

118TH CONGRESS
1ST SESSION

H. RES. 470

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2023

Mr. HIGGINS of Louisiana submitted the following resolution; which was
referred to the Committee on the Judiciary

RESOLUTION

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

1 *Resolved*, That Alejandro Nicholas Mayorkas, Sec-
2 retary of Homeland Security, is impeached for high crimes
3 and misdemeanors and that the following articles of im-
4 peachment be exhibited to the United States Senate:

5 Articles of impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and of the people of the United States of
8 America, against Alejandro Nicholas Mayorkas, Secretary
9 of Homeland Security, in maintenance and support of its

1 impeachment against him for high crimes and mis-
2 demeanors.

3 ARTICLE I

4 Alejandro Nicholas Mayorkas, in his conduct as Sec-
5 retary of Homeland Security, has engaged in a pattern
6 of conduct that directly violates his constitutional oath as
7 an executive officer of the United States in the following
8 manner:

9 Alejandro Nicholas Mayorkas was confirmed and
10 sworn in as the Secretary of Homeland Security of the
11 United States of America on February 2, 2021. Secretary
12 Mayorkas took a solemn oath, as stated in section 3331
13 of title 5, United States Code, to “support and defend the
14 Constitution of the United States against all enemies, for-
15 eign and domestic” and to “well and faithfully discharge
16 the duties of the office on which I am about to enter. So
17 help me God.”

18 As the Secretary of Homeland Security, a cabinet-
19 level official established by the Homeland Security Act of
20 2002 (Public Law 107–296), Secretary Mayorkas is vest-
21 ed with the duty to advise the President on decision mak-
22 ing critical to the safety and security of the United States.
23 Secretary Mayorkas, with his 30-year career as a law en-
24 forcement official, is entrusted by the President to uphold
25 the mission of the Department of Homeland Security as
26 dictated by statute and ensure the constitutionality, legal-

1 ity, and efficacy of executive policy in service of such mis-
2 sion.

3 Section 4 of Article IV of the Constitution mandates
4 that the Federal Government “shall guarantee to every
5 State in this Union a Republican Form of Government
6 and shall protect each of them against Invasion; and on
7 Application of the Legislature, or of the Executive (when
8 the Legislature cannot be convened) against domestic Vio-
9 lence.”

10 Further, section 2(b) of the Secure Fence Act of
11 2006 (Public Law 109–367) legally obligates the Sec-
12 retary of Homeland Security “to maintain operational
13 control over the entire international land and maritime
14 borders of the United States.” Specifically, “operational
15 control” is defined as “the prevention of all unlawful en-
16 tries into the United States, including entries by terror-
17 ists, other unlawful aliens, instruments of terrorism, nar-
18 cotics, and other contraband.” This “operational control”
19 standard codified the well-established, good-faith efforts of
20 securing land and maritime borders to preserve the sov-
21 ereignty of the United States.

22 Secretary Mayorkas is legally bound, by constitu-
23 tional duty and sworn oath, to protect the individual
24 States of this Republic and the citizens therein from
25 threats to our Nation’s homeland. He has failed, beyond

1 a reasonable doubt, to uphold this oath and to protect the
2 American people as required by law.

3 Specifically, Secretary Mayorkas has intentionally
4 used his position as Secretary of Homeland Security to
5 dismantle previously successful border security resources,
6 enforcement, and policies forcing border and interior en-
7 forcement agents to deprioritize their primary law enforce-
8 ment mission.

9 As a result, the integrity of our international land
10 border with Mexico has been compromised, creating a
11 clear and present danger to the American people. This in-
12 cludes, but is not limited to, the following examples:

13 (1) Secretary Mayorkas has used his Federal
14 position and resources to cease all additional con-
15 struction of border wall system, fencing, and other
16 associated infrastructure and technology, which were
17 not only authorized, but also funded, by the United
18 States Congress. The result of the cessation of addi-
19 tional construction resulted in several negative con-
20 sequences. First, it prevented the completion of bor-
21 der wall fencing along portions of the United States-
22 Mexico border that were deemed to be most in need
23 of fencing, thereby increasing the security
24 vulnerabilities of the United States. Second, the un-
25 used, taxpayer-purchased materials that were in-

1 tended for border wall construction and associated
2 infrastructure and technology were left unattended
3 along portions of the United States-Mexico border,
4 which not only left it vulnerable to theft or van-
5 dalism, but also increased the danger to Federal and
6 non-Federal law enforcement along portions of that
7 border by increasing the risks of dangerous encoun-
8 ters with the violent cartels overseeing the importa-
9 tion of illegal aliens. Third, it caused economic dam-
10 age via the termination of contracts with contractors
11 and subcontractors who had been hired to construct
12 the wall and associated infrastructure and tech-
13 nology.

