

February 5, 2024
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H. Res. 863 – Resolution Impeaching Secretary of Homeland Security Alejandro Mayorkas

(Rep. Greene, R-GA)

The Administration strongly opposes H. Res. 863, a House resolution introduced by Rep. Marjorie Taylor Greene to impeach Secretary of Homeland Security Alejandro N. Mayorkas.

Secretary Mayorkas, a Cuban immigrant who came to the United States with his family as political refugees, has spent more than two decades serving his country with honor and integrity in a decorated career in law enforcement and public service. From his time in the Justice Department as a U.S. Attorney to his service as Deputy Secretary and now Secretary of Homeland Security, he has upheld the rule of law faithfully and has demonstrated a deep commitment to the values that make our Nation great. Impeaching Secretary Mayorkas would be an unprecedented and unconstitutional act of political retribution that would do nothing to solve the challenges our Nation faces in securing the border.

This impeachment effort clearly fails to meet the Constitution’s threshold for impeachable offenses. The Constitution permits impeachment only for “Treason, Bribery, or other high Crimes and Misdemeanors.” The impeachment power was never intended as a device for members of an opposing political party to harass Executive Branch officials over policy disputes. Legal scholars across the ideological spectrum, including every scholar who testified to Congress about the Resolution and conservatives who have previously sided with Congressional Republicans on matters of impeachment, agree that impeaching Secretary Mayorkas would be an “abuse of the Constitution” and that there is no “cognizable basis” for it.

The Resolution’s purported grounds for impeachment have no basis in law or fact. The Resolution does not demonstrate a failure to follow the law in any respect, let alone a “willful” one. Nor does it demonstrate that Secretary Mayorkas has “breached the public trust.” To the contrary, the Secretary has scrupulously followed the law, faithfully implemented policies to address the significant and longstanding challenges at the border, and engaged with Congress and the public in a manner that is truthful and transparent.

Impeaching Secretary Mayorkas would trivialize this solemn constitutional power and invite more partisan abuse of this authority in the future. It would do nothing to solve the challenges we face in securing our Nation’s borders, nor would it provide the funding the President has

repeatedly requested for more Border Patrol agents, immigration judges, and cutting-edge tools to detect and stop fentanyl at the border.

If the House of Representatives wishes to address these challenges, the Constitution provides an obvious means: passing legislation. The Administration will continue to engage with Congress to enact bipartisan solutions for securing our border and strengthening our immigration system and strongly urges the House of Representatives to join us, instead of supporting this baseless impeachment.

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