

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H. RES. 863  
OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 1, line 13, strike “Article I” and all that follows through page 15, line 20.



**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H. RES. 863  
OFFERED BY MR. CORREA OF CALIFORNIA**

Page 15, line 21, strike “Article II” and all that follows through page 20, line 11.



**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H. RES. 863  
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Page 2, line 2, strike “In his” and all that follows through page 20, line 11, and insert the following:

1       In 1788, Alexander Hamilton wrote: “In many cases  
2 [impeachment] will connect itself with the pre-existing fac-  
3 tions, and will enlist all their animosities, partialities, in-  
4 fluence, and interest on one side or on the other; and in  
5 such cases there will always be the greatest danger that  
6 the decision will be regulated more by the comparative  
7 strength of parties, than by the real demonstrations of in-  
8 nocence or guilt.”. And in that comment in the Federalist  
9 No. 65, Hamilton underscored the need for due process  
10 for impeachment proceedings to be viewed as something  
11 other than a baseless, political stunt.

12       In conducting its purported impeachment pro-  
13 ceedings, however, the Committee on Homeland Security  
14 did not afford Secretary Mayorkas standard due process  
15 rights commonly granted to the accused. For example, the  
16 Committee did not permit Secretary Mayorkas to present  
17 witnesses or cross-examine witnesses, such as was the pro-  
18 cedure for the impeachment of Secretary William W.

1 Belknap in 1876—the first and only precedent for the im-  
2 peachment of a Cabinet secretary.

3 Further, due to the lack of a resolution authorizing  
4 the inquiry adopted by the full House of Representatives,  
5 there was no role for Secretary Mayorkas’s counsel to rep-  
6 resent him before the Committee, which was a right af-  
7 fforded former President Donald J. Trump in his first im-  
8 peachment. Indeed, in an exchange of letters with the  
9 ranking minority member of the Committee on January  
10 26, 2024, Chairman Mark E. Green appeared to mistake  
11 the motion to refer this resolution to the Committee on  
12 Homeland Security with an authorizing resolution that  
13 would have afforded Secretary Mayorkas with the stand-  
14 ard due process rights afforded the accused in other im-  
15 peachment proceedings.

16 Notwithstanding the lack of procedural or substantive  
17 due process rights afforded other subjects of impeachment  
18 inquiries, Secretary Mayorkas did agree to testify before  
19 the Committee on Homeland Security in a January 11,  
20 2024, letter to Chairman Green. Through inaction to  
21 schedule an amenable time for such testimony, the Com-  
22 mittee on Homeland Security denied Secretary Mayorkas  
23 the opportunity to testify.

24 The lack of adherence to precedent and the denial  
25 of due process imply that the Committee on Homeland Se-

1 curity has, in the case of Secretary Mayorkas, engaged  
2 in precisely the same kind of political stunt Hamilton  
3 warned would offer no “real demonstrations of innocence  
4 or guilt”.



**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H. RES. 863  
OFFERED BY MR. SWALWELL OF CALIFORNIA**

Page 2, line 2, strike “In his” and all that follows through page 20, line 11, and insert the following:

1       Partisan Republicans are seeking to impeach Sec-  
2 retary Mayorkas for the following reasons:

3           (1) Later this year, United States voters will  
4 choose a President for the next four years. The pre-  
5 sumptive Republican nominee, Donald Trump, is a  
6 narcissistic, hateful liar who was found by a court  
7 of law to have raped and defamed at least one  
8 woman. He is currently facing 91 criminal charges  
9 for a wide variety of alleged offenses, including a fel-  
10 ony conspiracy to defraud the United States. He was  
11 twice impeached by the House of Representatives,  
12 including for inciting a violent insurrection. He is  
13 currently working to foment discord and perhaps a  
14 civil war, encouraging Republican governors to order  
15 national guardsmen to take up arms against the  
16 Federal Government. In a fair election, he will lose,  
17 because the United States people prefer decent, hon-  
18 est civil servants like Joe Biden. Republicans are

1 playing dirty political games, attempting to impeach  
2 Alejandro Mayorkas to distract from their own legal  
3 and electoral problems, score cheap political points,  
4 and appease their cult leader.

