

BILL ANALYSIS

Senate Research Center

S.B. 1403
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Border Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In FY 2022, U.S. Customs and Border Protection recorded more than 2.3 million illicit crossings of the southern border, the most ever in American history. So far in FY 2023, the rate of illegal border crossings has only increased, and is on pace to exceed 2.8 million by the end of the fiscal year. Because the federal statistics record only "encounters" and not the number of migrants that evade law enforcement, the true scale of the crisis at our southern border is unknowable, but certainly of a much greater magnitude than what is portrayed by the official data.

The approximately 23,000 federal agents currently stationed along the southern border have been given an impossible task. They are asked to ensure the security of our national borders, while operating with a 100:1 ratio of undocumented migrants to enforcement personnel, with scant support from a federal administration that has consistently refused to make border enforcement a priority. The inevitable gaps in federal enforcement caused by such insufficient resources have placed enormous strain on border communities, state law enforcement and human services agencies, and the nation as a whole.

In response, Texas and other southern border states have devoted considerable resources to border security and enforcement efforts. While these individual—though occasionally cooperative—state-led actions have helped to assuage the ongoing border security emergency, the sheer scale of this issue demands greater efforts and heightened collaboration.

An interstate compact for border enforcement would equip Texas and other participating states with the resources needed to address the shortcomings of existing federal border policy. Allowing states to share enforcement resources, intelligence, and assistance in creating and maintaining defensive border structures would strengthen states' capabilities to address, manage, and overcome the continuing security crisis at our southern border.

S.B. 1403 creates an interstate compact allowing participating states' law enforcement agencies to share resources and intelligence for purposes of border enforcement, and allowing states to share funding and other assistance in creating and maintaining defensive border structures, including comprehensive surveillance technology. Because this interstate compact does not alter the balance of power between states and the federal government, congressional consent is not required for the agreement to take or remain in effect.

S.B. 1403 amends current law relating to an interstate compact for border security, including building a border wall and sharing state intelligence and resources.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 7, Government Code, by adding Chapter 794, as follows:

CHAPTER 794. INTERSTATE COMPACT FOR BORDER SECURITY

Sec. 794.001. **AUTHORITY TO DEVELOP AND EXECUTE COMPACT.** Authorizes the governor, on behalf of this state, to develop and execute an interstate compact for border security among interested states.

Sec. 794.002. **CONGRESSIONAL APPROVAL NOT REQUIRED.** (a) Provides that it is the intent of the legislature that the compact developed and executed under this chapter not require congressional approval.

(b) Prohibits the compact from increasing the political power of the compacting states in relation to the federal government.

Sec. 794.003. **INTERSTATE COMPACT PROVISIONS.** Requires the compact authorized by this chapter to provide for joint action among compacting states on matters that include:

(1) sharing law enforcement intelligence on illegal activity occurring at the border with Mexico;

(2) sharing state resources in order to build a physical barrier, a comprehensive technological surveillance system, or both, on state land to deter or detect illegal activity occurring at the border with Mexico; and

(3) sharing other law enforcement resources to ensure the protection of personnel and property.

SECTION 2. Effective date: upon passage or September 1, 2023.