

we have been in receipt of from the House of Representatives contains any evidence that Secretary Mayorkas has been guilty of any of those specific elements in the Constitution or that he has failed in the exercise of his duties. Instead, the Articles of Impeachment sent to us by the House of Representatives lay out policy disputes through regurgitation of Republican talking points on immigration.

It is simply not a constitutional crime worthy of impeachment for the current President and Secretary of Homeland Security to implement immigration policies that are entirely within the limits of the law and the discretion of the executive branch.

The articles sent to us by the House Republicans claim that the Secretary has willfully and systematically refused to comply with the law because he failed to detain every individual who crossed the border. Remember that standard—he failed to detain every individual who crossed the border. The simple fact of the matter is, all Presidents, Republican and Democrat, would be found guilty under those elements.

Existing law does not require the DHS Secretary to detain every person who crosses the border. Congress left it to the discretion of each administration to decide how best to use their limited resources to implement immigration policy.

The articles also attack the Secretary's use of discretion to decide who to arrest and remove from the United States even though the Supreme Court has routinely upheld these discretionary decisions.

I think it is outrageous to allege that Secretary Mayorkas's decisions to reverse Trump policy "breached the public trust." A decision to change a previous administration's positions is fundamentally a policy decision, not a matter of trust.

If congressional Republicans are genuinely interested in improving the situation at the border, I have a suggestion. Why don't we put together a bipartisan group of Senators? Why don't we let the Republicans choose their participant in that? Why don't they consider someone like JAMES LANKFORD, the Senator from Oklahoma—conservative, highly respected? Why don't they have JAMES LANKFORD meet with at least one other Senator, a Democrat—maybe CHRIS MURPHY of Connecticut—and then perhaps KYRSTEN SINEMA, an Independent? Why don't the three of them put together a proposal to make changes—significant policy changes—on the border to give the President more authority to stop the crisis we face? Why don't we call that for consideration on the floor of the Senate, and why don't the Republicans back that?

That is exactly what happened. We have been through this exercise. JAMES LANKFORD—and I respect him very much—did what he was asked to do: represent the Republican side of the

aisle and move forward with a proposal that is bipartisan. We have to be bipartisan in the Senate. We need 60 votes for anything serious. We have a 51-to-49 Democratic majority. Bipartisanship was built into this package of compromises, but what happened? Why didn't that become the law of the land? Why didn't that become the change in the border policy that we are all looking for? The reason is one man. His name is Donald Trump, and he came out publicly and said: I am instructing my followers to kill this bipartisan effort from Senator LANKFORD on the Republican side. And then former President Trump said: You are going to hear from people that they want to blame me. Go ahead and blame me for stopping this effort of border reform.

Well, I am blaming him.

Now we have this exercise against Mayorkas instead of a constructive bipartisan exercise that Senator LANKFORD, a respected conservative Republican, Senator MURPHY, a Democrat, and Senator SINEMA, an Independent, put together and brought to the floor of the Senate. That is how you change the policy, not with some sham process of consideration for impeachment that is not warranted.

Unfortunately, the vast majority of Republicans recently blocked a bipartisan border bill that I just described. Despite repeatedly referring to the border as a crisis, congressional Republicans' opposition was based purely on Donald Trump's insistence that Congress not pass immigration legislation. He wants to use it as a campaign issue in November. He doesn't want a solution—a bipartisan solution—that perhaps Joe Biden would get some credit for, so he stopped the whole process and stopped the bipartisanship.

This partisan hackery is not lost on me or the American people. Instead of doing their job and working to find legislative solutions to complex and challenging problems, too many Republicans have decided that the impeachment of a Cabinet official for actually doing his job is a better exercise of time.

The Framers anticipated that partisan politics would result in meritless impeachment efforts like this one and designed the Constitution to withstand the baseless efforts. During the constitutional convention, the Framers explicitly—explicitly—rejected a proposal to include "maladministration"—they used that word—as an impeachable offense, despite its use in many State constitutions at the time.

Second, the division of impeachment power between the House of Representatives and the Senate was meant as a safeguard against the danger of impeachment inevitably becoming politicalized.