5 (2) In the same election, United States voters  
6 will choose their representatives to Congress. Repub-  
7 licans are widely expected to lose control of the  
8 House of Representatives, in part because court rul-  
9 ings have overturned several gerrymandered maps  
10 and returned voting power to disenfranchised citi-  
11 zens. Voters are also witnessing the extent to which  
12 Republicans have failed to govern, as Republican  
13 Members of the House of Representatives have spent  
14 far more time fighting with themselves over who  
15 should serve as speaker than on any meaningful at-  
16 tempts to develop bipartisan solutions to problems  
17 facing our country. The House Republican majority  
18 has accomplished approximately nothing; as Repub-  
19 lican Congressman Chip Roy put it, “We have noth-  
20 ing. In my opinion, we have nothing to go out there  
21 and campaign on. It’s embarrassing.”. As Repub-  
22 licans stare down the increasing likelihood of losing  
23 their grip on power, they are becoming more and  
24 more desperate, grasping at any opportunity avail-  
25 able to potentially increase their poll numbers—even

1 if it means pursuing an unconstitutional impeach-  
2 ment based on flimsy pretexts and dishonest twisting  
3 of the facts.

4 (3) As Republicans sink deeper and deeper into  
5 lawlessness, their greatest fear is being held account-  
6 able. They worry that prosecutors will indict them  
7 for conspiring to overturn elections, inciting violence,  
8 defying subpoenas, and otherwise breaking the law.  
9 Rather than listening to their better angels, Repub-  
10 licans are doubling down on their lawlessness, seek-  
11 ing to undermine norms and institutions so they can  
12 claim every attempt to hold them accountable is  
13 merely a “witch hunt”. They are pursuing impeach-  
14 ment of Secretary Mayorkas—along with President  
15 Biden and others—not because of actual evidence of  
16 high crimes and misdemeanors, but as a method of  
17 cheapening our country’s tools for enforcing ac-  
18 countability. They want people to think impeach-  
19 ment is a political cudgel rather than a legal instru-  
20 ment.

21 (4) Republicans have no shame. They know this  
22 is a fraudulent impeachment, but they are so caught  
23 up in their disinformation bubble that they think the  
24 United States public will not see through the cha-  
25 rade. Unfortunately for them, they are wrong. Amer-



1       icans will continue to demand that representatives of  
2       both parties come together to deliver comprehensive  
3       immigration reform and border security solutions  
4       until it actually happens. Democrats will continue to  
5       stand ready and willing to negotiate real solutions as  
6       long as it takes for Republicans to wake up from  
7       their Trump-inspired fever dream.



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Page 2, line 2, strike “In his” and all that follows through page 20, line 11, and insert the following:

1 Under President Trump, several administration offi-  
2 cials failed to comply with subpoenas issued by the Com-  
3 mittee on Homeland Security to appear before Congress  
4 or provide documents, including—

5 (1) former Department of Homeland Security  
6 Official Kevin McAleenan, for failing to appear for  
7 a public hearing on terrorist threats facing the coun-  
8 try;

9 (2) former Department of Homeland Security  
10 Official Chad Wolf, for failing to appear for a public  
11 hearing on worldwide threats to the homeland;

12 (3) former Acting National Counterterrorism  
13 Center Director, Russell Travers, for failing to ap-  
14 pear for a public hearing on terrorist threats facing  
15 the country; and

16 (4) Inspector General of the Department of  
17 Homeland Security, Joseph Cuffari, for failing to  
18 provide documents related to a review of the deaths

1 of two children while in the custody of U.S. Customs  
2 and Border Protection.

3 By contrast, Secretary Mayorkas has testified before  
4 Congress over two dozen times since taking office, more  
5 than any other member of President Biden’s Cabinet. Sec-  
6 retary Mayorkas has testified before the House of Rep-  
7 resentatives Committee on Homeland Security six times  
8 since his confirmation in February 2021, including—

9 (1) March 17, 2021, Secretary Alejandro  
10 Mayorkas testified before the House of Representa-  
11 tives Committee on Homeland Security on “The  
12 Way Forward on Homeland Security”;

13 (2) September 22, 2021, Secretary Alejandro  
14 Mayorkas testified before the House of Representa-  
15 tives Committee on Homeland Security on “World-  
16 wide Threats to the Homeland: 20 Years After 9/  
17 11”;

18 (3) April 27, 2022, Secretary Alejandro  
19 Mayorkas testified before the House of Representa-  
20 tives Committee on Homeland Security on “A Re-  
21 view of the Fiscal Year 2023 Budget Request for  
22 the Department of Homeland Security”;

23 (4) November 15, 2022, Secretary Alejandro  
24 Mayorkas testified before the House of Representa-

1       tives Committee on Homeland Security on “World-  
2       wide Threats to the Homeland”;

3           (5) April 19, 2023, Secretary Alejandro  
4       Mayorkas testified before the House of Representa-  
5       tives Committee on Homeland Security on “A Re-  
6       view of the Fiscal Year 2024 Budget for the Depart-  
7       ment of Homeland Security”; and

8           (6) November 15, 2023, Secretary Alejandro  
9       Mayorkas testified before the House of Representa-  
10      tives Committee on Homeland Security on “World-  
11      wide Threats to the Homeland”.

