

but the people in Ukraine want to be the land of the free and the home of the brave, and yet we continue to stand silent.

I rise, Mr. Speaker, to say that it is beneath the principles, image, and reality of America that we are not passing a comprehensive bill to make sure that whether you are in Asia, the Middle East, or any place else, we will help you be the land of the free and the home of the brave.

Let's do that, Mr. Speaker. Let's do it now.

BRING KEITH SIEGEL AND ALL HOSTAGES HOME

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, I rise today to share the story of Keith Samuel Siegel.

Keith was born in the United States and has worked and lived alongside both Jews and Arabs and treasures them all equally. He lives and loves co-existence. His family says he is a man of an innate faith in the goodness of humankind.

Like all of us, he has a family that loves him dearly and friends whose lives are richer because of him.

On October 7, Keith was one of more than 240 who were kidnapped by Hamas. He is one of more than 100 hostages still being held captive in Gaza, enduring unthinkable torture and trauma.

I stand here today to demand that Hamas release Keith immediately, along with all of the remaining hostages. Israel has proven its willingness to pause the fighting for hostages to be returned home. Nonetheless, Hamas continues to hold more than 100 hostages taken during its despicable acts on October 7; 8 of them believed to be Americans.

Mr. Speaker, it is time to bring Keith home. It is time to bring all of them home.

FIGHTING TO PROTECT FREELANCERS AND INDEPENDENT WORK

(Mr. KILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILEY. Mr. Speaker, the Department of Labor has announced a new independent contractor rule, which, in fact, targets independent contractors across America.

It is based upon AB5, a truly destructive California law that has devastated independent professionals in over 600 professions.

In hopes of trying to get this House to act to stop this rule from taking effect next month, I am sharing the stories of California freelancers and independent contractors who have been harmed by AB5, which President Biden

has called his model for national labor relations.

One story comes from Jodie. Jodie said: I worked years to gain my skills as an American Sign Language interpreter. It was my goal since I was 9 years old. After AB5, I lost all three of my agencies. The dream I worked for is lost. I can't provide for my family and thousands of California deaf won't be served.

In order to spare millions of Americans the same fate as Jodie, I am asking for bipartisan support for my legislation under the Congressional Review Act to nullify the Biden administration's new independent contractor rule.

PROVIDING FOR CONSIDERATION OF H. RES. 863, IMPEACHING ALEJANDRO NICHOLAS MAYORKAS, SECRETARY OF HOMELAND SECURITY, FOR HIGH CRIMES AND MISDEMEANORS; PROVIDING FOR CONSIDERATION OF H.R. 485, PROTECTING HEALTH CARE FOR ALL PATIENTS ACT OF 2023

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 996 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 996

Resolved, That upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H.Res. 863) impeaching Alejandro Nicholas Mayorkas, Secretary of Homeland Security, for high crimes and misdemeanors. The amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the resolution shall be considered as adopted. The previous question shall be considered as ordered on the resolution, as amended, to adoption without intervening motion or demand for division of the question except two hours of debate equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security or their respective designees.

SEC. 2. Upon adoption of House Resolution 863—

(a) House Resolution 995 is hereby adopted; and

(b) no other resolution incidental to impeachment relating to House Resolution 863 shall be privileged during the remainder of the One Hundred Eighteenth Congress.

SEC. 3. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 485) to amend title XI of the Social Security Act to prohibit the use of quality-adjusted life years and similar measures in coverage and payment determinations under Federal health care programs. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this section and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce or their respective designees. After general debate the bill shall be considered for amendment under the five-minute

rule. The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. NEWHOUSE). The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, last night the Rules Committee met and reported a rule, House Resolution 996, providing for the consideration of two measures: H.R. 485 and H. Res. 863.

The rule provides for the consideration of H.R. 485 under a structured rule with 1 hour of debate and H. Res. 863 under a closed rule with 2 hours of debate, equally divided and controlled by the chair and the ranking minority member of the committee of jurisdiction, or their designees. The rule provides for one motion to recommit for H.R. 485.

The rule also deems passed H. Res. 995, which appoints the impeachment managers. I will also mention that all amendments offered to H.R. 485 were made in order.

Mr. Speaker, I rise today in support of the rule and the underlying bills H. Res. 863, Impeaching Alejandro Nicholas Mayorkas, Secretary of Homeland

Security, for high crimes and misdemeanors; and H.R. 485, the Protecting Health Care for All Patients Act of 2023.

Today, this body begins consideration of one of its most solemn constitutional duties: the consideration of Articles of Impeachment against a Federal official.

H. Res. 863, Impeaching Alejandro Nicholas Mayorkas, Secretary of Homeland Security, for high crimes and misdemeanors includes two Articles of Impeachment: willful and systematic refusal to comply with the law and breach of public trust.

On February 2, 2021, Alejandro Mayorkas was sworn in as the seventh United States Secretary of Homeland Security by Vice President KAMALA HARRIS. On this day, Secretary Mayorkas solemnly swore to support and defend the Constitution of the United States against all enemies, foreign and domestic.

He swore that he took this sacred obligation freely without any mental reservation or purpose of evasion and swore to faithfully discharge the duties of the office.

Mr. Speaker, I submit to you that this oath of office sworn on February 2, 2021, has, indeed, been broken.

Since President Biden took office, United States Customs and Border Protection has encountered more than 7 million illegal migrants along the southwest border; 3.3 million have been released into the United States interior, including 312 individuals on the Terrorist Screening Data Set.

In 2003, Customs and Border Protection encountered over 2.5 million illegal migrants attempting to cross the United States southern border. That is an all-time high for a fiscal year.

In December alone, Customs and Border Protection encountered 302,000 illegal migrants attempting to cross the United States southern border, the highest number of unlawful migrant crossings in a single month in recorded history.

Mr. Speaker, Secretary Mayorkas has shown willful and systematic refusal to comply with the law time and time again. He has willfully refused to comply with numerous detention requirements spelled out in the Immigration and Nationality Act but has instead implemented a mass catch and release program, whereby apprehended illegal migrants are released into the interior of our country without any effective way to ensure their return before an immigration court.

Secretary Mayorkas has also willfully misused parole authority laid out in the Immigration and Nationality Act that permits parole to be granted only on a case-by-case basis, temporarily, and for urgent humanitarian reasons or significant public benefit.

Mr. Speaker, Secretary Mayorkas has not only failed in his solemn statutory duty to control and guard the border of the United States, to protect and defend this country and the Constitu-

tion, but he has also breached the public trust.

□ 1230

Secretary Mayorkas has willfully failed to put in place or enforce initiatives that he abandoned that would enable the Department of Homeland Security to maintain operational control of our southwest border. He has also breached the trust of Congress and the American people by knowingly making false statements about the results of his refusal to comply with the law.

The American people, and certainly those that I represent in Texas, have had enough of the Secretary's lies. Despite undeniable evidence that his gross negligence toward securing our southern border is endangering American families and communities across the country, Secretary Mayorkas thinks what he is doing is just fine, but he could not be more wrong.

Contrary to what the Secretary says, the border is not secure. America is, in fact, less safe because of his negligence and because of his numerous failures. Since Secretary Mayorkas will not resign, Congress must take this action.

Every day that Secretary Mayorkas remains as the head of the Department of Homeland Security is another day of pathetic disservice to the American people.

Mr. Speaker, many of us have been to the border. I have been many times, and I have seen how understaffed, unsupported, and underresourced the Customs and Border Patrol is. My friends on the other side of the aisle might have you believe it is not because of a lack of funding. While more funding may be helpful for better technology or building and repairing the border wall, it will not make up for the time spent by Customs and Border Patrol agents at the funerals of their coworkers or time spent wondering if they are next.

It is shameful that these brave men and women aren't getting the support that they need. The Biden administration's policy of open borders and amnesty is killing Americans, and Alejandro Mayorkas, whose primary job it is to secure the homeland, refuses to do his job.

The worsening conditions of the men and women who have sworn to protect our border and actually honored that oath is unacceptable. We must hold those accountable who have willfully refused to honor their oath.

Mr. Speaker, this rule also allows for consideration of H.R. 485, the Protecting Health Care for All Patients Act, that I introduced along with Chairwoman MCMORRIS RODGERS of the Energy and Commerce Committee, Chairman SMITH, and my friend from Ohio, Dr. WENSTRUP. This bill aims to preserve access to lifesaving cures and to prevent discrimination for Americans with disabilities.

I practiced medicine for nearly 30 years. I treated each patient as a human being, not just a diagnosis. Quality-adjusted life years measure-

ments are cruel and hinder the physician's ability to care for and treat all patients with dignity. The government should never be able to decide or determine the value of a life to approve or deny care.

