAMER, feels the same about North Dakota. And I agree with everybody, but we are defending it.

I have a State where I don't have one city with over a 50,000 population. So I am very rural—1.7 million-plus. The bottom line is we don't have a high density of emissions. We don't have

that. To make this into common sense, what they are trying to do is to say that you must—wherever you are now, you must reduce, reduce, reduce. The only way that we can get to where they want us to get to is to quit driving, to quit basically transporting, to quit delivering our food or all of our necessities of life. Don't go to work. Stay home.

That doesn't make any sense at all. For them to go down this one-size-fits-all makes no sense. It does not only undermine the very purpose for our highway system; it just isn't feasible in rural areas without other transportation options.

Our economy would grind to a halt. I have always said: If it is not feasible, it is not reasonable.

Even if the rule were reasonable, it wouldn't matter because the administration simply does not have the authority to do this. They do not have the authority. Transportation—DOT—does not have the authority to do what they are trying to do with this rule.

We know this because, when we were writing the bipartisan infrastructure law, we debated whether to give them that authority. That was part of the negotiations we were going through—Democrats and Republicans—saying together: Should they have that authority?

Guess what. Unanimously, we decided against it. It wasn't in their jurisdiction.

So nothing in any law that Congress has passed allows this administration or any administration to burden States with these measures in order to advance their radical climate agenda, and I say that because I think the President is being ill-advised, with his climate advisers taking him down the primrose path.

It is making a lot of people uncomfortable, with thinking: The government is trying to tell me how I am going to be transported, how I am going to use what vehicle, what I can buy; and they are trying to bribe me with \$7,500. And, if that doesn't work, we will pass a piece of legislation that makes it law to not even manufacture gasoline engines.

It is crazy, just absolutely crazy. I have always believed in market-driven products. If you give me a good product in a market where I can make a free decision and decide whether I can afford it or not, whether it enhances my life, and it is something that I desire, I will make the decision. Don't force me with limiting my options. That is all. And, when it is changing and when you do something better and it is something that gives me a better quality of opportunities in my life, that will make the difference.

I can tell you the American public, the American consumer—and I say this for all women in my family: They were born with a certain gene. They know how to shop. They know how to compare. They know how to make a good deal. And they have something that

men don't have, and they have more sense than we have when it comes to buying things and living within your means.

So with that, I can tell you: Let the market do its job.

So I introduced a resolution of disapproval with Senator CRAMER and Senator CAPITO because we know that this power grab is unreasonable, economically irresponsible, and, most importantly, unlawful. It will be devastating for the rural communities and transportation industries in West Virginia and North Dakota and across all of America.

I urge my colleagues on both sides of the aisle to join me in supporting this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I ask unanimous consent that the following Senators be able to speak prior to the scheduled rollcall vote: Myself for up to 5 minutes, Senator CARPER for up to 10 minutes, and Senator CRAMER for up to 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CAPITO. Madam President, I come here and join my fellow colleagues from West Virginia and from North Dakota to offer my strong support of the resolution offered by Senator CRAMER of North Dakota.

Senator MANCHIN has covered a lot of this, but I think I want to re-cover it because I think it is very important.

The Federal Highway Administration issued the final rule, which we are challenging today, without having the necessary legal authority from Congress. The rule will force our State departments of transportation and metropolitan planning organizations to develop and set their own declining greenhouse gas emissions targets. State DOTs and MPOs are also going to be required to meet their own targets. If they fail to meet their targets or fail to make significant progress toward them, they are required to develop new plans to ensure that they do meet their targets.

Senator MANCHIN described how difficult it will be for a sparsely populated and, basically, rural area, such as West Virginia, to make a measurable difference in our greenhouse emissions in our transportation sector because, you know, we are in pretty good shape as it is right now.

The expected outcome of this requirement is that it will force State DOTs and MPOs to use their highway funding for ineffective emissions reduction projects rather than on projects that will improve the safety and efficiency of roads and bridges. This restriction on the ability of State DOTs to pick the projects that address their communities' unique transportation needs is unacceptable, and it runs counter to our agreement for the Bipartisan Infrastructure Investment and Jobs Act.