12      The Department of Homeland Security has further  
13      provided over 20,000 pages of documents to congressional  
14      committees in the 118th Congress, 13,000 of which were  
15      provided to the House of Representatives Committee on  
16      Homeland Security alone.

17      On January 11, 2024, Secretary Mayorkas offered to  
18      make himself available to testify before the House of Rep-  
19      resentatives Committee on Homeland Security during pur-  
20      ported impeachment proceedings.



**AMENDMENT TO THE AMENDMENT IN THE  
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OFFERED BY MR. ROBERT GARCIA OF  
CALIFORNIA**

Page 2, line 2, strike “In his” and all that follows through page 20, line 11, and insert the following:

1       House Republicans’ impeachment inquiry has been a  
2 political crusade to help them politically, aid in donor  
3 fundraising, and harm President Joe Biden. It has not  
4 been a serious impeachment investigation for “Treason,  
5 Bribery, or other high Crimes and Misdemeanors”—the  
6 standard for impeachment under the Constitution. Repub-  
7 licans have pursued impeachment—which will do nothing  
8 to solve the challenges at the border—instead of engaging  
9 in substantive, bipartisan negotiations to develop meaning-  
10 ful solutions.

11       Republicans have repeatedly revealed their motiva-  
12 tions for obstructing border policy negotiations and im-  
13 peaching Secretary Mayorkas through the following:

14           (1) On April 18, 2023, the New York Times re-  
15       ported that Chairman Mark Green—before launch-  
16       ing his impeachment investigation—promised cam-  
17       paign donors behind closed doors he would impeach

1 Secretary Mayorkas. Chairman Green reportedly  
2 said, “On April 19, next week, get the popcorn—  
3 Alejandro Mayorkas comes before our committee,  
4 and it’s going to be fun. That’ll really be just the  
5 beginning for him.”.

6 (2) On May 30, 2023, speaking to reporters  
7 about her begrudging willingness to support a bipar-  
8 tisan debt ceiling bill, Representative Marjorie Tay-  
9 lor Greene reportedly said, “If you have to eat a shit  
10 sandwich, you want to have sides, okay? It makes it  
11 much better. So what I’m looking for is, I’m looking  
12 for some sides and some desserts.”. She then named  
13 the “beautiful dessert” she desired, stating, “Some-  
14 body needs to be impeached.”.

15 (3) On November 13, 2023, Axios reported that  
16 Representative Marjorie Taylor Greene sent a fund-  
17 raising email supporting her impeachment resolu-  
18 tion, asking supporters, “If you can afford to chip  
19 in, please do.”.

20 (4) On January 3, 2024, Representative Troy  
21 Nehls told CNN he would oppose a bipartisan border  
22 negotiation, stating, “Let me tell you, I’m not will-  
23 ing to do too damn much right now to help a Demo-  
24 crat and to help Joe Biden’s approval rating. I will

1 not help the Democrats try to improve this man's  
2 dismal approval ratings. I'm not going to do it.".

3 The findings of the Republicans' so-called impeach-  
4 ment investigation were predetermined. Republicans have  
5 decided to pursue impeachment to boost their campaign  
6 efforts and will let nothing stand in their way—not the  
7 facts, not the constitutional standards for impeachment,  
8 and certainly not basic common sense and decency.



**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H. RES. 863  
OFFERED BY MR. IVEY OF MARYLAND**

Page 2, line 2, strike “In his” and all that follows through page 20, line 11, and insert the following:

1       There is no evidence that constitutes grounds for the  
2 impeachment of Secretary Alejandro N. Mayorkas based  
3 on the constitutional standard for impeachment.