Mr. Speaker, many years ago, the Affordable Care Act banned Medicare from using quality-adjusted life years, a metric often used in cost-effective analyses widely known to discriminate against people with disabilities. The purpose of the quality-adjusted life year metric assigns a person living with a disability a lower value of a year of life than a person who is considered to be in good health.

The quality-adjusted life year often fails to consider outcomes meaningful to patients, such as the impact on the ability to work or the impact on caregiving needs. In a quality-adjusted life year base assessment, a person living with conditions like heart disease, ALS, or sickle cell disease will be considered to be of less worth than someone else.

Often, quality-adjusted life years are used by countries that have government-controlled healthcare systems to devalue treatment for those with chronic conditions and disabilities. This concept has been pushed by socialist healthcare advocates for years. Thankfully, the United States of America has not fallen totally prey to these harmful ideologies, at least not yet.

I remind my friends on the other side of the aisle that the first quality-adjusted life year ban within the Affordable Care Act passed with strong Democrat support. Therefore, this bill should be passed with strong Democrat support, as well.

It is not the government's place to determine whether a person living with a chronic condition or a disability is of less worth. This is why we need to prohibit the use of quality-adjusted life years in all Federal programs and ensure that all human life has inherent value. Republicans will continue to work to reduce the government's hand in healthcare, and I urge colleagues to join us in supporting H.R. 485.

Mr. Speaker, I stand in strong support of the rule and the underlying bills. I urge my fellow Members to support the rule, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman for Texas for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

This impeachment resolution was supposed to be our second rule of the day. We had an emergency meeting last week in the Rules Committee about fixing SALT. Everybody hurry up, it is an emergency. Better do it right away so we can vote quickly. Then—get this—last night a change was made to pull their emergency bill from the schedule. It was such an emergency that Republicans decided it is not an emergency at all.

Not only did their bill not even fix the problem that they, themselves, created, it is not even going to come to the floor now because of their inability to govern. This majority is so incompetent, they couldn't even manufacture a fake vote to pretend New York Republicans are good at legislating.

We wasted hours last Thursday at the Rules Committee debating a rule that has now been pulled from consideration—and for what? Will the gentleman from Texas tell us next that he is glad he had to sit through a hearing on a rule his leadership can't even bring up because they are so bad at governing? This Republican-led House is an unmitigated disaster. I would say it is a clown show, but that would be a disservice to actual working clowns.

That brings us to the second emergency rule. Mr. Speaker, impeachment is one of the most solemn, serious, somber things that we can do in this body. It is not something that ought to get thrown around lightly or invoked when you disagree with someone or you don't like their policies or you think they are doing a bad job.

It is something that should happen after a grave constitutional offense has been committed, a crime against the Republic. The Founders in Article I reserve it only for treason, bribery, or other high crimes and misdemeanors.

Consequently, today, I am very confused because our Republican colleagues have presented zero evidence for impeachment. This could be the first time in American history an impeachment will go to the floor of the United States House of Representatives with no evidence, no proof, no elements of a crime, nothing at all.

You don't have to take my word for it. Listen to the lead Republican for immigration policy, our colleague, TOM MCCLINTOCK. He says: "The problem is they [the Articles] fail to identify an impeachable crime that Mayorkas has committed. In effect, they stretch and distort the Constitution in order to hold the administration accountable."

Another Republican, KEN BUCK, says: Secretary Mayorkas did not commit an impeachable offense and is not guilty of high crimes or misdemeanors.

These are not my words. These are your fellow colleagues, Mr. Speaker, openly admitting that these vague, unprecedented Articles of Impeachment trivialize this process and make a total mockery of this institution. What does this impeachment have to do with fixing our challenges at the border? Nothing at all.

They say this is about securing the border, and their plan to secure the border is to impeach the guy responsible for securing the border and replace him with—now wait for this, wait for it—they aren't sure. The chairman of the Committee on Homeland Security couldn't tell us during our Rules Committee meeting who will replace Secretary Mayorkas if he were removed. I mean, you can't make this stuff up.

For months and months and months, Republicans have said that they would shut down the government, they would default on our debt, refuse to do anything unless we passed a border bill. Well, good news. Senate Republicans worked out a border bill, and the person who negotiated it for Republicans, Senator LANKFORD, was someone Donald Trump endorsed. Donald Trump said that Senator LANKFORD is "strong on the border." Therefore, I am shocked by the Republican rejection of Senator LANKFORD's bill.

Before we even saw what was in it, before the ink was even dry on the discussion draft, Donald Trump came out, and he ordered them to kill it. He ordered them to do nothing to fix our broken immigration system. They would rather let chaos prevail than work with Democrats to have a conversation about a path forward.

Here is the truth, Mr. Speaker. Republicans simply do not want to participate in government. They want to create chaos. They want to create confusion, and they want to create a campaign issue for Donald Trump going into the next election. They are not interested in solving problems. They only want to gain power.

That is the real dereliction of duty here: House Republicans' refusal to address our challenges at the border because Donald Trump told them he wants a crisis so he can help his campaign, so he can hide from his crimes.

Well, they own this now. Republicans own this now. They own the border. They own the fentanyl crisis. They own it all because they refuse to behave like adults. They are acting like spoiled, rotten children who got what they want and still can't take "yes" for an answer, but they own all of this now.

If anyone needs more proof than that, look no further than the sponsor of this resolution—MARJORIE TAYLOR GREENE, a MAGA extremist who amplifies Holocaust deniers, who said 9/11 was a hoax, who says wildfires are started by Jewish space lasers. That is the legislative and intellectual force behind this impeachment resolution. In fact, if it passes, she is going to be an impeachment manager on the floor of the United States Senate. God help us.

It is just more proof that this is fraudulent, unconstitutional garbage, but Donald Trump wants another fraudulent impeachment, another distraction from his own legal troubles, another excuse to kill a bipartisan border deal instead of working across the aisle to get something done.

Here we are, because Trump calls the shots around here. He directed Speaker JOHNSON and extreme MAGA Republicans not to work with Democrats to address challenges at the border. One thing we know, Republicans work for Trump, not for the voters. They worship and they work for Donald Trump, who doesn't care about anybody but himself. They are frightened to death of the former President.

Mr. Speaker, Secretary Mayorkas is a good man, a decent man, someone who is trying to do his job despite the fact that Republicans refuse to give him the tools needed to do what they are asking him to do. He is an honorable public servant who respects law enforcement and takes seriously his oath of office and his obligation to uphold and enforce the law.

In smearing his good name, Republicans are only impeaching themselves and showing that all their rhetoric about the border has been nothing more than a bunch of BS. Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield 10 minutes to the gentleman from Texas (Mr. ROY), a fellow member of the Rules Committee.

Mr. ROY. Mr. Speaker, I get no great joy being on the floor of the House of Representatives and talking about something as important and solemn as the removal of a Secretary of one of our Departments, particularly one as important as the Department that is in charge of homeland security. This is an individual who was appointed and then confirmed by the United States Senate. Impeachment is one of the highest charges we have as Members of the United States House of Representatives.

The charge by my colleagues on the other side of the aisle, particularly the ranking member on the Rules Committee, that this is a political exercise or that there are individuals taking "orders" from former President Trump, I think indicates the extent to which my colleagues on the other side of the aisle desperately want to make this political.

My colleagues on the other side of the aisle desperately want to take the abject and total failure of Democrat leadership on the southern border, resulting in death and destruction of the American people, the undermining of economic activity, the death of our children, fentanyl pouring into schools, ranchers who are getting absolutely decimated, the empowerment of cartels, and the empowerment of China.

This has all happened at record levels, record numbers, and my colleagues on the other side of the aisle know this. Therefore, they are desperately trying to deflect, deflect to legislation that was political and never had a chance to move from the Senate to the House, never had a chance to move, but they want to be able to deflect. They want to deflect an entire conversation about the failures of President Biden and the failures of Secretary Mayorkas to secure the border by not having a serious conversation about why we would be bringing Articles of Impeachment against a sitting Secretary.

□ 1245

The reason is simple: The Secretary of Homeland Security has blatantly ignored the laws of the United States he is charged to faithfully execute.

He has done so with reckless abandon. He has done so in a way that has

led directly to the death of American citizens and to the death of the very migrants that the Secretary suggests they want to try to help.

A thousand migrants along the southwest border are dead, and 53 migrants died in a tractor-trailer in San Antonio last year in the district I represent. Mr. Speaker, 75,000 Americans died from fentanyl poisoning last year.

