

Congress of the United States

Washington, DC 20515

April 30, 2024

The Honorable Mark Amodei
Chair
Subcommittee on Homeland Security
House Committee on Appropriations
Washington, DC 20515

The Honorable Henry Cuellar
Ranking Member
Subcommittee on Homeland Security
House Committee on Appropriations
Washington, DC 20515

Dear Chairman Amodei and Ranking Member Cuellar:

As the Subcommittee considers the Homeland Security FY2025 Appropriations Bill, we write to support the inclusion of report language directing the Department of Homeland Security (DHS) and Customs and Border Protection (CBP) to issue policy stating the agencies will not participate in or support the implementation of Operation Lone Star in Texas or similar efforts in other states.

In March 2021, Texas Governor Greg Abbot launched Operation Lone Star (OLS), a series of tactics and laws, some under constitutional challenge,¹ that has militarized border communities and targeted Black and Brown migrants, many of whom are legally exercising their right to seek asylum. OLS has resulted in deaths, human rights violations, and hundreds of unlawful arrests.²

Although Border Patrol leadership has conveyed that the agency does not have a policy of colluding with Texas Department of Public Safety (DPS) in OLS trespass arrests,³ groups have documented repeated cases of Border Patrol turning over migrants to Texas state law enforcement instead of processing them for immigration purposes and ensuring they have access to legal protections for those fleeing violence and danger. As documented in a 2022 letter from the American Civil Liberties Union (ACLU) to the Administration, “Border Patrol agents in south Texas have turned migrants over to Texas state law enforcement rather than process them for immigration purposes many times—35 times in which Border Patrol was the apprehending agency in one month alone, including 29 times when DPS was not even present at the arrest.”⁴

Governor Abbott has expressed intent to expand Operation Lone Star and its authority. A new sweeping Texas state law that would allow Texas to engage in deportation, Senate Bill 4 (SB4), is now being litigated in the federal courts. If SB4 is implemented, noncitizens may be targeted for arrest, prosecution and state deportation even if they are lawfully present in the United States. These practices would be a blatant attempt to evade and circumvent the federal immigration system. It is critical that Congress take action to ensure that federal personnel and resources are not misused.

1 Alejandro Serrano and Uriel J. García, “Texas’ new immigration law is blocked again,” *The Texas Tribune*, March 19, 2024, <https://www.texastribune.org/2024/03/19/texas-sb-4-illegal-immigration/>.

2 Joaquin Castro, “Congressman Castro Leads 80+ House Democrats Calling on the Administration to Intervene in Operation Lone Star,” July 21, 2023, <https://castro.house.gov/media-center/press-releases/congressman-castro-leads-80-house-democrats-calling-on-the-administration-to-intervene-in-operation-lone-star>.

3 Aaron Nelsen, “Border Patrol Chief Raul Ortiz on the Crisis in Texas and Why Greg Abbott’s Operation Lone Star Concerns Him,” *Texas Monthly*, October 21, 2021, <https://www.texasmonthly.com/news-politics/raul-ortiz-border-patrol-texas/>.

4 “Border Patrol Collusion in Texas Migrant Arrest Program under ‘Operation Lone Star’—Urgent Need for Immediate End to Collusion,” ACLU Texas, December 2, 2022, https://static.texastribune.org/media/files/c7b90d91cada0fd9268a2cb7e78b357a/ACLUTX_DHS_Complaint_OLS.pdf.

To that end, we ask that the FY25 Homeland Security Appropriations bill include the language below instructing DHS and CBP to issue policy clarifying that (1) supporting or working with Texas Department of Public Safety (DPS) officers, Texas National or State Guard personnel, or other individuals implementing Operation Lone Star to detain, transport, surveil, arrest, jail, remove, or target migrants is prohibited; (2) Border Patrol will not enforce Texas' OLS state laws; and (3) DHS will not accept any unlawful extensions of additional authority under OLS, including Texas Senate bill 602.

The proposed language is included below.

Proposed Report Language:

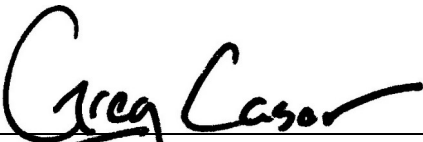
The Committee recognizes that actions taken under Texas' Operation Lone Star (OLS) are facing constitutional challenges and reports show that OLS is misappropriating the criminal justice system, wasting resources, contributing to broad harms, including increased racial profiling of border residents and the violation of their rights, and contributing to the injuries and deaths of scores of migrants and US citizens.

Within 60 days of enactment of this Act, the Committee directs DHS and CBP to issue policy: (1) to clarify that participating in and/or supporting Texas Department of Public Safety (DPS) officers, Texas National or State Guard personnel, or other individuals working under the umbrella of Operation Lone Star to detain, arrest, jail, transport, surveil, or attempt to remove under Texas law, or otherwise target migrants as part of Texas' program is prohibited; (2) to clarify that Border Patrol will not enforce Texas' OLS state laws; and (3) to prohibit DHS from accepting any unlawful extensions of additional authority under OLS or related state laws.


