



Senate Bill 1621

Testimony Before the Texas Senate Committee on Business and Commerce

By Ken Oliver, Director of Right on Immigration

Chairman Hughes, Members of the Committee:

My name is Ken Oliver, and I am senior director of Right on Immigration at the Texas Public Policy Foundation. Thank you for this opportunity to testify on SB 1621.

Earlier this year, the Texas Public Policy Foundation released its latest research on expanding and implementing the use of E-Verify in Texas. This paper, titled [Toward Achieving a Legal Texas Workforce](#), concluded that continuing statewide E-Verify expansion and implementation is an important and necessary step as part of the state's overall effort to limit illegal immigration, the underground economy, and identity fraud. While E-Verify does not solve all of these problems, it is also clear that we will never get them under control without expanding and improving E-Verify at both the state and federal levels.

Quite simply, the integrity of the immigration system in the United States relies upon everyone doing their part to follow the law. Using the federal government's electronic employment authorization verification system (E-Verify) essentially serves as a means of doing this. E-Verify dissuades illegal immigration by targeting one of its main drivers, the lure of jobs. Concretely, a [study](#) by the Federal Reserve Bank of Dallas found that in 2017, five of the eight states with universal E-Verify mandates saw "the number of unauthorized immigrations and/or unauthorized immigrant workers [fall] below what would have been expected absent E-Verify."

In 2014, Texas began to use E-Verify as part of the onboarding process for all new state government employees. Through subsequent legislation (SB 374, 2015, SB 312, 2017, SB 766, 2021), that requirement currently applies to all state contractors and subcontractors, as well as new employees of sexually oriented businesses. Our position is that E-Verify should continue to be expanded with a view toward achieving a legal Texas workforce.

Since the use of E-Verify in Texas was initiated in the public sector, at the state level, the logical next step in this expansion is to enact legislation, as SB 1621 does, that requires all political subdivisions in the state, including counties, municipalities, and government-funded educational institutions, to use the system. In like manner as the federal government and as is further provided by SB 1621, all taxpayer-funded contractors and subcontractors should also be required to use E-Verify.

Texas and other states can uphold the rule of law, but we must have the political willpower to do so. In particular, requiring the use of E-Verify for all public service employment in Texas will help ensure that taxpayers are not subsidizing the employment of people without proper work authorization.

While Texas has a long way to go toward achieving a legal workforce, it is moving in the right direction. As this process advances, the state can avoid unnecessary disruption of its current workforce by applying E-Verify use requirements, as SB 1621 does, only to new hires. This way, no current employees will be subject to removal from their jobs.

In addition, in order to be effective, accountability and enforcement mechanisms must be essential components of expanded use of E-Verify. As experience in Texas and other states has shown, simply requiring the use of E-Verify is not enough. SB 1621 also contains a necessary enforcement framework, including provisions that close the loophole used by independent contractors that has weakened compliance with E-Verify laws in other states.

Ken Oliver is senior director of engagement and Right on Immigration in the Foundation's Washington, D.C., office. In this role, Oliver is at the center of the landmark Texas Public Policy Foundation initiative that highlights and champions policies that secure the border, restore the rule of law, and fix and improve legal immigration to the United States.

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The public is demanding a different direction for their government, and the Texas Public Policy Foundation is providing the ideas that enable policymakers to chart that new course.