In Federalist 66, Alexander Hamilton wrote that the division of impeachment powers between the House and the Senate "guards against the danger of persecution, from the prevalence of a factious spirit in either of those

branches." To translate that into 21st century terms, what he is saying is: We want to stop them from using impeachment for politics. In order for the Senate to uphold the Constitution and fulfill its impeachment obligations, it must dispose of these baseless impeachment articles that we receive from the House.

The Constitution provides that "[t]he Senate shall have the sole Power to try all Impeachments" and places very limited requirements on how we are to exercise that authority. Chief Justice Rehnquist noted during the impeachment trial of then-President Clinton that "the Senate is not simply a jury; it is a court in this case [of impeachment]."

Both the House and Senate have a history of quickly disposing of impeachment investigations and impeachment articles that do not meet the standard of high crime or misdemeanor. This one doesn't.

In the 72nd Congress, two impeachment resolutions were offered against President Herbert Hoover. After the reading of the resolution was completed, the House successfully moved, by an overwhelming vote, to table the impeachment articles. Since 1986, the Senate has considered motions to dismiss brought by either the impeached officer or a Senator in six impeachments and has twice dismissed impeachment articles in the past. So to say this has never been done is just not true. We should follow that example.

I urge my colleagues to uphold the Constitution and the intentions of the Framers and quickly dispose of these unjustifiable Articles of Impeachment.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MAYORKAS IMPEACHMENT

Mr. CORNYN. Madam President, tomorrow the House of Representatives is expected to do something that is not normal but which is actually a rather extraordinary act, and that is to transmit Articles of Impeachment against the Secretary of Homeland Security, Alejandro Mayorkas. Over the last 3 years, Secretary Mayorkas has presided over an unprecedented security crisis at our southern border; the numbers vary but roughly 7.4 million migrant encounters, more than 1.8 million "got-aways"—people simply evading law enforcement and melting into the great American heartland—untold amounts of fentanyl and other deadly drugs pouring into our country that killed 108,000 people last year alone.

Then there are the children: 400,000 children placed with sponsors in the interior of the United States that have

since been abandoned, literally, by the Biden administration. They say it is not their problem. They don't need to know whether they are going to school, whether they are getting the healthcare they need, or whether they are being trafficked for sex or involuntary servitude.

Secretary Mayorkas, as the agent of the Biden administration responsible for this, has willfully and systemically refused to enforce our immigration laws. He has taken a bad situation and actually accomplished an amazing feat: He has actually made it worse, not better.

Not only that, he has violated the public trust by repeatedly lying under oath to Congress and the American people.

If these aren't impeachable offenses, I don't know what would qualify.

Secretary Mayorkas must be held responsible for his actions, and I am glad our colleagues in the House took the first step toward public accountability. The ball will soon land in the Senate's court, and it is alarming that we are hearing from the Senate majority leader and our Democratic colleagues that they are preparing not to hold a trial—which is what the Constitution and Senate rules require—but rather to sweep it under the rug without ever even holding a trial. That would mark the first time in American history that has happened and establish a dangerous new precedent.

It is not too late, though, for our Democratic colleagues to abandon this misguided plan. But if they move forward, they should know that Republicans will use every tool available to us to try to force a full trial. Republican Senators are preparing points of order to prevent Democrats from violating the Constitution and Senate rules. But, of course, we are realists. We understand that if all 51 Democrats stand together, they could run rough shod over the Constitution and those same Senate rules.

I plan to raise a point of order on the increased number of encounters with illegal immigrants that happened to be on the Terror Watchlist. These sorts of encounters used to be extremely uncommon. During the Trump administration, Border Patrol didn't encounter more than six suspected terrorists in a given year. When President Biden and Secretary Mayorkas took over, that changed dramatically.

Last year alone, Border Patrol encountered 172 suspected terrorists, more than 98 percent of them from across the southern border. We don't even know, out of the 1.8 million, how many more people who are on the Terrorist Watchlist simply evaded law enforcement. So there could be—probably are—many, many more.