These numbers are off the charts, at levels we have never seen before, and they are the direct result of the policies enacted by the Biden administration but very specifically by the Secretary of Homeland Security. It is his leadership of that Department that has led to an abject failure of the Department to secure the border.

It is not the line men and women of the Border Patrol or ICE who are out there trying to do their jobs. They are being denied the ability to do their jobs because the Secretary won't let them. The Secretary has turned them into processing machines. He has done so intentionally to flood the zone, and they basically acknowledge that.

He has turned the law upside down. The basic law requiring that they have operational control of the border, that we stop the flow, that you have to have papers to come to the United States has been turned upside down.

In its place, the administration, and specifically Secretary Mayorkas, has used exceptions to swallow the rule: exceptions for asylum, exceptions under parole that are supposed to be on a case-by-case basis, based on our benevolence as human beings to try to help people, a bipartisan desire to do so. We have been made to swallow the rule of actual border security. As a result, the numbers have been astounding.

The key considerations, of course, are the types of individuals that are coming into the United States. We are not talking about some workers who want to go from Nuevo Laredo to Laredo or Juarez to El Paso. We are talking about dangerous individuals from all over the globe, including 331 that have been encountered that are associated with terrorist organizations under this administration, under Mayorkas' watch, which compares to 11 under President Trump.

They say: Well, aren't they doing their job? They encountered them. No. Those numbers indicate who we are finding, not the 50,000 a month or so got-aways that are pouring into the United States.

Now we see cops being beaten in the streets of New York by people who are here illegally walking out of the court with no bail and flicking off the American people.

We have a woman being dragged out of a parking garage in New York by migrant gangs, dragged through the streets of New York.

We have all sorts of danger to the American people, people like a cheerleader getting killed in Texas by somebody here illegally and an illegal who posed as an unaccompanied child who

lived with a family in Florida and then killed the family.

That is what we have happening in the United States of America, and it is directly a consequence of a Secretary of Homeland Security who is failing to secure the homeland as he is charged to do when he takes an oath to fulfill his duty to carry out the laws of the United States.

If the Attorney General just went out and ordered all the United States attorneys and prosecutors and assistant U.S. attorneys to stop enforcing the law, allow reckless abandon, he should be impeached. That is, in fact, a high crime and misdemeanor.

This is where I disagree with my colleagues on the other side of the aisle and a few, I think, on my side of the aisle, this notion of high crimes and misdemeanors and what it includes or does not include. It most certainly includes officials in the administration, in the executive branch, who are completely refusing to carry out their duty. Literally, his job is to secure the homeland, and he is refusing to do it.

The fact of the matter is, some of my colleagues have concerns about issues of maladministration and so forth. If you believe this is maladministration—and I do not. I think it goes beyond maladministration. It is the purposeful, willing ignoring of the law to endanger the American people. It goes beyond maladministration.

Even if you accept the notion that it is maladministration, I keep hearing people say: Well, the Founders rejected maladministration.

The fact of the matter is Colonel Mason put it forward. Mr. Gerry put it forward, seconded it. Mr. Madison raised a concern. He said the term would be equivalent to a tenure during pleasure of the Senate.

There was some debate. Gouverneur Morris, Colonel Mason withdrew maladministration. There was no vote. There was no affirmative rejection of it. There was a debate. They withdrew. Instead, in its place, he substituted—the language was not there at the time—other high crimes and misdemeanors.

Now, you go back and say: Well, what does that mean? Well, I wasn't there. You can go back and look. There are debates about what it meant.

One thing is, British common law had developed a definition of high crimes and misdemeanors that included but was not limited to maladministration.

Now, this is a debate worthy of academic debate, but the fact is, it is up to us. There are no elements of the crime in the Constitution. There is no specific requirement that there be a violation of statute. There is no mens rea in the Constitution. It is for us and us alone to determine.

When the Secretary violates his duty to the Constitution, violates his oath to defend the people of the United States and secure the homeland, then it is incumbent upon this body to call

out and reject that Secretary—in this case, that Secretary being Secretary Mayorkas.

There are other tools at our disposal, but there are not many. We have the power of the purse. We should use it. That is a speech for another time.

One last point on this notion that somehow by rejecting the bill that the Senate was debating and that, by the way, has not been sent to us—the Senate is merely debating it. They are not even debating it yet. They haven't even proceeded to it yet. They haven't even gotten past cloture on proceeding to it yet.

Why? Because it is fundamentally flawed. The bill does not do what my colleagues on the other side of the aisle are suggesting it does.

I am sorry. You are getting punched in the head 10 times. My colleagues on the other side of the aisle want to say: Well, sorry. We will just start punching you in the head five times. Why won't you take that half a loaf?

I am sorry. That is not how this works. That is not what we are here to do. We are actually here to stop the flow.

That bill was flawed. It would have set essentially in permanent stone, effectively, mass migration. It has 250,000 visas and 250,000 work permits.

It enconces alternatives to detention as part of how the releases would work for asylum claims. It would spend \$4 billion to hire up new asylum officers by this administration, by this Secretary, who has the power right now to stop this flow but refuses to use it.

The President of the United States could use 212(f) right now and stop the flow. The Secretary could apply the laws the way they are supposed to be applied with respect to asylum and parole. He could stop it right now but refuses to do so.

We are here to defend the people of the United States who don't have a voice. We are here to stand up for the forgotten men and women of this country who are tired of getting rolled over.

That is why we are here, and the Secretary of Homeland Security deserves to be held accountable. I rise in support.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas just took almost 10 minutes—10 minutes of my life which I will never get back—and still didn't get it right, which is basically that this move to impeach Secretary Mayorkas is a sham. There is no basis for this.

Just because you don't like the guy or disagree with the policies of this administration is not a reason—it is not a high crime and misdemeanor. It is not a reason to move forward on impeachment.

I am listening to the gentleman and also my colleague from Texas. Republicans are really good about complaining about things, talking about what the problems are. We agree with

some of the things that have been highlighted, that they are problems. What my Republican friends are not really good at is actually solving a problem or getting to yes on anything.

The gentleman from Texas said: Oh, we are asked to consider a Senate bill that the Senate hasn't acted on. Wait a minute. The Speaker of this House of Representatives has already said he will not have a vote in this House, no matter what happens in the United States Senate.

Donald Trump, the guy you are all afraid of, has been making calls saying: You better not do this. You better not do this.

The author of this Senate bill—again, I haven't read it all—there is lots of stuff in it that gives me heartburn, from what I can tell, but the guy who wrote it was a Senator from Oklahoma who Donald Trump says is strong on the border.

I will repeat what I said before: What we are doing today does nothing to help anything at the border—not a thing, not one thing.

Any opportunity to do something requires working in a bipartisan way to move a bill forward, which apparently my Republican friends here in the House do not want to do.

That is a shame, but here is the deal: You now own this. This is a problem that you are maintaining, that you have deliberately decided that you will own, because you will do nothing.

You are blocking any attempt for any kind of legislation to come to this floor that has a chance of passing in a bipartisan way and getting signed into law. You are doing it. Even the Border Patrol union has endorsed what the Senate is doing.

I haven't read the whole thing yet. I bet you none of you have either. Even before the ink was dry on the draft copy, Trump gave you the orders to kill it, and that is where we are.

Complaining about a problem, I get it. Maybe it used to be good politics, but here is what I am predicting. The American people are watching. They are now seeing how this works. If we want a bill, if we want to work in a bipartisan way, there is a bipartisan coalition that developed in the Senate, led by a very conservative Republican Senator, and they come up with a bill. As soon as they do: No, we don't want to solve the problem. We want to continue the problem for political purposes.

So now you own all of this. You own all of this.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ), a member of the Rules Committee.

Ms. LEGER FERNANDEZ. Mr. Speaker, reasonable Republicans and even The Wall Street Journal editorial board have written that this impeachment does not qualify as high crimes and misdemeanors.

The board wrote: "Grandstanding is easier than governing, and Republicans have to decide whether to accomplish anything other than impeaching Democrats. . . . [I]mpeaching him accomplishes nothing beyond political symbolism." That is right. It is political symbolism. It is political theater.

Our immigration system is broken. We have been saying it, and we have been offering up a bipartisan solution that Republicans have refused to take up.

They just blew up a bipartisan deal in the Senate. They refuse to provide Secretary Mayorkas the resources and legal changes he needs to reform the immigration system so our border is secure, our policies are humane, and our country is richer, thanks to the immeasurable contributions of our immigrant workforce.

Instead, we have a clown show directed by MARJORIE TAYLOR GREENE. If we vote for this sham impeachment in the House, she will have the power to march over to the Senate and stop all their work. She will stop work on a budget that we need to keep our government open. She will stop work on the farm bill, which my rural communities need. She will stop work on policies to lower costs and expand the middle class.

