

Calendar No. 353

118TH CONGRESS
2D SESSION

S. J. RES. 69

To provide for related procedures concerning the articles of impeachment against Alejandro Nicholas Mayorkas, Secretary of Homeland Security.

IN THE SENATE OF THE UNITED STATES

MARCH 23 (legislative day, MARCH 22), 2024

Mr. LEE introduced the following joint resolution; which was read the first time

APRIL 8, 2024

Read the second time and placed on the calendar

JOINT RESOLUTION

To provide for related procedures concerning the articles of impeachment against Alejandro Nicholas Mayorkas, Secretary of Homeland Security.

1 *Resolved by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SUMMONS.**

4 (a) IN GENERAL.—Not later than 7 session days fol-

5 lowing the date on which the articles of impeachment with

6 respect to Alejandro Nicholas Mayorkas are transmitted,

7 pursuant to rule III of the Rules of Procedure and Prac-

1 tice in the Senate When Sitting on Impeachment Trials
2 (referred to in this resolution as the “Rules of Impeach-
3 ment”), the Senate shall proceed to the consideration of
4 the articles of impeachment and the Secretary of the Sen-
5 ate shall notify the House of Representatives of the time
6 and place fixed for the Senate to proceed upon the im-
7 peachment of Alejandro Nicholas Mayorkas in the Senate
8 Chamber.

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

11 (1) the summons shall be issued in the usual
12 form to Alejandro Nicholas Mayorkas, provided that
13 he may have until 12 p.m. on the date that is 7 ses-
14 sion days after the date on which the articles of im-
15 peachment are transmitted, to file his answer with
16 the Secretary of the Senate;

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

22 (3) if the House of Representatives wishes to
23 file a trial brief, it shall be filed by 10 a.m. on the
24 date on which the articles of impeachment are trans-
25 mitted;

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

5 (5) the House of Representatives may file a re-
6 buttal brief no later than 10 a.m. on the date on
7 which impeachment proceedings begin.

8 **SEC. 2. IMPEACHMENT.**

9 (a) IN GENERAL.—

10 (1) HOUSE RECORDS.—The House of Rep-
11 resentatives shall file its record with the Secretary of
12 the Senate, which will consist of those publicly avail-
13 able materials that have been submitted to or pro-
14 duced by the Committee on the Judiciary of the
15 House of Representatives, including transcripts of
16 public hearings or mark-ups and any materials
17 printed by the House of Representatives or the Com-
18 mittee on the Judiciary of the House of Representa-
19 tives pursuant to House Resolution 863 (118th Con-
20 gress), agreed to February 13, 2024.

21 (2) ADMISSION INTO EVIDENCE.—Materials in
22 the record described in paragraph (1) will be admit-
23 ted into evidence subject to any hearsay, evidentiary,
24 or other objections that Alejandro Nicholas

1 Mayorkas may make after opening presentations are
2 concluded.

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

6 (b) MOTIONS.—

7 (1) IN GENERAL.—

8 (A) FILING.—Alejandro Nicholas
9 Mayorkas and the House of Representatives
10 shall have until 9 a.m. on the date on which im-
11 peachment proceedings begin to file any mo-
12 tions permitted under the Rules of Impeach-
13 ment with the exception of motions to subpoena
14 witnesses or documents or any other evidentiary
15 motions.

16 (B) RESPONSES.—Responses to any mo-
17 tions filed under subparagraph (A) shall be
18 filed no later than 11 a.m. on the date on which
19 impeachment proceedings begin.

20 (C) AVAILABILITY TO PARTIES.—All mate-
21 rials filed pursuant to this paragraph shall be
22 filed with the Secretary of the Senate and be
23 printed and made available to all parties.

24 (2) ARGUMENTS.—Arguments on any motions
25 filed under paragraph (1) shall begin at 1 p.m. on

1 the date on which impeachment proceedings begin,
2 and each side may determine the number of persons
3 to make its presentation, following which the Senate
4 shall deliberate, if so ordered under the Rules of Im-
5 peachment, and vote on any such motions.

6 (c) IMPEACHMENT.—

7 (1) PRESENTATIONS BY PARTIES.—

8 (A) HOUSE OF REPRESENTATIVES.—Fol-
9 lowing the disposition of such motions, or if no
10 motions are made, then the House of Rep-
11 resentatives shall make its presentation in sup-
12 port of the articles of impeachment for a period
13 of time not to exceed 24 hours, over up to 3
14 session days.

15 (B) SECRETARY OF HOMELAND SECU-
16 RITY.—Following the House of Representatives’
17 presentation, Alejandro Nicholas Mayorkas
18 shall make his presentation for a period not to
19 exceed 24 hours, over up to 3 session days.

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

23 (2) PERIOD OF QUESTIONING.—Upon the con-
24 clusion of Alejandro Nicholas Mayorkas’s presen-

1 tation, Senators may question the parties for a pe-
2 riod of time not to exceed 16 hours.

3 (3) ARGUMENT AND DELIBERATION.—

4 (A) IN GENERAL.—Upon the conclusion of
5 questioning by the Senate, there shall be 4
6 hours of argument by the parties, equally di-
7 vided, followed by deliberation by the Senate, if
8 so ordered under the Rules of Impeachment, on
9 the question of whether it shall be in order to
10 consider and debate under the Rules of Im-
11 peachment any motion to subpoena witnesses or
12 documents.

13 (B) MOTION TO SUBPOENA WITNESSES OR
14 DOCUMENTS.—The Senate, without any inter-
15 vening action, motion, or amendment, shall
16 then decide by the yeas and nays whether it
17 shall be in order to consider and debate under
18 the Rules of Impeachment any motion to sub-
19 poena witnesses or documents.

20 (4) OTHER MOTIONS.—Following the disposi-
21 tion of the question under paragraph (3), other mo-
22 tions provided under the Rules of Impeachment shall
23 be in order.

24 (5) WITNESSES.—

1 (A) IN GENERAL.—If the Senate agrees to
2 allow either the House of Representatives or
3 Alejandro Nicholas Mayorkas to subpoena wit-
4 nesses, the witnesses shall first be deposed and
5 the Senate shall decide after deposition which
6 witnesses shall testify, pursuant to the Rules of
7 Impeachment.

8 (B) DEPOSITION REQUIREMENT.—No tes-
9 timony shall be admissible in the Senate unless
10 the parties have had an opportunity to depose
11 such witnesses.

12 (6) VOTE.—At the conclusion of the delibera-
13 tions by the Senate, the Senate shall vote on each
14 article of impeachment.

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