

# TEXAS DEPARTMENT OF AGRICULTURE

TODD STAPLES  
COMMISSIONER

May 9, 2013

The Honorable Marco Rubio  
United States Senate  
284 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Rubio:

Texans understand the challenges of border security and immigration, and we have solutions to create a secure border and a workable immigration system. I appreciate you asking for comments and your leadership in searching for viable solutions to this complex issue; however, certain provisions in S. 744 threaten the ability of our nation to achieve the much needed reform, which I know you are seeking.

Texas shares two-thirds of our nation's southern border; forty percent of the narcotics confiscated by U.S. Customs and Border Patrol (CBP) last year were interdicted in Texas; almost half of the apprehensions of immigrants illegally entering our country were detained in Texas in FY 2012. Texas landowners suffer daily from illegal trespassing, car chases, property damage and intimidation by transnational criminal organizations on their private property. Antiquated policies have failed U.S. taxpayers, as well as American and guest workers alike.

To be clear, we must be pro-legal immigration. Even with chronically high unemployment rates, the U.S. population growth has not kept up with the need for entry level workers. I do not want a government big enough to round up the 11 to 20 million people who are unlawfully present in our nation. These immigrants contribute to our economy and our society, and our common goal should be a system that enables them to do so legally, and in a manner that does not encourage future illegal entry. One element that is essential for this corrected status to not be amnesty is that it include a meaningful and just fine for circumventing our laws, not the minor nuisance amounts being contemplated today. Further, correcting the undocumented status does not require us to sacrifice a legal system of entry and award citizenship as a consolation prize for violating our entry laws. This is the ultimate amnesty provision.

We must be honest with the American people and acknowledge the millions of undocumented individuals working in our society today live in the shadows *not* because of some flaw in our process for becoming an American citizen, but because of a failed workforce documentation system that does not recognize market needs.

The problem is compounded by an insecure border where violent transnational criminal organizations exploit our laws, our law enforcement resources, and our citizens. We cannot



secure our border as long as hardworking job seekers, who our economy needs but cannot legally access, continue to clog the thoroughfares for illegal entry to this country and enable diversions and decoys for drug cartels to evade law enforcement.

Real border security and immigration reform must accomplish the following:

- 1) **Create a system where the most economical hiring decision for employers is to hire an American worker first and, if not available, a documented immigrant worker.** Codifying union-demanded visa caps and arbitrary, government-determined wages will only drive up the cost of documented immigrant workers and continue workforce shortages in industries with critical jobs Americans are not filling. Congress needs no more proof than our current shadow economy to understand that these policies drive employers to undocumented workers.
- 2) **Create a system that does not redefine what it means to be and how to become an American citizen by respecting the naturalization process and the hundreds of thousands of new Americans who effectively use this system each year.** There is absolutely no reason to allow the security of our border to be delayed further by unnecessary and emotional political debates on how to change our citizenship process. Those here illegally today must be given a way to come out of the shadows, face substantial but just penalties for breaking our country's entry laws, become documented into our workforce, and be put on a pathway to continued residency status if they choose. If these individuals seek to become American citizens, they should do so like everyone else, by satisfying the first step of the process, which is legally entering the country.
- 3) **Create a border where American residents can enjoy the same freedoms and liberties enjoyed by those living anywhere else in the United States – free from the daily threat of drug cartel violence and intimidation.** Until our law enforcement are able to know an individual hiding in the bushes of South Texas is not simply a person seeking a job, resources cannot be fully focused on the violent drug cartel members who are unscrupulously trafficking guns, humans and drugs across the border. Congress must provide a clear directive and expectation to DHS regarding certification of border security; and just as important, this should not hinder our ability to move forward with reforming our currently broken immigration system. The current DHS Administration has declared the border safe. How can the same Department be trusted to strengthen security efforts when they make a declaration that is clearly untrue? Congress must develop new metrics that show the true picture of the current state of operational control of our borders.

Thank you for the opportunity to comment on S.744. Please feel free to contact me with any concerns or questions. I implore you to utilize your leadership role on this issue to avoid repeating the mistakes of the past and to also not let political posturing on issues unrelated to workforce documentation extend the already-20-year delay on workforce and border security reform.

The Honorable Marco Rubio  
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Sincerely yours,

  
Todd Staples

TS/KF/khf

cc: The Honorable John Cornyn  
The Honorable Ted Cruz