Extreme Republicans have answered The Wall Street Journal's question: Do they want to govern? They don't want to govern. They want chaos, chaos at the border, chaos in Congress. They put chaos over people.

They always put politics over people. We cannot trust them to reform our immigration system in a bipartisan manner.

They continue to use immigration as a political bulldozer to destroy and divide. Their abuse of this solemn impeachment process shows us we cannot trust them with our Constitution. We cannot trust them.

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Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, what is needed is border security. What is needed is border protection. Immigration reform can come later after border security is established.

So a discussion about what is happening over in the Senate, to me, until you get the border secured, you have no opportunity to discuss any type of immigration reform.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Texas to ask this question:

Does he agree or disagree that to change enforcement we must change the law? Does he agree that we need to change the law if we are going to change enforcement?

Mr. BURGESS. Mr. Speaker, I would recommend to the gentleman to enforce existing law as a starting point.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume. I

am using Dr. BURGESS' words from 6/18/2018 when he said: We know that to change enforcement we must change the law.

Then he went on to talk about immigration bills that we might consider in Congress, and he talked about the importance of legislation, and this is how democracy works.

So the bottom line is, Republicans are really good about complaining but they are not so good at legislating. They are not so good at getting things done. When things begin to move in the direction where we may get something done, then they back away and they say no. They can't get to yes on anything.

That is not leadership. That is not governing. That is, frankly, incompetence. When Trump was President my friends were saying one thing, and now that Biden is President, they are saying another thing.

Mr. Speaker, the bottom line is if we are going to get something done, we need to come together in a bipartisan way. That is what has begun to happen over in the Senate.

For the life of me, I do not understand why the Speaker of the House of Representatives, why my colleagues on the Republican side, one after another after another do not want to do anything.

Well, you know what, if you do not want to do anything, that means you are satisfied with the status quo and you own this problem. This is a problem of your creation because we are trying to fix it and we are trying to work in a bipartisan way.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 12, a bill that would ensure every American has full access to a central reproductive healthcare, including abortion care.

Far too many States have enacted laws to either ban some or all abortions, which many Republicans have declared numerous times is their goal.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD along with any extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. OBERNOLTE). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. CHERFILUS-MCCORMICK) to discuss that proposal.

Mrs. CHERFILUS-MCCORMICK. Mr. Speaker, I rise today in support of H.R. 12, the Women's Health Protection Act of 2023.

As a woman, a mother of two teenagers, and a Member of Congress, I was proud to cosponsor this legislation, and look forward to the day when we as a Congress enshrine a Federal law to reestablish a nationwide right to abortion.

Abortion is healthcare, and access to healthcare saves many lives.

In Texas, Kate Cox was forced to flee her home State to receive lifesaving care after the Texas Supreme Court decided she wasn't close enough to dying to receive an abortion, despite four emergency room visits, elevated vitals, and a risk of uterine rupture.

In my home State of Florida, Deborah Dorbert was forced to give birth to her son, who died in her arms shortly after he was born, just as doctors predicted. For an agonizing 13 weeks, Deborah was forced to carry a baby she knew would die, which left her with severe anxiety and depression.

In Ohio, Brittany Watts, a Black woman, was criminally charged after having a miscarriage at home, after doctors found that her water broke prematurely and the fetus she was carrying would not survive.

In the wake of the Supreme Court overturning half a century of precedent, we have women nationwide who are at risk of losing their lives every single day.

Women in States with abortion bans are nearly three times more likely to die from childbirth, and Black women have the highest maternal mortality rates in the U.S., three times higher than White women.

Being forced to give birth means Black women will die, and if they don't die, they will be jailed for miscarrying an unviable fetus.

This could be your wife, your daughter, your sister, or even me, whose life is at risk unless we receive an abortion. How can any doctor tell a woman that her life cannot be saved when we know it can.

This is reprehensible. Congress must pass H.R. 12, the Women's Healthcare Protection Act of 2023.

Mr. Speaker, I thank Representative CHU for sponsoring this legislation.

Mr. BURGESS. Mr. Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 10 minutes remaining.

Mr. BURGESS. Mr. Speaker, may I further inquire as to engaging in personalities or destruction of personalities? Is that something we are now doing on the floor of the House?

The SPEAKER pro tempore. The Chair is not going to respond to hypotheticals or provide advisory opinions.

Mr. BURGESS. It wasn't a hypothetical; it was what was said on the other side.

The SPEAKER pro tempore. All Members are reminded that remarks should be addressed to the Chair and not to engage in personalities.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we can talk about existing authority that the President has today that he could use to solve the problem at our southern border. He could end catch and release, reinstate

the remain in Mexico policy, enter into asylum cooperative agreements with other countries, end parole abuses, detain inadmissible aliens, use expedited removal, rein in taxpayer-funded benefits for people who are in the country illegally, and issue a proclamation to suspend or restrict entry.

All those are available to the President right now, today, to solve this problem.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, the gentleman from Texas confuses me because not too long ago—and I will use one of his quotes—he said: “President Trump has presented a clear path forward; however, he cannot solve this crisis alone.”

Those are the gentleman's words.

Congress must stand ready to put partisan politics aside and pass meaningful solutions, but now all of a sudden Joe Biden can do it alone?

I mean, when Trump was President, he needed Congress, according to the gentleman, to give him the ability to be able to do what he wants on the border. Now, all of a sudden, it is a different story because it is a different President.

Mr. Speaker, let me also address something that the other gentleman from Texas mentioned in his 10 minutes of remarks when he said something about this isn't about politics.

I would point out that in April of 2023, Chairman GREEN, who is the chair of the Homeland Security Committee, promised Republican donors that he would produce an impeachment case against Secretary Mayorkas—before donors.

According to a recording of Chairman GREEN's remarks to campaign contributors, he said: “On April 19, next week, get the popcorn—Alejandro Mayorkas comes before our committee, and it's going to be fun.”

Chairman GREEN also said: “That'll really be just the beginning for him.”

The chairman said those things 2 months prior to the committee formally announcing its so-called investigation—2 months prior, Mr. Speaker.

He already promised his Republican donors that he would deliver impeachment charges.

To be clear, this entire impeachment process has had a predetermined outcome. This has nothing to do with a legitimate case for impeachment, but it has everything to do with Republicans' mission to distract, deflect, and exact revenge for President Biden winning the 2022 election.

Mr. Speaker, I ask unanimous consent to include in the RECORD the New York Times article titled: “Key Republican Tells Donors He Will Pursue Impeachment of Mayorkas.”

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[From the New York Times, Apr. 18, 2023]

KEY REPUBLICAN TELLS DONORS HE WILL PURSUE IMPEACHMENT OF MAYORKAS

(By Karoun Demirjian)

WASHINGTON.—The Republican chairman of the House Homeland Security Committee promised donors this month that he would produce an impeachment case against the Biden administration's homeland security chief, Alejandro N. Mayorkas, saying that the secretary's appearance before the panel this week would be the beginning of his demise.

Representative Mark E. Green told an enthusiastic crowd in his home state of Tennessee last week that his committee would expose Mr. Mayorkas's “dereliction of duty and his intentional destruction of our country through the open southern border.” He said the panel would deliver charges to the House Judiciary Committee, which handles impeachment proceedings, according to an audio recording of a House Freedom Caucus fund-raiser obtained by The New York Times.

He said he had a “five-phase plan” for doing so and that the Homeland Security Committee would “put together a packet, and we will hand it to Jim Jordan and let Jim do what Jim does best.”

Mr. Green apparently was referring to Representative Jim Jordan, the Ohio Republican who leads the Judiciary panel. His comments made clear that G.O.P. leaders are serious about their threats to impeach Mr. Mayorkas. He said the plan would start with an appearance by the secretary before his committee on Wednesday.

“On April 19, next week, get the popcorn—Alejandro Mayorkas comes before our committee, and it's going to be fun,” Mr. Green told the room, adding: “That'll really be just the beginning for him.”

A spokeswoman for Mr. Green did not respond to requests for comment.

Mr. Green and other Republican leaders have made no secret of their desire to pursue impeachment charges against Mr. Mayorkas. Speaker Kevin McCarthy began threatening to impeach him months before Mr. McCarthy won his gavel. But their ambitions have been limited thus far by the political realities of the House; not every Republican wants to demonize Mr. Mayorkas as solely responsible for the country's immigration problems, and with a slim majority, party leaders do not yet have the votes to impeach him.

