

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

Duarte	Jordan	Palmer	Mfume	Quigley	Stevens	Fulcher	Latta	Rodgers (WA)
Duncan	Joyce (OH)	Pence	Moore (WI)	Ramirez	Strickland	Gaetz	LaTurner	Rogers (AL)
Dunn (FL)	Joyce (PA)	Perry	Morelle	Raskin	Swalwell	Gallagher	Lawler	Rogers (KY)
Edwards	Kean (NJ)	Pfleger	Moskowitz	Ross	Sykes	Garbarino	Lee (FL)	Rose
Ellzey	Kelly (MS)	Posey	Moulton	Ruiz	Takano	Garcia, Mike	Lesko	Rosendale
Emmer	Kelly (PA)	Reschenthaler	Mrvan	Ruppersberger	Thanedar	Gimenez	Letlow	Rouzer
Estes	Kiggans (VA)	Rodgers (WA)	Mullin	Ryan	Thompson (CA)	Gonzales, Tony	Loudermilk	Roy
Ezell	Kiley	Rogers (AL)	Nadler	Salinas	Thompson (MS)	Good (VA)	Lucas	Rutherford
Fallon	Kim (CA)	Rogers (KY)	Napolitano	Sánchez	Titus	Gooden (TX)	Luetkemeyer	Salazar
Feenstra	Kustoff	Rose	Neal	Sarbanes	Tlaib	Gosar	Luna	Schweikert
Ferguson	LaHood	Rosendale	Neguse	Scanlon	Tokuda	Granger	Luttrell	Scott, Austin
Finstad	LaLota	Rouzer	Nickel	Schakowsky	Tonko	Graves (MO)	Mace	Self
Fischbach	LaMalfa	Roy	Norcross	Schiff	Torres (CA)	Green (TN)	Malliotakis	Sessions
Fitzgerald	Lamborn	Rutherford	Ocasio-Cortez	Schneider	Torres (NY)	Greene (GA)	Maloy	Simpson
Fitzpatrick	Latta	Salazar	Omar	Scholten	Trahan	Griffin	Mann	Smith (MO)
Fleischmann	LaTurner	Schweikert	Pallone	Schrier	Trone	Grothman	Massie	Smith (NE)
Flood	Lawler	Scott, Austin	Panetta	Scott (VA)	Underwood	Guest	Mast	Smith (NJ)
Foxx	Lee (FL)	Self	Pappas	Scott, David	Vargas	Guthrie	McCaul	Smucker
Franklin, Scott	Lesko	Sessions	Pascarell	Sewell	Vasquez	Hageman	McClain	Spartz
Fry	Letlow	Simpson	Pelosi	Sherman	Veasey	Harris	McClintock	Stauber
Fulcher	Loudermilk	Smith (MO)	Peltola	Sherrill	Velazquez	Harshbarger	McCormick	Steel
Gaetz	Lucas	Smith (NE)	Perez	Slotkin	Wasserman	Hern	McHenry	Stefanik
Gallagher	Luetkemeyer	Smith (NJ)	Peters	Smith (WA)	Schultz	Higgins (LA)	Meuser	Steil
Garbarino	Luna	Smucker	Pettersen	Sorensen	Watson Coleman	Hill	Miller (IL)	Steube
Garcia, Mike	Luttrell	Spartz	Pingree	Soto	Wexton	Hinson	Miller (OH)	Strong
Gimenez	Mace	Pocan	Spanberger	Wild	Williams (GA)	Houchin	Miller (WV)	Tenney
Gonzales, Tony	Malliotakis	Porter	Stansbury	Williams (FL)	Wilson (FL)	Hudson	Miller-Meeks	Thompson (PA)
Good (VA)	Maloy	Pressley	Ciscomani	NOT VOTING—9		Huizenga	Mills	Tiffany
Gooden (TX)	Mann		Costa	Langworthy	Phillips	Hunt	Molinaro	Timmons
Gosar	Massie		Green, Al (TX)	Meuser	Scalise	Issa	Moolenaar	Turner
Granger	Mast			Payne	Waters	Jackson (TX)	Mooney	Valadao
Graves (LA)	McCaul					James	Moore (AL)	Van Drew
Graves (MO)	McClain					Johnson (LA)	Moore (UT)	Van Duyn
Green (TN)	McClintock					Johnson (SD)	Moran	Van Orden
Greene (GA)	McCormick					Jordan	Murphy	Wagner
Griffith	McHenry					Joyce (OH)	Nehls	Walberg
Grothman	Miller (IL)					Joyce (PA)	Newhouse	Waltz
Guest	Miller (OH)					Kean (NJ)	Norman	Weber (TX)
Guthrie	Miller (WV)					Kelly (MS)	Nunn (IA)	Webster (FL)
Hageman	Miller-Meeks					Kelly (PA)	Obenrolte	Wenstrup
Harris	Mills					Kiggans (VA)	Ogles	Westerman
Harshbarger	Molinaro					Kiley	Owens	Williams (NY)
Hern	Moolenaar					Kim (CA)	Palmer	Williams (TX)
Higgins (LA)	Mooney					Kustoff	Pence	Wilson (SC)
Hill	Moore (AL)					LaHood	Perry	Wittman
Hinson	Moore (UT)					LaLota	Pfuger	Womack
Houchin	Moran					LaMalfa	Posey	Yakym
Hudson	Murphy					Lamborn	Reschenthaler	Zinke
Huizenga	Nehls							
Hunt	Newhouse							
Issa	Norman							
Jackson (TX)	Nunn (IA)							
James	Obenrolte							
Johnson (LA)	Ogles							
Johnson (SD)	Owens							

