

border security, the safety of the United States people, and the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with his duties and the rule of law. Alejandro N. Mayorkas thus warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE II: BREACH OF PUBLIC TRUST

The Constitution provides that the House of Representatives “shall have the sole Power of Impeachment” and that civil Officers of the United States, including the Secretary of Homeland Security, “shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors”. In his conduct while Secretary of Homeland Security, Alejandro N. Mayorkas, in violation of his oath to well and faithfully discharge the duties of his office, has breached the public trust, in that:

Alejandro N. Mayorkas has knowingly made false statements, and knowingly obstructed lawful oversight of the Department of Homeland Security (hereinafter referred to as “DHS”), principally to obfuscate the results of his willful and systemic refusal to comply with the law. Alejandro N. Mayorkas engaged in this scheme or course of conduct through the following means:

(1) Alejandro N. Mayorkas knowingly made false statements to Congress that the border is “secure”, that the border is “no less secure than it was previously”, that the border is “closed”, and that DHS has “operational control” of the border (as that term is defined in the Secure Fence Act of 2006).

(2) Alejandro N. Mayorkas knowingly made false statements to Congress regarding the scope and adequacy of the vetting of the thousands of Afghans who were airlifted to the United States and then granted parole following the Taliban takeover of Afghanistan after President Biden’s precipitous withdrawal of United States forces.

(3) Alejandro N. Mayorkas knowingly made false statements that apprehended aliens with no legal basis to remain in the United States were being quickly removed.

(4) Alejandro N. Mayorkas knowingly made false statements supporting the false narrative that U.S. Border Patrol agents maliciously whipped illegal aliens.

(5) Alejandro N. Mayorkas failed to comply with multiple subpoenas issued by congressional committees.

(6) Alejandro N. Mayorkas delayed or denied access of DHS Office of Inspector General (hereinafter referred to as “OIG”) to DHS records and information, hampering OIG’s ability to effectively perform its vital investigations, audits, inspections, and other reviews of agency programs and operations to satisfy the OIG’s obligations under section 402(b) of title 5, United States Code, in part, to Congress.

Additionally, in his conduct while Secretary of Homeland Security, Alejandro N. Mayorkas has breached the public trust by his willful refusal to fulfill his statutory “duty to control and guard the boundaries and borders of the United States against the illegal entry of aliens” as set forth in section 103(a)(5) of the Immigration and Nationality Act. Alejandro N. Mayorkas inherited what his first Chief of the U.S. Border Patrol called, “arguably the most effective border security in our nation’s history”. Alejandro N. Mayorkas, however, proceeded to abandon effective border security initiatives without engaging in adequate alternative efforts that would enable DHS to maintain control of the border and guard against illegal entry, and despite clear evidence of the devastating consequences of his actions, he failed to take action to fulfill his statutory duty to control the border. According to his first Chief of the U.S. Border Patrol, Alejandro N. Mayorkas “summarily rejected” the “multiple options to reduce the illegal entries . . . through proven programs and consequences” provided by civil service staff at DHS. Despite clear evidence of the devastating consequences of his actions, he failed to take action to fulfill his statutory duty to control the border, in that, among other things:

(1) Alejandro N. Mayorkas terminated the Migrant Protection Protocols (hereinafter referred to as “MPP”). In *Texas v. Biden*, 20 F.4th 928 (2021), the United States Court of Appeals for the Fifth Circuit explained that “[t]he district court . . . pointed to evidence that ‘the termination of MPP has contributed to the current border surge’ . . . (citing DHS’s own previous determinations that MPP had curbed the rate of illegal entries)”. The district court had also “pointed out that the number of ‘enforcement encounters’—that is, instances where immigration officials encounter immigrants attempting to cross the southern border without documentation—had ‘skyrocketed’ since MPP’s termination”.

(2) Alejandro N. Mayorkas terminated contracts for border wall construction.

(3) Alejandro N. Mayorkas terminated asylum cooperative agreements that would have equitably shared the burden of complying with international asylum accords.

In all of this, Alejandro N. Mayorkas breached the public trust by knowingly making false statements to Congress and the American people and avoiding lawful oversight in order to obscure the devastating consequences of his willful and systemic refusal to comply with the law and carry out his statutory duties. He has also breached the public trust by willfully refusing to carry out his statutory duty to control the border and guard against illegal entry, notwithstanding the calamitous consequences of his abdication of that duty.

Wherefore Alejandro N. Mayorkas, by such conduct, has demonstrated that he will remain a threat to national and border security, the safety of the American people, and to the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with his duties and the rule of law. Alejandro N. Mayorkas thus warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

Mr. President, that completes the exhibition of the Articles of Impeachment against Alejandro Nicholas Mayorkas, Secretary of the Department of Homeland Security.

The managers request the Senate take order for the trial, and the managers now request leave to withdraw.

The PRESIDENT pro tempore. That would be “Madam President.”

Thank you, Mr. GREEN.

The Senate will duly notify the House of Representatives when it is ready to proceed.

You may proceed to depart.

The managers were thereupon escorted by the Sergeant at Arms of the Senate, Karen Gibson, from the well of the Senate.

The PRESIDENT pro tempore. The majority leader.

PROGRAM

Mr. SCHUMER. Madam President, for the information of all Senators, under impeachment rules, Senators will be sworn in as jurors tomorrow at 1 p.m.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WELCH). Without objection, it is so ordered.

REFORMING INTELLIGENCE AND SECURING AMERICA ACT—MOTION TO PROCEED—Continued

NATIONAL SECURITY SUPPLEMENTAL FUNDING

Mrs. SHAHEEN. Mr. President, in light of the unprecedented attacks by Iranian forces on Israel over the weekend and on the 64th day since the Senate passed a bipartisan national security supplemental bill, I come to the floor to once again call on the House to pass critical funding for Ukraine, for Israel, for the Indo-Pacific, and, importantly, for our own national security needs here at home.

Over the past 6 months, I have worked with Senators from both sides of the aisle to urge the passage of supplemental funding to support our national security, and I am beyond disappointed that Speaker Johnson and