As a result, Mr. Green and other House Republicans in positions of authority have been careful to avoid promising publicly that they would find evidence against Mr. Mayorkas worthy of prosecution. Behind closed doors with core supporters, however, Mr. Green was less cautious, using the issue to whip up the crowd.

During a public session on Capitol Hill on Tuesday before the Homeland Security and Government Affairs Committee, Republicans hammered Mr. Mayorkas both for the border situation and for recent revelations, documented in an investigation by The New York Times, that unaccompanied migrant children have been exploited as laborers. Both Senators Ron Johnson of Wisconsin and Josh Hawley of Missouri demanded that the secretary resign.

Mr. Mayorkas pushed back, saying his department was not responsible for the child labor crisis.

“You are incorrectly attributing it to our policies,” he told Mr. Hawley. He also disputed the idea that he could be held personally responsible for the problems at the border, telling senators: “Our asylum system is broken, our entire immigration system is broken, and in desperate need of reform—and it's been so for years and years.”

The Department of Homeland Security has dismissed calls for Mr. Mayorkas to step down as “baseless” and “reckless,” and Mr. Mayorkas has suggested in past interviews that the efforts to impeach him were simply a way of turbocharging policy disputes with the administration.

Mr. Green made his comments at an event billed as a “V.I.P. Reception and Conversation with Conservative Heroes,” where he appeared behind closed doors alongside Mr. Jordan and other hard-right Republicans. He pointed to recent testimony before his panel by Raul L. Ortiz, the Border Patrol chief, who detailed “an increase in flow” in five of the nine sectors along the U.S.-Mexico border and said it had “caused a considerable strain on our resources.”

He also recalled Mr. Ortiz’s testimony that the United States does not have “operational control” of the southern border, which Republicans seized on to accuse Mr. Mayorkas, who had testified that the border is secure, of dishonesty. Mr. Mayorkas addressed the apparent discrepancy during a separate hearing last month, telling senators that he was using a different definition of “operational security,” and that the two statements were not in conflict.

Mr. Green nonetheless trumpeted Mr. Ortiz’s words as a kill shot against Mr. Mayorkas, telling the donors that “he’ll see that video a couple of times” during the upcoming hearing before the Homeland Security panel.

The secretary’s appearances on Capitol Hill this week come as the Republican House is barreling ahead with what Mr. Green told donors would be “the most conservative border security bill that this Congress has ever seen, or any Congress has ever seen.” The panel is expected to debate that bill next week.

On Wednesday, while Mr. Mayorkas is testifying before the Homeland Security panel, the Judiciary Committee is scheduled to debate a second border security bill aimed at restricting migrant inflows, including by restricting access to asylum and requiring all employers to adopt an electronic system that screens prospective employees’ eligibility to work.

Mr. MCGOVERN. Mr. Speaker, one of the things that I am very distressed about is that many of my Republican colleagues who are upset that Donald Trump lost the last election and they were not able to overturn the free and fair results of that election, they are upset that they didn’t get their way, and they weren’t able to overturn the results.

So now this is kind of a continuation of that effort to deny the legitimate results of the election. This in many respects is a continuation of what happened here on January 6, and it really is sad.

There is another election coming up in November. I predict that my friends will understand better than that their policy of obstruction, impeachment, distraction, and not wanting to solve problems, I think they will realize that when people go to the ballot box, that is not what they want.

The American people want us to work together to get something done. We have a serious situation at the border. We are trying to provide President Biden with the tools to be able to act. Just as my friend said that Donald Trump needed the legislative tools to be able to get what he wanted to get

done—and unfortunately, notwithstanding some very impressive bipartisan cooperation in the Senate—my friends here have decided to reject everything; anything that might solve the problem; anything that might ease the situation at the border; anything that might help our Border Patrol agents, anything that will do anything to be able to solve this problem they are against.

It is pathetic that that is the state that we are in right now.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the difficulty that we have is that President Biden will not use any of the tools he has in his toolbox, and now he is asking for additional tools.

The other problem is codifying 5,000 illegal immigrants a day, 2 million a year, is not, in anyone’s estimation, a solution to a problem.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is clear that this is not about Secretary Mayorkas or a high crime and misdemeanor. It is about a policy disagreement with President Biden.

Again, it is interesting to point out that when Trump was President, he couldn’t do things because Congress didn’t give him the tools. Biden is asking for more tools, and my Republican friends don’t want to do anything.

Mr. Speaker, I have a memo here, released today on the arguments regarding impeaching Secretary Mayorkas, offered by the chairman of the Committee on the Judiciary Subcommittee on Immigration Integrity, Security, and Enforcement, Mr. MCCLINTOCK.

In listening to my friends on the other side of the aisle, surely you would assume that the chairman of the Immigration Subcommittee, the lead Republican on immigration issues, would conclude in his memo that this impeachment is necessary and warranted. But, no, you would be wrong.

In fact, he concludes the exact opposite, and Mr. MCCLINTOCK has said he will vote “no” on impeaching the Secretary.

Now, I would ask unanimous consent to put the entire memo into the RECORD, but it is so exhaustive in its analysis of how this impeachment is a bunch of garbage, that the memo exceeds the page limit for the CONGRESSIONAL RECORD.

Let me just read a quick excerpt instead.

He writes: “The problem is that they fail to identify an impeachable crime that Mayorkas has committed. In effect, they stretch and distort the Constitution in order to hold the administration accountable. . . .”

“Stretch and distort”: Those are the words of the Republican chairman of the Immigration Subcommittee.

Mr. Speaker, again, I thank my colleague from California, who came to the well and basically called it as he sees it. He told the truth.

We need some more truth around here. This is a sham. This is a dangerous precedent to go down.

To impeach somebody because of a policy disagreement, I tell you, this is not what we should be doing. I am hoping that there are Republicans on the other side of the aisle who still believe in the Constitution and in this institution and who will reject this.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I ask unanimous consent to include in the RECORD a memo prepared by the Secretary of Homeland Security, released on September 30, 2021, discussing the Secretary being there to enforce the laws.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SEPTEMBER 30, 2021.

Memorandum To: Tae D. Johnson, Acting Director, U.S. Immigration and Customs Enforcement.

CC: Troy Miller, Acting Commissioner, U.S. Customs and Border Protection; Ur Jaddou, Director, U.S. Citizenship and Immigration Services; Robert Silvers, Under Secretary, Office of Strategy, Policy, and Plans; Katherine Culliton-González, Officer for Civil Rights and Civil Liberties, Office for Civil Rights and Civil Liberties; Lynn Parker Dupree, Chief Privacy Officer, Privacy Office.

From: Alejandro N. Mayorkas, Secretary.

Subject: Guidelines for the Enforcement of Civil Immigration Law.

This memorandum provides guidance for the apprehension and removal of noncitizens.

I am grateful to you, the other leaders of U.S. Immigration and Customs Enforcement, and our frontline personnel for the candor and openness of the engagements we have had to help shape this guidance. Thank you especially for dedicating yourselves—all your talent and energy—to the noble law enforcement profession. In executing our solemn responsibility to enforce immigration law with honor and integrity, we can help achieve justice and realize our ideals as a Nation. Our colleagues on the front lines and throughout the organization make this possible at great personal sacrifice.

I. FOUNDATIONAL PRINCIPLE: THE EXERCISE OF PROSECUTORIAL DISCRETION

It is well established in the law that federal government officials have broad discretion to decide who should be subject to arrest, detainers, removal proceedings, and the execution of removal orders. The exercise of prosecutorial discretion in the immigration arena is a deep-rooted tradition. The United States Supreme Court stated this clearly in 2012:

“A principal feature of the removal system is the broad discretion exercised by immigration officials. Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all.”

In an opinion by Justice Scalia about twelve years earlier, the Supreme Court emphasized that enforcement discretion extends throughout the entire removal process, and at each stage of it the executive has the discretion to not pursue it.

It is estimated that there are more than 11 million undocumented or otherwise removable noncitizens in the United States. We do not have the resources to apprehend and seek the removal of every one of these noncitizens. Therefore, we need to exercise our discretion and determine whom to prioritize for immigration enforcement action.

In exercising our discretion, we are guided by the fact that the majority of undocumented noncitizens who could be subject to removal have been contributing members of our communities for years. They include individuals who work on the frontlines in the battle against COVID, lead our congregations of faith, teach our children, do back-breaking farm work to help deliver food to our table, and contribute in many other meaningful ways. Numerous times over the years, and presently, bipartisan groups of leaders have recognized these noncitizens' contributions to state and local communities and have tried to pass legislation that would provide a path to citizenship or other lawful status for the approximately 11 million undocumented noncitizens.