NAYS—207

Adams	Craig	Hoyle (OR)
Aguilar	Crockett	Huffman
Allred	Crow	Ivey
Amo	Cuellar	Jackson (IL)
Auchincloss	Dauids (KS)	Jackson (NC)
Balint	Davis (IL)	Jackson Lee
Barragan	Davis (NC)	Jacobs
Beatty	Dean (PA)	Jayapal
Bera	DeGette	Jeffries
Beyer	DeLauro	Johnson (GA)
Bishop (GA)	DelBene	Kamlaager-Dove
Blumenauer	Deluzio	Kaptur
Blunt Rochester	DeSaulnier	Keating
Bonamici	Dingell	Kelly (IL)
Bowman	Doggett	Khanna
Boyle (PA)	Escobar	Kildee
Brown	Eshoo	Kilmer
Brownley	Espallat	Kim (NJ)
Budzinski	Evans	Krishnamoorthi
Bush	Fletcher	Kuster
Caraveo	Foster	Landsman
Carbajal	Foushee	Larsen (WA)
Cárdenas	Frankel, Lois	Larsen (CT)
Carson	Frost	Lee (CA)
Carter (LA)	Gallego	Lee (NV)
Cartwright	Garamendi	Lee (PA)
Casar	Garcia (IL)	Leger Fernandez
Case	Garcia (TX)	Levin
Casten	Garcia, Robert	Lieu
Castor (FL)	Golden (ME)	Lofgren
Castro (TX)	Goldman (NY)	Lynch
Cherfilus-	Gomez	Magaziner
McCormick	Gonzalez,	Manning
Chu	Vicente	Matsui
Clark (MA)	Gottheimer	McClellan
Clarke (NY)	Grijalva	McCollum
Cleaver	Harder (CA)	McGarvey
Clyburn	Hayes	McGovern
Cohen	Himes	Meeks
Connolly	Horsford	Menendez
Correa	Houlihan	Meng
Courtney	Hoyer	

Mrs. SYKES, Mr. CUELLAR, Ms. MATSUI and WILLIAMS of Georgia changed their vote from “yea” to “nay.”

Mr. ARRINGTON changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:
Mr. CISCOMANI. Madam Speaker, had I been present, I would have voted “yea” on rollcall No. 34.

The SPEAKER pro tempore (Mrs. BICE). The question is on the resolution.