4       At the first impeachment hearing before this Com-  
5 mittee on January 10, 2024, constitutional law professor  
6 Frank O. Bowman, III, of the University of Missouri  
7 School of Law, testified that “the conclusion is universal  
8 among those who have studied this question—[and] has  
9 been so since the time of the founding—that policy dif-  
10 ferences, no matter how severe, no matter how heated, are  
11 simply not grounds for impeachment. [. . .] [A] Cabinet  
12 secretary—like the President—is not impeachable unless  
13 he’s proven to have committed treason, bribery, or other  
14 high crimes and misdemeanors. There’s no suggestion that  
15 I’m aware of that Secretary Mayorkas has committed ei-  
16 ther treason or bribery”.

17       Professor Bowman further elaborated that he had  
18 “seen lots of reports about arguments about policy . . .



1 nothing that rises [to] the level of an impeachable of-  
2 fense”.

3       Professor Bowman further explained to the Com-  
4 mittee that “it’s critical to note that if we could impeach  
5 Cabinet officers, or Presidents for that matter, anytime  
6 there are legal disputes about the application of the law  
7 or their exercise of discretion, then every President and  
8 every Cabinet officer would be impeachable”.

9       At the second and final impeachment hearing before  
10 this Committee on January 18, 2024, constitutional law  
11 expert and Princeton University law professor Deborah  
12 Pearlstein testified that “[p]olicy differences—and I agree  
13 with my colleague at the last hearing—no matter how pro-  
14 found are exactly not what impeachment was meant to be  
15 for. They are policies that the Secretary has pursued  
16 under the current President of the United States, who ap-  
17 pointed the Secretary and was elected to pursue those poli-  
18 cies.”.

19       The solution, Professor Pearlstein testified, lies in  
20 Congress’s legislative power, not its impeachment power:  
21 “[T]he last significant piece of comprehensive immigration  
22 legislation to pass Congress with bipartisan support was  
23 in 1986. The action under consideration here, impeach-  
24 ment, isn’t a tool of policy change—particularly the im-  
25 peachment of a single cabinet official who can be replaced

1 by another official given precisely the same role, [which]  
2 will have no effect on the heartbreaking problems we have  
3 heard described.”.

4 Professor Pearlstein further testified that her  
5 “knowledge—just based on Supreme Court cases . . . that  
6 have arisen surrounding executive actions over border poli-  
7 cies and reading the history there—suggests that these  
8 problems have existed through five administrations over  
9 decades, largely because Congress has enacted contradic-  
10 tory laws that are impossible to comply with, and multiple  
11 administrations have struggled to resolve that contradic-  
12 tion”.



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OFFERED BY MR. IVEY OF MARYLAND**

Page 2, line 2, strike “In his” and all that follows through page 20, line 11, and insert the following:

1       There is no evidence that constitutes grounds for the  
2 impeachment of Secretary Alejandro N. Mayorkas based  
3 on the constitutional standard for impeachment.

4       The Committee’s failure to satisfy the constitutional  
5 standard, and the complete absence of evidence that could  
6 justify impeachment, is underscored by pre-eminent con-  
7 stitutional law scholar, Harvard Professor Lawrence Tribe  
8 and 24 other constitutional law scholars who wrote in a  
9 January 10, 2024, letter: “Although House Republicans  
10 have offered various justifications for an impeachment, the  
11 underlying basis appears to be their view that Secretary  
12 Mayorkas’s policy decisions have degraded border security  
13 and involved objectionable uses of enforcement discretion.  
14 House Republicans have also publicly asserted that Sec-  
15 retary Mayorkas testified falsely in stating that he is en-  
16 forcing existing federal law and that the southern border  
17 is closed and secure. When the Framers designed the Con-  
18 stitution’s impeachment provisions, they made a conscious

1 choice not to allow impeachment for mere ‘maladministra-  
2 tion’—in other words, for incompetence, poor judgment,  
3 or bad policy. Instead, they provided that impeachment  
4 could be justified only by truly extraordinary misconduct:  
5 ‘Treason, Bribery, or other high Crimes and Mis-  
6 demeanors.’ U.S. Const., art. II, § 4. Thus, as Charles  
7 L. Black, Jr. noted in his influential handbook, impeach-  
8 ment is not permitted for ‘mere inefficient administration,  
9 or administration that [does] not accord with Congress’s  
10 view of good policy.’ Simply put, the Constitution forbids  
11 impeachment based on policy disagreements between the  
12 House and the Executive Branch, no matter how intense  
13 or high stakes those differences of opinion. Yet that is ex-  
14 actly what House Republicans appear poised to undertake.  
15 The charges they have publicly described come nowhere  
16 close to meeting the constitutional threshold for impeach-  
17 ment.”.