The fact an individual is a removable noncitizen therefore should not alone be the basis of an enforcement action against them. We will use our discretion and focus our enforcement resources in a more targeted way. Justice and our country's well-being require it.

By exercising our discretionary authority in a targeted way, we can focus our efforts on those who pose a threat to national security, public safety, and border security and thus threaten America's well-being. We do not lessen our commitment to enforce immigration law to the best of our ability. This is how we use the resources we have in a way that accomplishes our enforcement mission most effectively and justly.

II. CIVIL IMMIGRATION ENFORCEMENT PRIORITIES

We establish civil immigration enforcement priorities to most effectively achieve our goals with the resources we have. We will prioritize for apprehension and removal noncitizens who are a threat to out national security, public safety, and border security.

A. Threat to National Security

A noncitizen who engaged in or is suspected of terrorism or espionage, or terrorism-related or espionage-related activities, or who otherwise poses a danger to national security, is a priority for apprehension and removal.

B. Threat to Public Safety

A noncitizen who poses a current threat to public safety, typically because of serious criminal conduct, is a priority for apprehension and removal.

Whether a noncitizen poses a current threat to public safety is not to be determined according to bright lines or categories. It instead requires an assessment of the individual and the totality of the facts and circumstances.

There can be aggravating factors that militate in favor of enforcement action. Such factors can include, for example:

- the gravity of the offense of conviction and the sentence imposed;
- the nature and degree of harm caused by the criminal offense;
- the sophistication of the criminal offense; use or threatened use of a firearm or dangerous weapon;
- a serious prior criminal record.

Conversely, there can be mitigating factors that militate in favor of declining enforcement action. Such factors can include, for example:

- advanced or tender age;
- lengthy presence in the United States;

a mental condition that may have contributed to the criminal conduct, or a physical or mental condition requiring care or treatment;

status as a victim of crime or victim, witness, or party in legal proceedings;

the impact of removal on family in the United States, such as loss of provider or caregiver;

whether the noncitizen may be eligible for humanitarian protection or other immigration relief;

military or other public service of the noncitizen or their immediate family;

time since an offense and evidence of rehabilitation;

conviction was vacated or expunged.

The above examples of aggravating and mitigating factors are not exhaustive. The circumstances under which an offense was committed could, for example, be an aggravating or mitigating factor depending on the facts. The broader public interest is also material in determining whether to take enforcement action. For example, a categorical determination that a domestic violence offense compels apprehension and removal could make victims of domestic violence more reluctant to report the offense conduct. The specific facts of a case should be determinative.

Again, our personnel must evaluate the individual and the totality of the facts and circumstances and exercise their judgment accordingly. The overriding question is whether the noncitizen poses a current threat to public safety. Some of the factors relevant to making the determination are identified above.

The decision how to exercise prosecutorial discretion can be complicated and requires investigative work. Our personnel should not rely on the fact of conviction or the result of a database search alone. Rather, our personnel should, to the fullest extent possible, obtain and review the entire criminal and administrative record and other investigative information to learn of the totality of the facts and circumstances of the conduct at issue. The gravity of an apprehension and removal on a noncitizen's life, and potentially the life of family members and the community, warrants the dedication of investigative and evaluative effort.

C. Threat to Border Security

A noncitizen who poses a threat to border security is a priority for apprehension and removal.

A noncitizen is a threat to border security if:

- (a) they are apprehended at the border or port of entry while attempting to unlawfully enter the United States; or
- (b) they are apprehended in the United States after unlawfully entering after November 1, 2020.

There could be other border security cases that present compelling facts that warrant enforcement action. In each case, there could be mitigating or extenuating facts and circumstances that militate in favor of declining enforcement action. Our personnel should evaluate the totality of the facts and circumstances and exercise their judgment accordingly.

III. PROTECTION OF CIVIL RIGHTS AND CIVIL LIBERTIES

We must exercise our discretionary authority in a way that protects civil rights and civil liberties. The integrity of our work and our Department depend on it. A noncitizen's race, religion, gender, sexual orientation or gender identity, national origin, or political associations shall never be factors in deciding to take enforcement action. A noncitizen's exercise of their First Amendment rights also should never be a factor in decid-

ing to take enforcement action. We must ensure that enforcement actions are not discriminatory and do not lead to inequitable outcomes.

This guidance does not prohibit consideration of one or more of the above-mentioned factors if they are directly relevant to status under immigration law or eligibility for an immigration benefit. For example, religion or political beliefs are often directly relevant in asylum cases and need to be assessed in determining a case's merit.

State and local law enforcement agencies with which we work must respect individuals' civil rights and civil liberties as well.

IV. GUARDING AGAINST THE USE OF IMMIGRATION ENFORCEMENT AS A TOOL OF RETALIATION FOR THE ASSERTION OF LEGAL RIGHTS

Our society benefits when individuals—citizens and noncitizens alike—assert their rights by participating in court proceedings or investigations by agencies enforcing our labor, housing, and other laws.

It is an unfortunate reality that unscrupulous employers exploit their employees' immigration status and vulnerability to removal by, for example, suppressing wages, maintaining unsafe working conditions, and quashing workplace rights and activities. Similarly, unscrupulous landlords exploit their tenants' immigration status and vulnerability to removal by, for example, charging inflated rental costs and failing to comply with housing ordinances and other relevant housing standards.

We must ensure our immigration enforcement authority is not used as an instrument of these and other unscrupulous practices. A noncitizen's exercise of workplace or tenant rights, or service as a witness in a labor or housing dispute, should be considered a mitigating factor in the exercise of prosecutorial discretion.

V. THE QUALITY AND INTEGRITY OF OUR CIVIL IMMIGRATION ENFORCEMENT ACTIONS

The civil immigration enforcement guidance does not compel an action to be taken or not taken. Instead, the guidance leaves the exercise of prosecutorial discretion to the judgment of our personnel.

To ensure the quality and integrity of our civil immigration enforcement actions, and to achieve consistency in the application of our judgments, the following measures are to be taken before the effective date of this guidance:

A. Training

Extensive training materials and a continuous training program should be put in place to ensure the successful application of this guidance.

B. Process for Reviewing Effective Implementation

A review process should be put in place to ensure the rigorous review of our personnel's enforcement decisions throughout the first ninety (90) days of implementation of this guidance. The review process should seek to achieve quality and consistency in decision-making across the entire agency and the Department. It should therefore involve the relevant chains of command.

Longer-term review processes should be put in place following the initial 90-day period, drawing on the lessons learned. Assessment of implementation of this guidance should be continuous.

C. Data Collection

We will need to collect detailed, precise, and comprehensive data as to every aspect of the enforcement actions we take pursuant to this guidance, both to ensure the quality and integrity of our work and to achieve accountability for it.

Please work with the offices of the Chief Information Officer; Strategy, Policy, and Plans; Science and Technology; Civil Rights

and Civil Liberties; and Privacy to determine the data that should be collected, the mechanisms to collect it, and how and to what extent it can be made public.

D. Case Review Process

We will work to establish a fair and equitable case review process to afford noncitizens and their representatives the opportunity to obtain expeditious review of the enforcement actions taken. Discretion to determine the disposition of the case will remain exclusively with the Department.

VI. IMPLEMENTATION OF THE GUIDANCE

This guidance will become effective in sixty (60) days, on November 29, 2021. Upon the effective date, this guidance will serve to rescind (1) the January 20, 2021 Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities issued by then-Acting Secretary David Pekoske, and (2) the Interim Guidance: Civil Immigration Enforcement and Removal Priorities issued by Acting ICE Director Tae D. Johnson.

We will meet regularly to review the data, discuss the results to date, and assess whether we are achieving our goals effectively. Our assessment will be informed by feedback we receive from our law enforcement, community, and other partners.

This guidance is Department-wide. Agency leaders as to whom this guidance is relevant to their operations will implement this guidance accordingly.

VII. STATEMENT OF NO PRIVATE RIGHT CONFERRED

This guidance is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

Mr. BURGESS. In this memo, he basically says he is going to make the laws that he then purports to enforce.

He bemoans the fact that there is no path for citizenship that has been established, but then goes on to say: "The fact an individual is a removable noncitizen therefore should not alone be the basis of an enforcement action against them."

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, Michael Chertoff, the former Republican-appointed Homeland Security Secretary, the first-ever Homeland Security Secretary, has also come out in support of Secretary Mayorkas.

He said: "I can say with confidence that, for all the investigating that the House Committee on Homeland Security has done, they have failed to put forth evidence that meets the bar."