14 (2) Secretary Mayorkas has used his Federal
15 position and resources to both terminate meaningful
16 border security and immigration enforcement efforts
17 and redirect the official time and resources of De-
18 partment of Homeland Security personnel who are
19 responsible for border security and immigration en-
20 forcement to off-mission tasks. This includes direct-
21 ing the personnel of the United States Border Pa-
22 trol, which is a component of the U.S. Customs and
23 Border Protection, to deprioritize patrolling the
24 United States-Mexico border, while expanding
25 United States Border Patrol resources to “process”

1 illegal aliens on United States soil. This also in-
2 cludes directing the personnel of Immigration and
3 Customs Enforcement to cease engaging in statu-
4 torily mandated alien arrest and removal efforts,
5 even under circumstances involving aliens who were
6 identified as public safety risks. This also includes
7 directing personnel of the Department of Homeland
8 Security to cease and desist from collecting DNA
9 samples from aliens who are apprehended at the
10 United States-Mexico border, despite the fact that it
11 is a key tool for identifying terrorists, criminal ac-
12 tors, and false family units. This also includes di-
13 recting personnel of the Department of Homeland
14 Security to deactivate completed sensor and light in-
15 frastructure and technology that was embedded into
16 previously constructed border wall along the United
17 States-Mexico border, which has simultaneously re-
18 duced operational awareness of the border environ-
19 ment for both Federal and non-Federal law enforce-
20 ment, enhanced the risk of injury or death for Fed-
21 eral and non-Federal law enforcement, and facili-
22 tated further illegal immigration by making it easier
23 for cartels and other criminal organizations to oper-
24 ate unnoticed in close proximity to the United
25 States-Mexico border.

1 (3) Secretary Mayorkas has used his Federal
2 position and resources to suspend an array of regu-
3 latory and guidance-based policies that had been
4 promulgated and used during previous administra-
5 tions to both discourage the flow of illegal aliens into
6 the United States and empower Federal immigration
7 enforcement officials to prevent aliens from unlaw-
8 fully entering into the United States, especially
9 along the United States-Mexico border. Effective
10 policies that Secretary Mayorkas ordered suspended
11 include—

12 (A) the catch-and-release prohibition,
13 which ended the practice of releasing unlawfully
14 present aliens into the United States during the
15 pendency of their immigration cases;

16 (B) the implementation of the Remain in
17 Mexico Policy (otherwise referred to as the Mi-
18 grant Protection Protocols), which required that
19 non-Mexican nationals seeking asylum in the
20 United States were required to wait in Mexico
21 pending the adjudication of their asylum claims;

22 (C) the use of statutory expedited removal,
23 which allowed Federal officials to remove forth-
24 with any alien who is apprehended anywhere in

1 the United States within two years of his or her
2 unlawful entry;

3 (D) full implementation of public health
4 emergency exclusion authority as authorized
5 pursuant to section 362 of the Public Health
6 Service Act (42 U.S.C. 265), which allowed
7 Federal officials to deny the entry of any aliens
8 seeking entry at or between United States ports
9 of entry during the COVID–19 pandemic; and

10 (E) numerous other regulatory and guid-
11 ance changes to ensure the more rapid enforce-
12 ment of Federal immigration law.

13 Secretary Mayorkas’ actions and inactions, in his ca-
14 pacity as an executive officer of the United States, have
15 caused a loss of any sane or objective assessment of “oper-
16 ational control” of the United States-Mexico border, re-
17 sulting in the most significant border invasion in our Na-
18 tion’s history concerning persons and illicit drugs.

