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Senate debates bills to duplicate expensive federal border functions and further the half-truths about immigrants

AUSTIN – SB 1252, which seeks to dedicate further state funding through an interstate compact on border security that would duplicate expensive U.S. border immigration enforcement efforts, and SB 62, which seeks to further half-truths about unauthorized migrants, passed the Texas Senate today in a contested vote. State Sen. José Rodríguez made the following remarks regarding the proposals:

Again, misperceptions about the border, incorrect assertions about what the federal government has and has not done, and failure to recognize the value immigrants bring to the country, rule the day.

First, we keep hearing about how the federal government has failed to "secure the border." I'm not sure how much people think we should spend on the border, and what other essential government functions we should start cutting or what taxes we should raise to do so, but like the other side likes to say so often, we cannot keep cutting a blank check. I'll repeat - the federal government spends \$18 billion a year and has more than doubled the number of Border Patrol agents, while the flow of migrants has slowed by about two-thirds from 10 years ago.

Disregarding those facts, national and state politicians have successfully created a false framework that has people across the country afraid of an "insecure border." This has led to ludicrous rumors of firefights with ISIS on the border, and outlandish reports of ISIS training camps in Anapra, a suburb of Juarez, reports that have been repeated by national leaders who should know better.

Based on that false narrative, the state is poised to throw hundreds of millions of dollars at a concept called "border security," and now to pass laws that creates a costly and potentially unconstitutional "interstate compact on border security" (SB 1252) and

instructs the comptroller to produce incomplete information meant only to give the incorrect impression that unauthorized immigrants drain the state's resources (SB 62).

Among the problems with respect to SB 1252, the interstate compact bill:

- The bill defines illegal alien as a person who is not a U.S. Citizen and is unlawfully present in the United States, according to the terms of 8 U.S.C. Section 1101 et seq. It's been brought to my attention by immigration law experts that this is not a term that is found in the INA at 1101 et seq. Furthermore, the definition doesn't include categories of immigrant that are further defined by regulations. How would a state official be able to determine people waiting for adjudication, or people eligible for deferred action? Many mistakes will be made, even with excessive expenditures on training, which the bill does not provide for.*
- This bill puts the compacting states in the position of policing our international borders and international commerce, independent of the federal government, in ways that directly impact the executive's control over foreign policy. Aside from the constitutional issues this presents, this raises many practical concerns, such as whether this bill would create another military force and, if so, who would command such a force? Would current law enforcement officers be diverted from protecting the general public?*

SB 62, as its author stated several times during Senate floor debate, makes no attempt to derive the complete information we should use as a base for sound public policy. It limits the collection of information about the impact of unauthorized migrants in Texas to the cost to the state of education, health care, and incarceration. It even disregards the state comptroller's own report in 2006, which found that unauthorized migrants are a driver to the state's economy, producing \$1.58 billion in state revenues in 2007; the report indicated that the absence of these unauthorized migrants would have cost the state economy \$17.7 billion in 2005.

Frankly, the big picture of this Legislature's attitude toward immigrants is not good. We still are faced with proposals to force local police to become immigration agents (SB 185), repeal of in-state tuition to Texas DREAMERS (SB 1819), and proposals to create a state border patrol within DPS, at a cost of \$500 million (House proposal) to \$800 million (Senate proposal).

This is not good business for the state, it sends a terrible message to millions of people, and it has the potential to disrupt lives and in particular, hurt the border communities I represent. For those reasons, I opposed these bills.

José Rodríguez represents Texas Senate District 29, which includes the counties of El Paso, Hudspeth, Culberson, Jeff Davis, and Presidio. He represents both urban and rural constituencies, and more than 350 miles of the Texas-Mexico border. Senator Rodríguez currently serves as the Chairman of the Senate Hispanic Caucus, and is a member of the Senate Committees on Education; Health and Human Services; Veteran Affairs and Military Installations; Nominations; and Agriculture, Water, and Rural Affairs.