

118TH CONGRESS
1ST SESSION

H. RES. 8

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. FALLON 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.—In his conduct while Secretary of Home-
4 land Security of the United States, Alejandro Nicholas
5 Mayorkas, in violation of his constitutional oath, engaged
6 in a pattern of conduct that is incompatible with his duties
7 as an Officer of the United States, as follows:

8 Article II of the Constitution tasks the Executive
9 branch, which today includes the Secretary of Homeland
10 Security, with ensuring the laws passed by Congress and
11 signed into law by the President are faithfully executed.
12 Specifically, the Secure the Fence Act of 2006 (Public
13 Law 109–367) requires the Secretary of Homeland Secu-
14 rity to “maintain operational control over the entire inter-
15 national land and maritime borders of the United States”.

16 The term “operational control” is defined as “the
17 prevention of all unlawful entries into the United States,
18 including entries by terrorists, other unlawful aliens, in-
19 struments of terrorism, narcotics, and other contraband”.

20 Over 5,500,000 illegal aliens have crossed our south-
21 ern border under the leadership of Secretary Mayorkas.
22 There have now been 20 straight months with over
23 150,000 illegal border crossings. Secretary Mayorkas has
24 presided over a 180-percent increase in encounters at the
25 southern border compared to the previous administration.

1 In fiscal year 2022, 98 individuals on the Terrorist
2 Screening Database (TSDB) were apprehended at the
3 southern border, more than during the previous 5 years
4 combined. In total, more than 100 individuals on the
5 TSDB have been apprehended under Secretary Mayorkas.

6 Under Secretary Mayorkas, more fentanyl has
7 crossed the border in the last 2 months than in all of fiscal
8 year 2019 under President Trump's leadership. In fiscal
9 year 2022, over 14,000 pounds of poisonous fentanyl was
10 seized at the southern border. Fentanyl overdoses are the
11 number one cause of death for individuals ages 18 to 45
12 nationwide.

13 Under Secretary Mayorkas, the Department of
14 Homeland Security is also in violation the Immigration
15 and Nationality Act (8 U.S.C. 1101 et seq.). This Act re-
16 quires the Department of Homeland Security to detain in-
17 admissible aliens arriving in the United States or aliens
18 who are present in the United States without inspection
19 until processed. In violation of the law, Secretary
20 Mayorkas implemented catch-and-release directives such
21 as the Notice to Report process and the parole plus Alter-
22 natives to Detention process. Through these misguided
23 programs, over 1,000,000 illegal aliens have been reck-
24 lessly released into the interior of the United States.

1 Secretary Mayorkas has undermined the operational
2 control of our southern border and encouraged illegal im-
3 migration by doing the following:

4 (1) Terminating contracts for additional border
5 wall construction, in contradiction of Congressional
6 appropriations.

7 (2) Ending the Migrant Protection Protocols,
8 also known as “Remain in Mexico”, which was an
9 indispensable tool to address the border crisis and
10 restore integrity to the immigration system.

11 (3) Attempting to eliminate title 42 authority,
12 a critical tool enabling the U.S. Customs and Border
13 Protection to quickly expel illegal aliens.

14 Secretary Mayorkas has violated the law and gravely
15 endangered the national security of the United States
16 through these actions.

17 Wherefore, Alejandro Nicholas Mayorkas, by such
18 conduct, warrants impeachment, trial, removal from of-
19 fice, and disqualification to hold and enjoy any office of
20 honor, trust, or profit within the United States Federal
21 Government.

22 ARTICLE II.—In his conduct while Secretary of
23 Homeland Security of the United States, Alejandro Nich-
24 olas Mayorkas, in violation of his constitutional oath, will-

1 fully provided perjurious, false, and misleading testimony
2 to Congress, as follows:

3 On April 28, 2022, during a House Judiciary Com-
4 mittee hearing, Congressman Chip Roy of Texas asked
5 Secretary Mayorkas, “Will you testify under oath that we
6 have operational control of the border?”.

7 Under oath, Secretary Mayorkas responded, “Yes we
8 do”.

9 On November 15, 2022, during a House Homeland
10 Security Committee hearing, Congressman Dan Bishop of
11 North Carolina asked, “Secretary Mayorkas, do you con-
12 tinue to maintain that the border is secure?”.