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

RECORDED VOTE
Mr. MCGOVERN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.
The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 209, not voting 6, as follows:

[Roll No. 35]		
AYES—216		
Aderholt	Bucshon	De La Cruz
Alford	Burchett	DesJarlais
Allen	Burgess	Diaz-Balart
Amodei	Burlison	Donalds
Armstrong	Calvert	Duarte
Arrington	Cammack	Duncan
Babin	Carey	Dunn (FL)
Bacon	Carl	Edwards
Baird	Carter (GA)	Ellzey
Balderson	Carter (TX)	Emmer
Banks	Chavez-DeRemer	Estes
Barr	Ciscomani	Ezell
Bean (FL)	Cline	Fallon
Bentz	Cloud	Feenstra
Bergman	Clyde	Ferguson
Bice	Cole	Finstad
Biggs	Collins	Fischbach
Billirakis	Comer	Fitzgerald
Bishop (NC)	Crane	Fitzpatrick
Boebert	Crawford	Fleischmann
Bost	Crenshaw	Flood
Brecheen	Curtis	Foxx
Buchanan	D'Esposito	Franklin, Scott
Buck	Davidson	Fry

Adams	Davis (NC)	Kelly (IL)
Aguilar	Dean (PA)	Khanna
Allred	DeGette	Kildee
Amo	DeLauro	Kilmer
Auchincloss	DelBene	Kim (NJ)
Balint	Deluzio	Krishnamoorthi
Barragan	DeSaulnier	Kuster
Beatty	Dingell	Landsman
Bera	Doggett	Larsen (WA)
Beyer	Escobar	Larsen (CT)
Bishop (GA)	Eshoo	Lee (CA)
Blumenauer	Espallat	Lee (NV)
Blunt Rochester	Evans	Lee (PA)
Bonamici	Fletcher	Leger Fernandez
Bowman	Foster	Levin
Boyle (PA)	Foushee	Lieu
Brown	Frankel, Lois	Lofgren
Brownley	Frost	Lynch
Budzinski	Gallego	Magaziner
Bush	Garamendi	Manning
Caraveo	Garcia (IL)	Matsui
Carbajal	Garcia (TX)	McBath
Cárdenas	Garcia, Robert	McClellan
Carson	Golden (ME)	McCollum
Carter (LA)	Goldman (NY)	McGarvey
Cartwright	Gomez	McGovern
Casar	Gonzalez,	Meeks
Case	Vicente	Menendez
Casten	Gottheimer	Meng
Castor (FL)	Grijalva	Mfume
Castro (TX)	Harder (CA)	Moore (WI)
Cherfilus-	Hayes	Morelle
McCormick	Himes	Moskowitz
Chu	Horsford	Moulton
Clark (MA)	Houlihan	Mrvan
Clarke (NY)	Hoyer	Mullin
Cleaver	Hoyle (OR)	Nadler
Clyburn	Huffman	Napolitano
Cohen	Ivey	Neal
Connolly	Jackson (IL)	Neguse
Correa	Jackson (NC)	Nickel
Costa	Jackson Lee	Norcross
Courtney	Jacobs	Ocasio-Cortez
Craig	Jayapal	Omar
Crockett	Jeffries	Pallone
Crow	Johnson (GA)	Panetta
Cuellar	Kamlaager-Dove	Pappas
Davids (KS)	Kaptur	Pascarell
Davis (IL)	Keating	Pelosi

Peltola	Scholten	Titus
Perez	Schrier	Tlaib
Peters	Scott (VA)	Tokuda
Pettersen	Scott, David	Tonko
Pingree	Sewell	Torres (CA)
Pocan	Sherman	Torres (NY)
Porter	Sherrill	Trahan
Pressley	Slotkin	Trone
Quigley	Smith (WA)	Underwood
Ramirez	Sorensen	Vargas
Raskin	Soto	Vasquez
Ross	Spanberger	Veasey
Ruiz	Stansbury	Velázquez
Ruppersberger	Stanton	Wasserman
Ryan	Stevens	Schultz
Salinas	Strickland	Waters
Sánchez	Swalwell	Watson Coleman
Sarbanes	Sykes	Wexton
Scanlon	Takano	Wild
Schakowsky	Thanedar	Williams (GA)
Schiff	Thompson (CA)	Wilson (FL)
Schneider	Thompson (MS)	