Making matters worse, at least some of these individuals have actually been released by the Biden administration into the interior of the United States. Last week, for example, NBC news reported that an Afghan migrant on the

Terror Watchlist who was arrested by Border Patrol is now roaming freely in the United States. He was first apprehended last March for illegally crossing the border. Agents suspected that something was up, but they lacked enough information to reach a conclusion about whether he actually was or was not on that list. But rather than detain him while they attempted to verify his identity, Customs and Border Protection released him. Making matters worse, they didn't even notify Immigration and Customs Enforcement about his potential terrorist ties.

Border Patrol, of course, works at the border; Immigration and Customs Enforcement is the one that enforces immigration law in the interior of the country, including repatriating or returning people who have made their way illegally or who otherwise are a threat to public safety.

Well, ICE—Immigration and Customs Enforcement—simply waived him into the interior of the United States under the Biden administration's misguided policy called Alternatives to Detention Program. In other words, rather than detain dangerous people at the border, the Biden administration program is simply to release them. This same program actually allows these same individuals to apply for asylum, to receive a work authorization, and to fly within the interior of the United States. In other words, it does not restrict their activities one bit.

It wasn't until February of this year, nearly 1 year after he was first arrested, that ICE was alerted about this individual's potential terrorist ties. ICE agents released the man in San Antonio in late February, and he appeared before an immigration judge in Texas last month. But for some inexplicable reason, ICE withheld from the judge information about the individual's potential terrorist ties. So without that information, the judge released the man on bond to wait his date in court in a year. Today, this man who is believed to be linked to an Afghan terror group is roaming freely in the United States. He could be anywhere.

But this is just one example among hundreds or more, perhaps even thousands or more, of the many dangers Secretary Mayorkas has created and facilitated for the American people.

So when the House votes on Articles of Impeachment, the Senate has a duty not only to be sworn as jurors—as we have done two times fairly recently—but also to call witnesses and hear arguments to understand how the Secretary's actions have impacted our country.

And I would hope that Secretary Mayorkas, if he thinks he has nothing to hide, nothing to be ashamed of, that he would welcome the opportunity to defend and explain his actions. If he and our Democratic colleagues believe he has done nothing wrong, they have nothing to be afraid of. But, of course, we all know and the country knows better.

ISRAEL

Madam President, on another matter, as we all know over the weekend Iran dramatically escalated its twilight war against Israel and the West. Tehran fired more than 300 drones and ballistic missiles at the Jewish State. These were launched from Iranian soil, as well as by proxy groups in Iraq, Syria, and Yemen.

For years, Iranian proxies have launched attacks on Israel, and a number of terrorist groups—including Hamas, Hezbollah, and Houthis—are the means by which Iran has prosecuted this war against Israel and the West.

This weekend's attacks were a stunning escalation because this is the first time that these attacks have been directly from Iranian soil against Israel.

But despite the impressive firepower, the impact of the barrage proved to be minimal. An Israeli military base sustained minor damage, and several people were injured, but so far no fatalities have been reported—amazing given the firepower directed at Israel.

Iran's failure to devastate Israel was not just a stroke of good luck; it was the direct result of Israel's strong defense, supported by the United States and others, and its close cooperation and work with its allies. The vast majority of threats were intercepted outside of Israeli airspace, demonstrating the effectiveness of Israel's air defense systems.

And a number of Israel's partners and allies—including the United States, the United Kingdom, France, and several Gulf countries—aided Israel's defense against the direct fire coming from Iran.

On Saturday, President Biden quickly condemned Iran's attack, and he spoke with Prime Minister Netanyahu to reaffirm America's ironclad commitment to the security of Israel. So far so good.

But despite that encouraging and entirely appropriate statement, media reports indicate that President Biden's support may not be as resolute as those words indicate. Axios reported that President Biden told Prime Minister Netanyahu that the United States will not—will not—support Israel's counterstrikes against Iran. In other words, any attempt to impose consequences on Iran for raining down 300 drones and ballistic missiles on Israel will go unanswered.

That is hardly an example of ironclad support. By attaching conditions to America's commitment, President Biden has undermined deterrence. He has shown that his administration is more concerned about placating the Supreme Leader than in protecting Israel. And when it comes to Iran, there is simply no benefit to applying anything less than maximum pressure because it is the only thing that the Supreme Leader understands.

Iran, after all, is a No. 1 state sponsor of terrorism and one of our country's most brazen and dangerous adversaries,