He went on to say: "I don't agree with every policy decision the Biden administration has made. There are aspects of immigration strategy that are worthy of debate. But House Republicans are ducking difficult policy work and hard-fought compromise. Impeachment is a diversion from fixing our broken immigration laws and giving DHS the resources needed to secure the border."

□ 1315

Mr. Speaker, I ask unanimous consent to insert in the RECORD an opinion piece written by Michael Chertoff and published by the Wall Street Journal titled: "Don't Impeach Alejandro Mayorkas."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[From the Wall Street Journal, Jan. 28, 2024]

DON'T IMPEACH ALEJANDRO MAYORKAS

House Republicans are misusing the process to target an official who has done nothing wrong.

(By Michael Chertoff)

Political and policy disagreements aren't impeachable offenses. The Constitution gives Congress the power to impeach federal officials for treason, bribery and "other high Crimes and Misdemeanors." That's a high bar. In the history of our republic, only one cabinet secretary has been impeached (for receiving corrupt kickback payments).

The House Homeland Security Committee is moving toward a Jan. 30 vote on articles of impeachment against Homeland Security Secretary Alejandro Mayorkas, with a possible vote by the full House on Feb. 5. As homeland security secretary under President George W. Bush—and as a former federal judge, U.S. attorney and assistant attorney general—I can say with confidence that, for all the investigating that the House Committee on Homeland Security has done, they have failed to put forth evidence that meets the bar.

This is why Republicans aren't seeking to hold Mr. Mayorkas to the Constitution's "high crimes and misdemeanors" standard for impeachment. They make the unsupported argument that he is derelict in his duty.

Since Mr. Mayorkas took office, the majority of migrants encountered at the Southwest border have been removed, returned or expelled. In fact, since the pandemic-era Title 42 policy was ended last May, DHS removed, returned or expelled more noncitizens than in any five-month period in the past 10 years. The truth is that our national immigration system is outdated, and DHS leaders under both parties have done their best to manage our immigration system without adequate congressional support.

I don't agree with every policy decision the Biden administration has made. There are aspects of immigration strategy that are worthy of debate. But House Republicans are ducking difficult policy work and hard-fought compromise. Impeachment is a diversion from fixing our broken immigration laws and giving DHS the resources needed to secure the border.

Our nation is at its best when our leaders work together to confront the seemingly intractable.

The situation at our border and our national security, demand such bipartisan collaboration. Despite our different parties, I know Mr. Mayorkas to be fair and honest—dedicated to the safety and security of the U.S. He has represented DHS to the country and to both parties in Congress with integrity. Republicans in the House should drop this impeachment charade and work with Mr. Mayorkas to deliver for the American people.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent to insert in the RECORD an article detailing the number of children that the Department of Homeland Security has lost.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

[From the Washington Times, Friday, Sept. 9, 2022]

REP. MICHAEL BURGESS DEMANDS ANSWERS AFTER ILLEGAL IMMIGRANT CHILDREN GO 'MISSING'

(By Stephen Dinan)

Rep. Michael Burgess warned the Biden administration that it is endangering children and may be breaking the law after many illegal immigrant juveniles have gone 'missing' in Houston.

Mr. Burgess, Texas Republican, said he was alarmed by a Reuters report earlier this month that said roughly 48 illegal immigrant children went missing from the Houston homes where the federal Health and Human Services Department had placed them with sponsors. Another nine children ran away from HHS-operated shelters.

HHS began a frantic effort to track the children. As of late August, 46 of them had been 'confirmed safe,' Reuters reported.

Mr. Burgess, in a letter to HHS Secretary Xavier Becerra this week, demanded quick answers on what is going on, saying there were signs the department was putting kids in unsafe situations.

"These patterns have been brought to light by the Houston police chief after noticing an increase in missing UACs from the homes of their U.S. sponsors," the congressman wrote. "Of even greater concern, dozens of these children have been released to similar addresses."

The Washington Times has reached out to HHS for comment.

UACs, or Unaccompanied Alien Children, are juveniles who jump the border without a parent.

Under the law, UACs are to be quickly transferred from Homeland Security's custody to HHS, which places the children in shelters until sponsors can be found.

Sponsors are often relatives—usually in the country illegally themselves—but can be just about anyone willing to take a child. Some parents will send their children to the border as UACs, with names, addresses and phone numbers for potential sponsors tucked in the children's clothing.

But there have been horrific abuses.

The Times reported last month on a case out of Illinois where a 10-year-old girl was placed with a purported aunt who turned out not to be related. The fraudulent aunt now stands accused of terrifying abuses, including stabbing the girl and allowing male members of her household to repeatedly rape the young girl.

UACs began to surge into the U.S. in 2014, and there have been subsequent waves, but the Biden administration has shattered all previous records with more than a quarter of a million UACs nabbed at the border in just 18 months.

Overwhelmed by the numbers, the Biden administration tossed some of the safety checks the Trump administration had put in place to try to better vet sponsors.

In his letter, Mr. Burgess said the fact that the same addresses kept popping up as placement locations in Houston should have been a warning sign about possible exploitation.

He also questioned whether those placements were even legal.

"I am not certain that releasing UACs to non-parent sponsors complies with current law," he wrote.

Mr. BURGESS. Mr. Speaker, that number has increased year over year. It was 100,000 kids last year. What are we doing if we are losing track of 100,000 children that have come into this country illegally?

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 4½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time for closing.

Mr. Speaker, I ask unanimous consent to insert in the RECORD an editorial piece from the Wall Street Journal titled: "Impeaching Mayorkas Achieves Nothing."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[From the Wall Street Journal, Jan. 30, 2024]

IMPEACHING MAYORKAS ACHIEVES NOTHING
A POLICY DISPUTE DOESN'T QUALIFY AS A HIGH
CRIME AND MISDEMEANOR

(By Wall Street Journal Editorial Board)

House Republicans are marking up articles of impeachment against Homeland Security Secretary Alejandro Mayorkas, and the question is why? As much as we share the frustration with the Biden border mess, impeaching Mr. Mayorkas won't change enforcement policy and is a bad precedent that will open the gates to more cabinet impeachments by both parties.

The Homeland Security Committee on Tuesday began marking up two articles of impeachment against Mr. Mayorkas—one for breach of trust and the other for "willful and systemic refusal to comply with the law." The articles say these are "high crimes and misdemeanors" that justify removal from office.

The 20-page political indictment certainly is a sorry list of policy failings on Mr. Mayorkas's watch and their damaging consequences for American cities and states. These include the entry of migrants on the terrorism watch list, and an increase in average encounters at the border from 590,000 in fiscal years 2017–2020—to 1.4 million in 2021, 2.3 million in 2022 and 2.4 million in 2023.

These are failures of policy and execution, but are they impeachable offenses? That seems doubtful. The first article cites Mr. Mayorkas for refusing to implement a law that requires detention of aliens. It says his policy of "catch and release" is impeachable.

Yet the Supreme Court has not ruled that the Biden policies are illegal. The High Court in 2022 let the Biden Administration end Donald Trump's Remain in Mexico policy, and last year it ruled 8–1 that states don't necessarily have standing to challenge the federal government's enforcement priorities.

As for catch and release, one problem is the statutory "credible fear" standard for claiming asylum in the U.S. The standard is too low, but it isn't clear under the law that the Administration can legally deport people claiming asylum before they get a hearing. The U.S. lacks the facilities to hold asylum claimants, so they are released to await their hearing—and that can take years. But the problem is asylum law, as Republicans have long argued.

Article I also claims Mr. Mayorkas has violated the law by expanding humanitarian parole beyond Congress's intent. That's probably true, but the law puts no cap on parole numbers. Texas and other states challenged the President's authority to use parole for large classes of migrants, but the Supreme Court ruled against them.

House Republicans dislike how the Administration is interpreting immigration law. But Congress has failed to reform asylum

standards or humanitarian parole, or to otherwise tighten immigration rules. That's why Senators are now negotiating over language to reform both the asylum standard and parole.

If Congress holds Mr. Mayorkas impeachable for policy failure, what's the limiting principle? Are his deputies also guilty of "high crimes" for implementing the Biden immigration agenda? Career officials? How many GOP cabinet secretaries will the next Democratic House line up to impeach? Policy disputes are for the voting booth, not impeachment.

All the more so because the main architect of the border-security fiasco isn't Mr. Mayorkas. It's his boss, President Biden. "If you want to flee and you are fleeing oppression, you should come," said Candidate Joe Biden in a 2019 debate. Mr. Mayorkas is following White House orders.