13 Under oath, Secretary Mayorkas responded, “Yes,
14 and we are working day in and day out to enhance secu-
15 rity, Congressman”.

16 As previously described, the term “operational con-
17 trol” is defined as “the prevention of all unlawful entries
18 into the United States, including entries by terrorists,
19 other unlawful aliens, instruments of terrorism, narcotics,
20 and other contraband”.

21 Section 1621 of title 18, United States Code, stipu-
22 lates that anyone who “willfully and contrary to such oath
23 states or subscribes any material matter which he does
24 not believe to be true” is guilty of perjury and shall be
25 fined or imprisoned up to 5 years, or both.

1 The record-breaking number of illegal alien encoun-
2 ters, including over 1,000,000 known “gotaways”, as well
3 as the record seizures of deadly fentanyl and other contra-
4 band, prove that Secretary Mayorkas has not ensured
5 operational control of the southern border.

6 Secretary Mayorkas clearly committed perjury on
7 multiple occasions before Congress.

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

12 ARTICLE III.—In his conduct while Secretary of
13 Homeland Security of the United States, Alejandro Nich-
14 olas Mayorkas knowingly slandered his own hardworking
15 Border Patrol agents and mislead the general public, as
16 follows:

17 On September 19, 2021, approximately 15,000 Hai-
18 tian migrants had crossed the border from Mexico into
19 the United States and were concentrated in an encamp-
20 ment underneath the international bridge from Mexico to
21 the Del Rio, Texas, Port of Entry (POE), and sur-
22 rounding areas.

23 Mounted Border Patrol agents and troopers with the
24 Texas Department of Public Safety (TXDPS) dispersed
25 a large group of migrants gathered near a boat ramp lo-

1 cated along the side of the United States of the Rio
2 Grande River, approximately three-tenths of a mile east
3 of the Del Rio POE. They then attempted to stop the flow
4 of all migrants illegally crossing the river into the United
5 States at that location.

6 Within hours of the incident, images and video sur-
7 faced on social media that showed multiple Border Patrol
8 agents on horseback using their horses to keep several ille-
9 gal immigrants from entering the United States after
10 crossing the Rio Grande in Del Rio, Texas.

11 Extremist liberal activists rushed to judgement and
12 falsely accused the agents of “whipping” the illegal immi-
13 grants with their horse reins. Some went so far as to make
14 the disgusting false equivalency to slavery.

15 President Joe Biden publicly repeated the slanderous
16 claim saying “To see people treated like they did . . . peo-
17 ple being strapped—it’s outrageous. I promise you, those
18 people will pay”.

19 Vice President Kamala Harris said “Human beings
20 should not be treated that way, and as we all know, it
21 also evoked images of some of the worst moments of our
22 history where that kind of behavior has been used against
23 the indigenous people of our country, has been used
24 against African Americans during times of slavery”.

1 Secretary Mayorkas supported the Biden administra-
2 tion’s false narrative that Border Patrol agents whipped
3 Haitian migrants, even after he had been alerted by subor-
4 dinates the narrative was false.

5 On September 24, 2021, the Department of Home-
6 land Security Assistant Secretary for Public Affairs, Mar-
7 sha Espinosa, emailed Secretary Mayorkas a news article
8 that said the photographer who took the images did not
9 see the agents whipping anyone.

10 That same day, Secretary Mayorkas participated in
11 a White House press conference during which he publicly
12 and falsely slandered these agents. Secretary Mayorkas
13 called the images “horrifying” and an example of “sys-
14 temic racism”.

15 A 511-page report by the U.S. Customs and Border
16 Protection’s Office of Personal Responsibility found “no
17 evidence that [Border Patrol agents] involved in this inci-
18 dent struck, intentionally or otherwise, any migrant with
19 their reins”.

20 Secretary Mayorkas slandered his own Border Patrol
21 agents and TXDPS Troopers involved in this incident,
22 contributing to a further decrease in already-low morale
23 among agents.

24 Wherefore, Alejandro Nicholas Mayorkas, by such
25 conduct, warrants impeachment, trial, removal from of-

1 fice, and disqualification to hold and enjoy any office of
2 honor, trust, or profit under the United States.

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