**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.RES. 863  
OFFERED BY MR. GOLDMAN OF NEW YORK**

Strike page 1, line 1, and all that follows through page 20, line 11, and insert the following:

1       That immediately upon adoption of this resolution,  
2 the House shall proceed to the consideration in the House  
3 of the bill (H.R. 6404) to direct the Secretary of Home-  
4 land Security to enhance border security by disrupting the  
5 smuggling of United States-sourced firearms and related  
6 munitions across the land border with Mexico, and for  
7 other purposes. All points of order against consideration  
8 of the bill are waived. The bill shall be considered as read.  
9 All points of order against provisions in the bill are  
10 waived. The previous question shall be considered as or-  
11 dered on the bill and on any amendment thereto, to final  
12 passage without intervening motion except: (1) one hour  
13 of debate equally divided and controlled by the chair and  
14 ranking minority member of the Committee on Homeland  
15 Security or their respective designees; and (2) one motion  
16 to recommit.

1        SEC. 2. Clause 1(c) of rule XIX shall not apply to  
2 the consideration of H.R. 6404.



**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H. RES. 863  
OFFERED BY MR. MENENDEZ OF NEW JERSEY**

Page 2, line 2, strike “In his” and all that follows through page 20, line 11, and insert the following:

1        Since July 19, 2023, Republicans on the Committee  
2 on Homeland Security have released five flawed “reports”  
3 on Secretary Mayorkas, replete with factual errors and  
4 partisan rhetoric to attempt to legitimize their predeter-  
5 mined decision to impeach the Secretary.

6        In these reports, Republicans cited work and testi-  
7 mony from designated hate groups a total of 57 times.

8        To support their “investigation”, Republicans called  
9 as a witness Tim Ballard, who has been denounced by the  
10 Church of Jesus Christ of Latter-day Saints “for morally  
11 unacceptable behavior” and is facing multiple allegations  
12 of sexual misconduct, including in multiple civil lawsuits  
13 and criminal investigations.

14        To support their “investigation”, Republicans called  
15 as a witness Jessica Vaughan, who is Director of Policy  
16 Studies at the Center for Immigration Studies, a des-  
17 ignated hate group, and who called for prison inmates to  
18 build Trump’s border wall.

1       To support their “investigation”, Republicans called  
2 as a witness Todd Bensman, who is a National Security  
3 Fellow at the Center for Immigration Studies, a des-  
4 ignated hate group, and who once referred to migrants  
5 coming through Mexico as an “Ant Operation”.

6       To support their “investigation”, Republicans called  
7 as a witness Jaeson Jones, a Newsmax correspondent,  
8 who has repeatedly referred to migrants seeking asylum  
9 as an “invasion”, in line with the rhetoric of the Great  
10 Replacement conspiracy theory.

11       To support their “investigation”, Republicans called  
12 partisan Republican politicians as witnesses, including the  
13 Attorney General of Montana, who is facing 41 ethics  
14 charges brought by the Montana Office of Disciplinary  
15 Counsel, and who once said he opposed allow Syrian refu-  
16 gees into the country because “[m]uch of this Muslim cul-  
17 ture is foreign and strange to us”.

18       To support their “investigation”, Republicans called  
19 Mr. Chad Wolf, the unlawfully serving Acting Homeland  
20 Security Secretary under President Trump, as a witness,  
21 who defied a subpoena issued by the Committee on Home-  
22 land Security.

23       In these reports, Republicans called for a transcribed  
24 interview with Thomas Homan, a former Trump adminis-  
25 tration official who has been called the “intellectual father



1 of the family separation” policy in news articles and who  
2 has repeatedly sat for interviews with designated hate  
3 groups.

4 To support their “investigation”, Republicans called  
5 for a transcribed interview from Mark Morgan, a former  
6 Trump administration official who once stated to conserv-  
7 ative news host Tucker Carlson, “I’ve been to detention  
8 facilities where I’ve walked up to these individuals that  
9 are so called minors, 17 or under. I’ve looked at them,  
10 and I’ve looked in their eyes, Tucker, and I’ve said that  
11 this is a soon-to-be MS-13 gang member. It’s unequivocal.”  
12 cal.”.

13 To support their “investigation”, Republicans did not  
14 cite or call as a witness a single constitutional law expert.