19 According to 2020 reports, under the final year of
20 the Trump administration, U.S. Customs and Border Pro-
21 tection encountered 400,651 aliens seeking to enter the
22 southwest border of the United States. Of these apprehen-
23 sions, only 3 were individuals on the Terrorist Screening
24 Database and 30,557 were unaccompanied alien children.
25 The detected criminal runner “got aways” totaled approxi-

1 mately 136,000. Over 1,000,000 pounds of illegal drugs
2 were stopped at the border during that timeframe.

3 Since the start of the Biden administration and ap-
4 pointment of Secretary Mayorkas, encounters at the
5 southwest border have swelled far beyond the enforcement
6 and processing capacity of the U.S. Customs and Border
7 Protection. This has been accompanied by increases in at-
8 tempted entries of terrorists and unlawful aliens, and a
9 decrease in the interdiction of illegal drugs.

10 According to the 2021 reports, during the transition
11 from the Trump administration to the Biden administra-
12 tion, U.S. Customs and Border Protection encountered
13 1,734,686 aliens, seeking to enter the United States, rep-
14 resenting a 332 percent increase from the prior year. Over
15 80 percent of this increase occurred under the Biden ad-
16 ministration. Of these apprehensions, 15 were individuals
17 on the terrorist screening database and 144,837 were un-
18 accompanied alien children, an increase of 373 percent
19 from just the year prior. The detected criminal runner
20 “got aways” nearly tripled to approximately 389,000. The
21 amount illegal drugs stopped at the border dropped by
22 145,923 pounds to 913,326 pounds.

23 According to the 2022 reports, during the first full
24 year of Secretary Mayorkas’ command at the Department
25 of Homeland Security, U.S. Customs and Border Protec-

1 tion encountered 2,378,944 aliens, representing a 37 per-
2 cent increase from the prior year and over 493 percent
3 increase compared to 2020. Of these apprehensions, 98
4 individuals were on the terrorist screening database, and
5 149,093 were unaccompanied alien children. In this time
6 period, the number of known criminal runner “gotaways”
7 increased to 600,000, an increase of 54 percent from the
8 previous year and a 341 percent increase from just two
9 years prior. Meanwhile, illegal drugs stopped at the border
10 dropped to 655,780 pounds, only 62 percent of the
11 amount stopped in 2020.

12 To date, under the Biden administration and Sec-
13 retary Mayorkas, U.S. Customs and Border Protection
14 has encountered over 5,200,000 aliens at the southwest
15 border. Additionally, there have been over 1,500,000
16 known criminal runner “gotaways”, aliens who have inten-
17 tionally evaded law enforcement and entered the United
18 States illegally. These numbers reflect the continual dis-
19 integration of any reasonable measure of “operational con-
20 trol” under the direction of Secretary Mayorkas.

21 Secretary Mayorkas has undermined the law enforce-
22 ment capacity of the Department of Homeland Security.
23 Frontline agents have been pulled from their law enforce-
24 ment responsibilities and into “processing” roles, turning
25 Federal law enforcement into facilitators of illegality and

1 leaving significant gaps in our security infrastructure
2 along the United States-Mexico border.

3 As a result, the number of criminal runner
4 “gotaways” has steadily risen, enabling criminals to enter
5 the country undeterred. According to law enforcement
6 sources, these aliens have criminal intent and are the most
7 likely to be involved with the human, sex, and drug traf-
8 ficking activities of transnational criminal organizations.
9 These aliens then disappear into the interior of the United
10 States and plug into existing criminal networks.

11 Secretary Mayorkas, in his conduct as an executive
12 officer of the United States and the policies enacted under
13 his direction, has so deprioritized border enforcement that
14 he has ceded control of large portions of the United
15 States-Mexico border to dangerous Mexican cartels. Along
16 some segments of the United States-Mexico border, cartels
17 have even established a presence on the United States side
18 of the border and, in some cases, on Federal property.
19 This has allowed the cartels to greatly increase their abil-
20 ity and capacity for human and drug smuggling.