No funds made available in this or any prior appropriations Act may be used to implement state programs targeting migrants for arrest on state misdemeanor trespass charges or other state laws that attempt to regulate immigration enforcement activities.

Under the U.S. Constitution, only the federal government can create and enforce immigration laws. Operation Lone Star is a harmful policy that makes all of us less safe under the guise of "securing" the border. We look forward to working with you to ensure the federal government is not complicit in advancing this policy.

Sincerely,



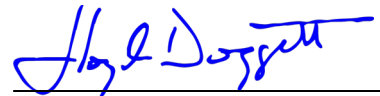
Greg Casar
Member of Congress



Joaquin Castro
Member of Congress



Veronica Escobar
Member of Congress



Lloyd Doggett
Member of Congress



Sheila Jackson Lee
Member of Congress



Sylvia R. Garcia
Member of Congress



Al Green
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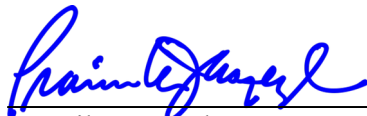
Colin Z. Allred
Member of Congress



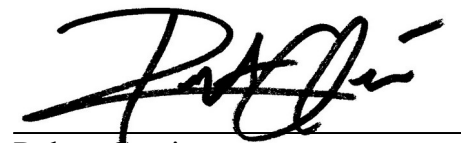
Cori Bush
Member of Congress



Raúl M. Grijalva
Member of Congress



Pramila Jayapal
Member of Congress



Robert Garcia
Member of Congress



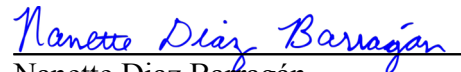
Delia C. Ramirez
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Eleanor Holmes Norton
Member of Congress



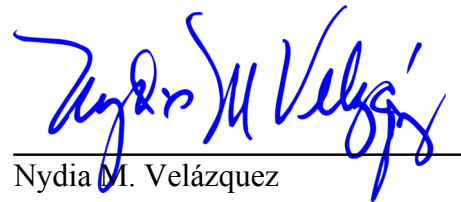
Jesús G. "Chuy" García
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Nanette Diaz Barragán
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Tony Cárdenas
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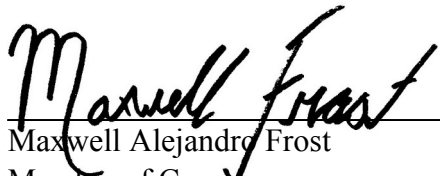
Nydia M. Velázquez
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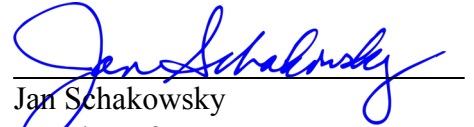
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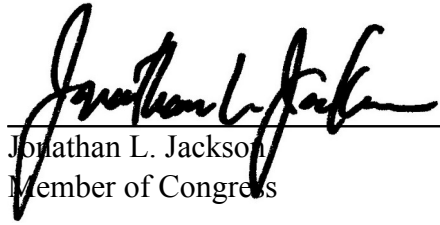
Danny K. Davis
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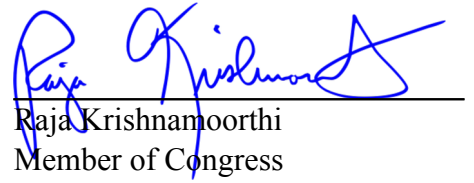
Rashida Tlaib
Member of Congress



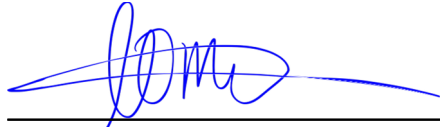
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Member of Congress



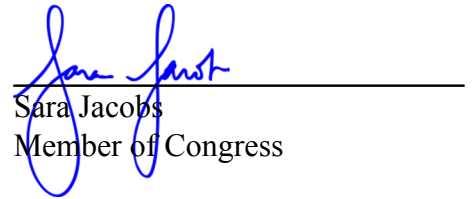
Jonathan L. Jackson
Member of Congress



Raja Krishnamoorthi
Member of Congress



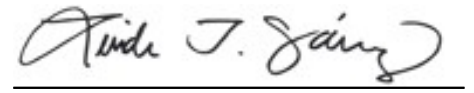
Ilhan Omar
Member of Congress



Sara Jacobs
Member of Congress



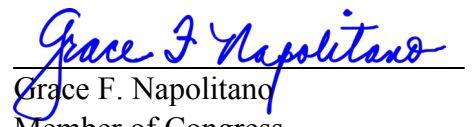
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