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By:  Walle H.R. No. 69

R E S O L U T I O N

WHEREAS, On June 20, 2018, President Donald J. Trump signed an executive order designed to quell mounting public outrage over the family separation crisis at the U.S./Mexico border, but the administration's Zero Tolerance Policy on immigration continues to harm children; and

WHEREAS, The Zero Tolerance Policy was introduced in April 2018, when the U.S. attorney general directed federal prosecutors along the southwestern border to criminally prosecute all immigrants entering the country without authorization, regardless of whether they were seeking asylum or refugee status; parents apprehended at the border were arrested and jailed, while their minor children, including babies and toddlers too young to talk, were taken from them by the Border Patrol and eventually dispatched to Department of Health and Human Services shelters, many of them thousands of miles away; and

WHEREAS, Across the country and around the world, people reacted with horror at images and news reports of distraught children and grieving parents; medical professionals warned that children could suffer lasting psychological trauma, and in a *Washington Post* op-ed, former first lady Laura Bush decried the Zero Tolerance Policy as "cruel" and "immoral"; after President Trump issued his executive order halting the practice of family separation, a federal court ordered the government to reunite nearly 3,000 migrant children and their parents within 30 days, but the process was greatly complicated by shoddy recordkeeping during the hasty implementation of the Zero Tolerance Policy; more than three months later, over 100 minors remained in federal custody; and

WHEREAS, On September 27, 2018, the Department of Homeland Security Office of Inspector General issued an initial report on family separation issues under the Zero Tolerance Policy; it revealed a chaotic interagency process that did not establish a means to track the identity of preverbal children in government custody; moreover, it found that at least 860 migrant children had been left in austere Border Patrol holding cells for longer than the legal limit of 72 hours; and

WHEREAS, Although the family separation measures ended, older youths have continued to cross the border on their own in search of a better life, and immigration policies still in place have driven the overall number of unaccompanied minors in detention to record levels; in September 2018, the *New York Times* reported that the migrant youth population at federally contracted shelters had more than quintupled in a year, to over 13,000, as unaccompanied minors spend longer periods in custody; Department of Health and Human Services data suggests that the rise is due to increasingly stringent regulations and heightened fears of deportation, which discourage relatives and family friends from coming forward as sponsors for these children; as a result, shelters have hovered near 90 percent capacity, and in early September, the administration announced the tripling of its temporary "tent city" for children in Tornillo; such shelters are far more costly than traditional shelters, and they offer neither education nor mental health services, nor are they regulated by state child welfare authorities, as are permanent shelters; protracted stays in such facilities risk deepening the trauma already suffered by these youngsters; and

WHEREAS, The economic cost of expanded detention is not inconsiderable; internal documents from the Department of Health and Human Services reveal that more than $260 million has been reallocated to the program, taking funding away from such essential services as the National Cancer Institute, the National Institutes of Health, and the Centers for Disease Control and Prevention; another $200 million has been redirected within the Department of Homeland Security to the aggressive immigration enforcement agenda from FEMA, the Countering Weapons of Mass Destruction Office, the U.S. Coast Guard, U.S. Customs and Border Protection, cybersecurity, the Transportation Security Administration, and other departments; and

WHEREAS, While the crisis among migrant youths has unfolded, the Trump administration has worked to circumvent long-standing legal time limits on their detention; such constraints were imposed by the court in the 1997 Flores Agreement, a consent decree stemming from a class action lawsuit over the physical and emotional harm suffered by children confined in jail-like settings; a judge rejected the administration's request to suspend the Flores Agreement in July 2018, but the administration is currently seeking approval to withdraw from the consent decree and replace it with a new agreement with looser restrictions; and

WHEREAS, The Zero Tolerance Policy has exacted a terrible human toll and significant economic costs, causing hardship and heartbreak while draining resources from agencies and programs that protect Americans and improve their lives; now, therefore, be it

RESOLVED, That the House of Representatives of the 86th Texas Legislature hereby respectfully urge the president of the United States to end the Zero Tolerance Policy in regards to immigration and to uphold the important provisions of the Flores Agreement; and, be it further

RESOLVED, That the chief clerk forward an official copy of this resolution to the president as an expression of sentiment by the Texas House of Representatives.