21 Secretary Mayorkas has overseen a stunning increase
22 in the flow of illicit drugs into the United States from
23 Mexico and elsewhere around the globe, including the Peo-
24 ple’s Republic of China. Under Secretary Mayorkas’ ten-
25 ure, U.S. Customs and Border Protection has seized

1 enough illicitly manufactured fentanyl to kill over
2 3,300,000,000 Americans, nearly 10 times the population
3 of the United States. Law enforcement officers have ac-
4 knowledged that only a fraction of illicit controlled dan-
5 gerous substance drugs are intercepted at the border, and
6 a vast amount of the illicit fentanyl entering the United
7 States is doing so between ports of entry.

8 According to the Centers for Disease Control and
9 Prevention, illicitly manufactured fentanyl caused the
10 deaths of 110,236 Americans in 2022. It has become a
11 leading cause of death for adults between the ages of 18
12 and 45. Most illicitly manufactured fentanyl found in the
13 United States is being manufactured with raw chemical
14 precursors from the People’s Republic of China, trafficked
15 through Mexico, and funneled into the United States be-
16 tween ports of entry along the United States-Mexico bor-
17 der.

18 For over two years, Secretary Mayorkas has failed
19 to take corrective measures necessary to restore a profes-
20 sional standard of “operational control” over the south-
21 west border of the United States. Far from achieving this
22 mission, Secretary Mayorkas has diminished the integrity
23 of our border, allowing dangerous cartels to operate
24 human and drug trafficking operations, and the result has

1 been illegality, injury, and death for untold thousands at
2 the border and on the interior of the United States.

3 Secretary Mayorkas' willful dereliction of his oath
4 and constitutional obligation to protect the United States
5 and their citizenry from the invasion of illegal aliens and
6 illegal drugs, including illicit fentanyl, warrants his re-
7 moval from the Office of Secretary of Homeland Security.

8 Wherefore Secretary Mayorkas, by such conduct,
9 thus warrants impeachment and trial, removal from office,
10 and disqualification to hold and enjoy any office of honor,
11 trust, or profit under the United States.

12 ARTICLE II

13 Alejandro Nicholas Mayorkas, in his conduct while
14 Secretary of Homeland Security, engaged in a pattern of
15 conduct that undermined the sovereignty of the United
16 States as follows:

17 Secretary Mayorkas' ongoing violation of the Immi-
18 gration and Nationality Act demonstrates his blatant dis-
19 regard for upholding the laws of the sovereign United
20 States. Section 212(d)(5)(A) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1182(d)(5)(A)) grants the Sec-
22 retary of Homeland Security the authority to parole aliens
23 on a "case-by-case basis for urgent humanitarian reasons"
24 or "significant public benefit, provided that the aliens
25 present neither a security risk nor a risk of absconding".

1 In direct violation of the intent and spirit of the law,
2 Secretary Mayorkas has overseen the abuse of parole au-
3 thority under such section 212(d)(5)(A). At the direction
4 of Secretary Mayorkas, U.S. Customs and Border Protec-
5 tion has unlawfully used this authority to triage over-
6 crowded processing facilities, releasing aliens into the inte-
7 rior of the United States without proper detention and vet-
8 ting.

9 According to U.S. Customs and Border Protection
10 data, parole authority under such section 212(d)(5)(A)
11 was used 268,268 times between October 2021 and No-
12 vember 2022, at the international land border with Mex-
13 ico. This form of “administrative catch-and-release” has
14 been carried out under the direct command of Secretary
15 Mayorkas. Any law enforcement professional would know
16 that massive abuses of parole authority are a clear threat
17 to the safety and security of the American people. Aliens
18 are being released without proper screening, enabling
19 them to disappear into the United States with little hope
20 that they will appear for immigration court proceedings.
21 Secretary Mayorkas’ broad application of parole authority
22 clearly violates the “case-by-case” standard outlined in
23 such section 212(d)(5)(A).

24 Secretary Mayorkas has demonstrated a blatant dis-
25 regard for the statutory limits of the Immigration and Na-

1 tionality Act. He has unlawfully abused his authorities and
2 has willingly and maliciously released record numbers of
3 illegal aliens into the United States, violating Federal law,
4 undermining the sovereignty of the United States, and
5 jeopardizing the security of the American citizenry.

6 Wherefore, Secretary Mayorkas, by such conduct,
7 thus warrants impeachment and trial, removal from office,
8 and disqualification to hold and enjoy any office of honor,
9 trust, or profit under the United States.

○