



## HB 4: Testimony Before the Texas House Committee on State Affairs

*By Melissa Ford Maldonado, Policy Director, Secure & Sovereign Frontier*

**Chairman Hunter, Vice Chair Hernandez, and Members of the Committee:**

Thank you for the opportunity to testify in support of HB 4, which would create a state offense for entering or re-entering Texas illegally from a foreign nation and allow a magistrate or judge to order illegal immigrants to return to the foreign nation they entered from.

My name is Melissa Ford Maldonado, and I am a policy director for Secure & Sovereign Frontier, an initiative of the Texas Public Policy Foundation.

Our campaign studies the ongoing crisis at the border, which represents a grave and imminent threat to the safety, well-being, and quality of life of families and communities in Texas, and we work to find solutions to those challenges by researching options for good policy in Austin and Washington, D.C.

The challenges at the border are strikingly evident today, with news that the U.S. Border Patrol just reported a new [record high](#) for encounters between ports of entry along the southwest border in September: 218,763. Total encounters in FY2023 surpassed 2 million, making this year the worst on record under this administration.

Last month only, 18 individuals whose names appear on the terrorist watchlist were apprehended trying to cross the U.S.-Mexico border between ports of entry, bringing us to a total of 169 in FY2023, a 72% increase from last year, and the most on record. In the same time span, CBP also arrested 35,433 aliens with criminal convictions or outstanding warrants nationwide, including 598 known gang members, 178 of those being MS-13 members.

[These numbers](#) don't include known gotaways, of which we've had 1.7 million since President Biden took office in 2021, or those who came in undetected. Since the new fiscal year on October 1<sup>st</sup>, Border Patrol has been clocking approximately [1,000 known gotaways a day](#).

[These numbers](#) show the urgency to act. The Texas Public Policy Foundation supports an aggressive effort by the state to both continue standing in the gap and standing up to a federal government that has neglected its first duty to protect its citizens.

Their failure hurts every American who deserves safe communities for themselves and their families. It also hurts migrants themselves, every one of whom is a victim of Mexican drug cartels by the time they reach the border.

Texans who have lived through the border crisis of the past several years—which is to say, all Texans, in all of Texas—have learned the bitter lesson that we can expect little from our federal government—but we rightly expect more from our state. HB 4 empowers our state to step up.

HB 4 is a good bill, a constitutional bill, and a necessary bill for the defense of Texas. We need HB 4 to ensure that Americans possess the most basic element of sovereignty, the ability to determine and define who becomes part of their community; and to shut down the cruel and deadly export trade of drugs, violence, corruption, and worst of all, literally millions of fellow human beings who are held in de facto servitude by the state-cartel nexus that increasingly controls Mexico.

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Fortunately, we are not left defenseless. Texas has the ability to defend itself and its citizens under the U.S. Constitution, both as affirmed in Article I, Section 10, which grants states the power of ordinary self-defense; and in the Tenth Amendment, which affirms that states retain all the ordinary prerogatives of a sovereign not specifically reserved to the federal government.

There is nothing preventing Texas from asserting what the late Justice Antonin Scalia referred to as “the defining characteristic of sovereignty: the power to exclude from the sovereign’s territory people who have no right to be there.”

Chairman Hunter, Vice Chair Hernandez, and Members of the Committee, there is nothing radical or unprecedented about HB 4. It is necessary, common sense, and Constitutional. For the sake of all the victims of our lawless border, from Texans to migrants and beyond, we endorse the intent and purpose of HB 4 in full and urge its passage.

Thank you for your time. I am grateful for your leadership, and I am happy to answer any questions you may have.

*Melissa Ford is the policy director for the Texas Public Policy Foundation’s Secure and Sovereign Texas campaign, which strives to keep our nation safe and free. Melissa’s work and expertise is focused on policies that secure the border and restore the rule of law as we fix and improve legal immigration to the United States. Melissa writes about foreign policy, public safety, drug cartels, and organized crime.*

*Melissa was born and raised in Cochabamba, Bolivia, but now calls Texas home. She moved to Tyler, Texas, for college, and after completing a semester as a Bill Archer fellow in Washington D.C., she graduated from the University of Texas at Tyler in 2018 with bachelor’s degrees in Economics and Political Science.*

*Prior to joining the Foundation, Melissa served at the White House under President Donald Trump, first in the Office of American Innovation and later in the Domestic Policy Council. After the president left office, Melissa worked for the Center for Advancing Opportunity, a research and education initiative in Washington, D.C.*