Impeaching Mr. Mayorkas won't have any effect on policy, or even on the politics of border security. Most voters don't know who Mr. Mayorkas is. Even if the House passes the articles, on a largely partisan vote, there is no chance the Democratic Senate will convict him. Impeaching Mr. Mayorkas would be the political equivalent of a no-confidence vote. This would continue Congress's recent trend of defining impeachment down.

Grandstanding is easier than governing, and Republicans have to decide whether to accomplish anything other than impeaching Democrats. Mr. Mayorkas is an easy political target, but impeaching him accomplishes nothing beyond political symbolism.

A better idea is to strike a deal with Mr. Biden on serious border-security reforms that would restrict his discretion on parole, rewrite the asylum standard, and give the executive other tools to control the border. If Messrs. Mayorkas and Biden refuse to use them, the GOP will have an election issue. And the tools will be there for the next President to use.

Mr. MCGOVERN. Mr. Speaker, everything we have heard from the other side has confirmed that this impeachment is a predetermined political stunt. Again, this is the first time in American history an impeachment could go to the floor of the United States House of Representatives with no evidence, no proof, no elements of a crime, nothing at all. Not my words, Mr. Speaker. It is your own colleagues who say that.

Here are a few more quotes. Jonathan Turley, a top Republican legal adviser, says: "There is also no current evidence that he [meaning Secretary Mayorkas] is corrupt or committed an impeachable offense."

Donald Trump's own impeachment defense lawyer, Alan Dershowitz: "I urge principled Republicans who care about the Constitution to oppose those in their party who are seeking to impeach and remove Mayorkas based on nonconstitutional accusations."

Republican leaders told their donors behind closed doors that they were going to impeach Mayorkas before they even began their sham investigation. They raise money off of this. They promised MARJORIE TAYLOR GREENE last year that they were going to impeach, no matter what, in order to help Donald Trump, to distract from his legal troubles and their own incompetence.

I get why they need to change the subject. Trump was the worst Presi-

dent in my lifetime, probably in history. He tried to overturn the election results when he lost. He said he wants to be a dictator "on day one" and he invokes Adolph Hitler, saying: Immigrants poison the blood of our country.

He had the worst jobs record since the Great Depression. He told everyone to drink bleach and take horse medicine during COVID. He has been indicted more times than elected and is currently in trial for 91 felony charges. That is after being ordered to pay \$83 million after a jury of his peers decided he was a rapist.

That is the leader of the Republican Party. That is who this impeachment is about, Donald Trump; not Secretary Mayorkas, a good, honorable, decent man. Donald Trump is a corrupt, dishonorable, disgraceful man.

This is all about helping Republicans rile up MAGA voters and distracting from their inability to govern and address the critical issues facing our country.

Instead of legislating, they are being led by MARJORIE TAYLOR GREENE and the extreme MAGA chock-full-of-nuts caucus to pursue this baseless, extreme, and harmful impeachment charade that distracts from actually securing the border.

Do we have a problem at the border? Absolutely. Democrats and President Biden want real, comprehensive solutions to fix it, but the MAGA extremists have shown no interest in working with House Democrats to address the challenges facing the American people.

What we need is Republicans to stop playing political games. That is the exact opposite of what is happening here, the exact opposite of this cynical, reckless, impeachment stunt.

We are going to continue, as Democrats, to put people over politics, to fight for issues that matter, to try to lower costs, grow our economy, and, yes, to secure our border.

If Republicans decide they want to join us as partners in government to solve these challenges, we welcome that. If they don't, there is an election coming up in November.

I would say history is going to judge this Republican majority, but I don't think we need to wait for that. The voters are going to judge us all in November, and I think people are going to look at this fraudulent impeachment and they are going to look at Republicans' lack of accomplishments and they are going to vote them out because of their incompetence, their extremism, and their refusal to work with Democrats to address the challenges our country faces, including the border.

As I said before, this entire impeachment stunt is an absurd, cynical exercise in extremism. I strongly urge a "no" vote on this rule and a "no" vote on the underlying resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 8 minutes remaining.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we have seen one of the worst cases of Trump derangement syndrome ever recorded.

I would just remind people that I am not running for reelection, so I am not beholden to anyone. As I told the gentleman last week, I am bulletproof. I am only beholden to the constituents I represent. And the constituents I represent do not understand why Texas has had to endure basically an invasion during the tenure of this Secretary of Homeland Security, why he has not enforced the laws that he swore an oath to uphold and enforce. He won't do it.

What are we left to do when we have someone who is charged with protecting our country, charged with enforcing our laws, and he says it is too much trouble, I can't do it?

We know it is possible, because I was on a codol with Speaker JOHNSON down to the border down at Eagle Pass not but a couple weeks ago. The week before, we had seen on Bill Melugin's report on FOX News thousands of people on the riverbanks on the United States side who were there awaiting processing to be released into our country to parts unknown, for lengths of time unknown. When the Speaker of the House goes down there, there is not a soul on that riverbank.

This problem can be stopped literally overnight, if the Secretary and the President would make it a priority and would do it, but they won't. What are we left to do?

I agree with the gentleman that there is an election coming up. I hope people do remember that. I hope they do remember they have a President who, under 212(f) of the Immigration and Nationality Act, has it in his power right now to suspend activities on the southern border, but he won't do it.

We are being invaded, Mr. Speaker. My Governor, Governor Abbott, has officially declared an invasion. I don't think there is any debate about that. The administration and this Secretary have done nothing to help Texas. Instead, they have turned around and sued the State at every turn. Mr. Speaker, \$12 billion dollars is what Texas has had to spend over the last year to do the job that Secretary Mayorkas should have been doing.

Just by the numbers, over 2 million illegal aliens apprehended last fiscal year, 15,000 pounds of fentanyl seized from drug smugglers crossing our border. How many families need to lose a child? How many American lives have to be cut short before Secretary Mayorkas, President Biden, and his border czar, Vice President KAMALA HARRIS, change course and actually enforce existing law?

The consequences of this administration and Secretary Mayorkas' actions have been staggering: A southern bor-

der open to drug cartels, criminals, human traffickers, and potential terrorists; a record number of migrant deaths; rising human trafficking; exploitation of minors; a growing public health disaster; and an annual net burden to the American taxpayer exceeding \$150 billion.

Mr. Speaker, each of these consequences would have been avoidable if Secretary Mayorkas had just enforced existing law. This willful and systemic refusal to comply with the law and the continued breach of public trust by Secretary Mayorkas will not be tolerated. For this, he must be impeached.

I also thank Chairwoman McMORRIS RODGERS for her leadership in bringing H.R. 485 to the floor and Chairman MARK GREEN of the Homeland Security Committee for his work on a proper and thorough investigation leading to consideration of H. Res. 863.

Madam Speaker, I stand in strong support of the rule and the underlying legislation.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 996 OFFERED BY
MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following:

SEC. 4. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (H.R. 12) to protect a person's ability to determine whether to continue or end a pregnancy, and to protect a health care provider's ability to provide abortion services. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce or their respective designees; and (2) one motion to recommit.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 12.

Mr. BURGESS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Ms. VAN DUYN). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 26 minutes p.m.), the House stood in recess.

□ 1331

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. VAN DUYN) at 1 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 996; and

Adoption of House Resolution 996, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, the second electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H. RES. 863, IMPEACHING ALEJANDRO NICHOLAS MAYORKAS, SECRETARY OF HOMELAND SECURITY, FOR HIGH CRIMES AND MISDEMEANORS, AND PROVIDING FOR CONSIDERATION OF H.R. 485, PROTECTING HEALTH CARE FOR ALL PATIENTS ACT OF 2023

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on the resolution (H. Res. 996) providing for consideration of the resolution (H. Res. 863) impeaching Alejandro Nicholas Mayorkas, Secretary of Homeland Security, for high crimes and misdemeanors, and providing for consideration of the bill (H.R. 485) to amend title XI of the Social Security Act to prohibit the use of quality-adjusted life years and similar measures in coverage and payment determinations under Federal health care programs, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 215, nays 207, not voting 9, as follows:

[Roll No. 34]

YEAS—215

Aderholt	Bilirakis	Chavez-DeRemer
Alford	Bishop (NC)	Cline
Allen	Boebert	Clout
Amodei	Bost	Clyde
Armstrong	Brecheen	Cole
Arrington	Buchanan	Collins
Babin	Buck	Comer
Bacon	Bucshon	Crane
Baird	Burchett	Crawford
Balderson	Burgess	Crenshaw
Banks	Burlison	Curtis
Barr	Calvert	D'Esposito
Bean (FL)	Cammack	Davidson
Bentz	Carey	De La Cruz
Bergman	Carl	DesJarlais
Bice	Carter (GA)	Diaz-Balart
Biggs	Carter (TX)	Donalds