

Calendar No. 352118TH CONGRESS
2^D SESSION**S. J. RES. 68**

Providing for the issuance of a summons, providing for the appointment of a committee to receive and to report evidence, and establishing related procedures concerning the articles of impeachment against Alejandro Nicholas Mayorkas.

IN THE SENATE OF THE UNITED STATES

MARCH 23 (legislative day, MARCH 22), 2024

Mr. LEE introduced the following joint resolution; which was read the first time

APRIL 8, 2024

Read the second time and placed on the calendar

JOINT RESOLUTION

Providing for the issuance of a summons, providing for the appointment of a committee to receive and to report evidence, and establishing related procedures concerning the articles of impeachment against Alejandro Nicholas Mayorkas.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*

1 **SECTION 1. SUMMONS.**

2 (a) IN GENERAL.—A summons shall be issued which
3 commands Alejandro Nicholas Mayorkas to file with the
4 Secretary of the Senate (in this resolution referred to as
5 the “Secretary”) an answer to the articles of impeachment
6 with respect to Alejandro Nicholas Mayorkas no later than
7 7 session days after the date on which the articles of im-
8 peachment are transmitted, and thereafter to abide by,
9 obey, and perform such orders, directions, and judgments
10 as the Senate shall make in the premises, according to
11 the Constitution and laws of the United States.

12 (b) SERVICE.—The Sergeant at Arms and Door-
13 keeper of the Senate is authorized to utilize the services
14 of the Deputy Sergeant at Arms and Doorkeeper of the
15 Senate or another employee of the Senate in serving the
16 summons.

17 (c) NOTICE OF ANSWER.—The Secretary shall notify
18 the House of Representatives of the filing of the answer
19 and shall provide a copy of the answer to the House of
20 Representatives.

21 (d) FILING OF REPLICATION.—The Managers on the
22 part of the House of Representatives may file with the
23 Secretary a replication no later than 7 session days after
24 the date on which the articles of impeachment are trans-
25 mitted.

1 (e) NOTICE TO COUNSEL.—The Secretary shall no-
2 tify counsel for Alejandro Nicholas Mayorkas of the filing
3 of a replication, and shall provide counsel with a copy.

4 (f) DELIVERY AND PRINTING OF ANSWER AND REP-
5 LICATION; ENTRY OF PLEA.—The Secretary shall provide
6 the answer and the replication, if any, to the Presiding
7 Officer of the Senate on the first day the Senate is in
8 session after the Secretary receives them, and the Pre-
9 siding Officer shall cause the answer and replication, if
10 any, to be printed in the Senate Journal and in the Con-
11 gressional Record. If a timely answer has not been filed,
12 the Presiding Officer shall cause a plea of not guilty to
13 be entered.

14 (g) PRINTING AS SENATE DOCUMENT.—The articles
15 of impeachment, the answer, and the replication, if any,
16 together with the provisions of the Constitution of the
17 United States on impeachment, and the Rules of Proce-
18 dure and Practice in the Senate When Sitting on Impeach-
19 ment Trials, shall be printed under the direction of the
20 Secretary as a Senate document.

21 (h) RELATION TO RULES.—The provisions of this
22 section shall govern notwithstanding any provisions to the
23 contrary in the Rules of Procedure and Practice in the
24 Senate When Sitting on Impeachment Trials.

1 (i) MOTION TO TABLE.—A motion to table the arti-
2 cles of impeachment shall not be in order.

3 **SEC. 2. COMMITTEE.**

4 (a) IN GENERAL.—Pursuant to rule XI of the Rules
5 of Procedure and Practice in the Senate When Sitting on
6 Impeachment Trials (in this section referred to as “rule
7 XI”), not later than 7 session days after the date on which
8 the articles of impeachment are transmitted, the Presiding
9 Officer shall appoint a committee of 12 Senators to per-
10 form the duties and to exercise the powers provided for
11 in rule XI (in this resolution referred to as the “com-
12 mittee”).

13 (b) RECOMMENDATIONS.—The Majority Leader and
14 Minority Leader, in consultation with their respective con-
15 ference, shall each recommend 6 members, including a
16 chair and vice chair, respectively, to the Presiding Officer
17 for appointment to the committee.

18 (c) AUTHORITY AS A STANDING COMMITTEE.—The
19 committee shall be deemed to be a standing committee of
20 the Senate for the purpose of reporting to the Senate reso-
21 lutions for the criminal or civil enforcement of the commit-
22 tee’s subpoenas or orders, and for the purpose of printing
23 reports, hearings, and other documents for submission to
24 the Senate under rule XI.

1 (d) AUTHORITY TO WAIVE REQUIREMENTS RELAT-
2 ING TO QUESTIONS.—During proceedings conducted
3 under rule XI, the chair of the committee is authorized
4 to waive the requirement under the Rules of Procedure
5 and Practice in the Senate When Sitting on Impeachment
6 Trials that questions by a Senator to a witness, a man-
7 ager, or counsel shall be reduced to writing and put by
8 the Presiding Officer.

9 (e) REPORT.—Not later than 90 calendar days after
10 the date on which all members of the committee are ap-
11 pointed under subsection (a), the committee shall submit
12 to the Senate a report compiling all evidence, exhibits, and
13 witness testimony received by the committee, which—

14 (1) shall include a certified copy of the tran-
15 script of the proceedings had and testimony given
16 before the committee; and

17 (2) may include a statement of facts that are
18 uncontested and a summary, with appropriate ref-
19 erences to the record, of evidence that the parties
20 have introduced on contested issues of fact.

21 (f) STAFFING AND EXPENSES.—The actual and nec-
22 essary expenses of the committee, including the employ-
23 ment of staff at an annual rate of pay, and the employ-
24 ment of consultants with prior approval of the Committee
25 on Rules and Administration at a rate not to exceed the

1 maximum daily rate for a standing committee of the Sen-
2 ate, shall be paid from the contingent fund of the Senate
3 from the appropriation account “Miscellaneous Items”
4 upon vouchers approved by the chair of the committee,
5 except that no voucher shall be required to pay the salary
6 of any employee who is compensated at an annual rate
7 of pay.

8 (g) TERMINATION.—The committee shall terminate
9 not later than 45 calendar days after the pronouncement
10 of judgment by the Senate on the articles of impeachment
11 against Alejandro Nicholas Mayorkas.

12 **SEC. 3. CONVENING AS COURT OF IMPEACHMENT.**

13 At 1 p.m. on the first day on which the Senate is
14 in session after the date that is 90 calendar days after
15 the date on which all members of the committee estab-
16 lished under section 2 are appointed, the Senate shall con-
17 vene as a Court of Impeachment to consider the articles
18 of impeachment against Alejandro Nicholas Mayorkas.

19 **SEC. 4. NOTICE.**

20 The Secretary shall notify the House of Representa-
21 tives and counsel for Alejandro Nicholas Mayorkas of this
22 resolution.

Calendar No. 352

118TH CONGRESS
2^D SESSION

S. J. RES. 68

JOINT RESOLUTION

Providing for the issuance of a summons, providing for the appointment of a committee to receive and to report evidence, and establishing related procedures concerning the articles of impeachment against Alejandro Nicholas Mayorkas.

APRIL 8, 2024

Read the second time and placed on the calendar