NOT VOTING—6

Graves (LA)	Langworthy	Phillips
Green, Al (TX)	Payne	Scalise

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1406

Ms. PORTER changed her vote from “aye” to “no.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRAVES of Louisiana. Madam Speaker, had I been present, I would have voted “aye” on rollcall No. 35, H. Res. 996.

PERSONAL EXPLANATION

Mr. PAYNE. Madam Speaker, I was unable to cast my vote for rollcall votes 34 and 35. Had I been present, I would have voted “nay” on rollcall vote No. 34 and “no” on rollcall vote No. 35.

□ 1415

IMPEACHING ALEJANDRO NICHOLAS MAYORKAS, SECRETARY OF HOMELAND SECURITY, FOR HIGH CRIMES AND MISDEMEANORS

Mr. GREEN of Tennessee. Madam Speaker, pursuant to House Resolution 996, I call up the resolution (H. Res. 863) impeaching Alejandro Nicholas Mayorkas, Secretary of Homeland Security, for high crimes and misdemeanors, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 863

Resolved, That Alejandro Nicholas Mayorkas, Secretary of Homeland Security of the United States of America, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against Alejandro N. Mayorkas, Secretary of Homeland Security of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I: WILLFUL AND SYSTEMIC REFUSAL TO COMPLY WITH THE LAW

The Constitution provides that the House of Representatives “shall have the sole Power of Impeachment” and that civil Officers of the United States, including the Secretary of Homeland Security, “shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors”. In his conduct while Secretary of Homeland Security, Alejandro N. Mayorkas, in violation of his oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, to bear true faith and allegiance to the same, and to well and faithfully discharge the duties of his office, has willfully and systemically refused to comply with Federal immigration laws, in that:

Throughout his tenure as Secretary of Homeland Security, Alejandro N. Mayorkas has repeatedly violated laws enacted by Congress regarding immigration and border security. In large part because of his unlawful conduct, millions of aliens have illegally entered the United States on an annual basis with many unlawfully remaining in the United States. His refusal to obey the law is not only an offense against the separation of powers in the Constitution of the United States, it also threatens our national security and has had a dire impact on communities across the country. Despite clear evidence that his willful and systemic refusal to comply with the law has significantly contributed to unprecedented levels of illegal entrants, the increased control of the Southwest border by drug cartels, and the imposition of enormous costs on States and localities affected by the influx of aliens, Alejandro N. Mayorkas has continued in his refusal to comply with the law, and thereby acted to the grave detriment of the interests of the United States.

Alejandro N. Mayorkas engaged in this scheme or course of conduct through the following means:

(1) Alejandro N. Mayorkas willfully refused to comply with the detention mandate set forth in section 235(b)(2)(A) of the Immigration and Nationality Act, requiring that all applicants for admission who are “not clearly and beyond a doubt entitled to be admitted...shall be detained for a [removal] proceeding...”. Instead of complying with this requirement, Alejandro N. Mayorkas implemented a catch and release scheme, whereby such aliens are unlawfully released, even without effective mechanisms to ensure appearances before the immigration courts for removal proceedings or to ensure removal in the case of aliens ordered removed.

(2) Alejandro N. Mayorkas willfully refused to comply with the detention mandate set forth in section 235(b)(1)(B)(ii) of such Act, requiring that an alien who is placed into expedited removal proceedings and determined to have a credible fear of persecution “shall be detained for further consideration of the application for asylum”. Instead of complying with this requirement, Alejandro N. Mayorkas implemented a catch and release scheme, whereby such aliens are unlawfully released, even without effective mechanisms to ensure appearances before the immigration courts for removal proceedings or to ensure removal in the case of aliens ordered removed.

(3) Alejandro N. Mayorkas willfully refused to comply with the detention set forth in section 235(b)(1)(B)(iii)(IV) of such Act, requiring that an alien who is placed into expedited removal proceedings and determined not to have a credible fear of persecution “shall be detained...until removed”. Instead of complying with this requirement, Alejandro N. Mayorkas has implemented a catch and release scheme, whereby such aliens are unlawfully released, even without effective mechanisms to ensure appearances before the immigration courts for removal proceedings or to ensure removal in the case of aliens ordered removed.

*(4) Alejandro N. Mayorkas willfully refused to comply with the detention mandate set forth in section 236(c) of such Act, requiring that a criminal alien who is inadmissible or deportable on certain criminal and terrorism-related grounds “shall [be] take[n] into custody” when the alien is released from law enforcement custody. Instead of complying with this requirement, Alejandro N. Mayorkas issued “Guidelines for the Enforcement of Civil Immigration Laws”, which instructs Department of Homeland Security (hereinafter referred to as “DHS”) officials that the “fact an individual is a removable noncitizen...should not alone be the basis of an enforcement action against them” and that DHS “personnel should not rely on the fact of conviction...alone”, even with respect to aliens subject to mandatory arrest and detention pursuant to section 236(c) of such Act, to take them into custody. In *Texas v. United States*, 40 F.4th 205 (2022), the United States Court of Appeals for the Fifth Circuit concluded that these guidelines had “every indication of being ‘a general policy that is so extreme as to amount to an abdication of...statutory responsibilities’” and that its “replacement of Congress’s statutory mandates with concerns of equity and race is extralegal...[and] plainly outside the bounds of the power conferred by the INA”.*

(5) Alejandro N. Mayorkas willfully refused to comply with the detention mandate set forth in section 241(a)(2) of such Act, requiring that an alien ordered removed “shall [be] detain[ed]” during “the removal period”. Instead of complying with this mandate, Alejandro N. Mayorkas issued “Guidelines for the Enforcement of Civil Immigration Laws”, which instructs DHS officials that the “fact an individual is a removable noncitizen...should not alone be the basis of an enforcement action against them” and that DHS “personnel should not rely on the fact of conviction...alone”, even with respect to aliens subject to mandatory detention and removal pursuant to section 241(a) of such Act.

(6) Alejandro N. Mayorkas willfully exceeded his parole authority set forth in section 212(d)(5)(A) of such Act that permits parole to be granted “only on a case-by-case basis”, temporarily, and “for urgent humanitarian reasons or significant public benefit”, in that:

*(A) Alejandro N. Mayorkas paroled aliens en masse in order to release them from mandatory detention, despite the fact that, as the United States Court of Appeals for the Fifth Circuit concluded in *Texas v. Biden*, 20 F.4th 928 (2021), “parol[ing] every alien [DHS] cannot detain is the opposite of the ‘case-by-case basis’ determinations required by law” and “DHS’s pretended power to parole aliens while ignoring the limitations Congress imposed on the parole power [is] not nonenforcement; it’s misenforcement, suspension of the INA, or both”.*

(B) Alejandro N. Mayorkas created, reopened, or expanded a series of categorical parole programs never authorized by Congress for foreign nationals outside of the United States, including for certain Central American minors, Ukrainians, Venezuelans, Cubans, Haitians, Nicaraguans, Colombians, Salvadorans, Guatemalans, and Hondurans, which enabled hundreds of thousands of inadmissible aliens to enter the United States in violation of the laws enacted by Congress.

*(7) Alejandro N. Mayorkas willfully exceeded his release authority set forth in section 236(a) of such Act that permits, in certain circumstances, the release of aliens arrested on an administrative warrant, in that Alejandro N. Mayorkas released aliens arrested without a warrant despite their being subject to a separate applicable mandatory detention requirement set forth in section 235(b)(2) of such Act. Alejandro N. Mayorkas released such aliens by retroactively issuing administrative warrants in an attempt to circumvent section 235(b)(2) of such Act. In *Florida v. United States*, No. 3:21-cv-*