

By: Walle

H.R. No. 69

R E S O L U T I O N

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

6 WHEREAS, The Zero Tolerance Policy was introduced in April
7 2018, when the U.S. attorney general directed federal prosecutors
8 along the southwestern border to criminally prosecute all
9 immigrants entering the country without authorization, regardless
10 of whether they were seeking asylum or refugee status; parents
11 apprehended at the border were arrested and jailed, while their
12 minor children, including babies and toddlers too young to talk,
13 were taken from them by the Border Patrol and eventually dispatched
14 to Department of Health and Human Services shelters, many of them
15 thousands of miles away; and

16 WHEREAS, Across the country and around the world, people
17 reacted with horror at images and news reports of distraught
18 children and grieving parents; medical professionals warned that
19 children could suffer lasting psychological trauma, and in a
20 *Washington Post* op-ed, former first lady Laura Bush decried the
21 Zero Tolerance Policy as "cruel" and "immoral"; after President
22 Trump issued his executive order halting the practice of family
23 separation, a federal court ordered the government to reunite
24 nearly 3,000 migrant children and their parents within 30 days, but

1 the process was greatly complicated by shoddy recordkeeping during
2 the hasty implementation of the Zero Tolerance Policy; more than
3 three months later, over 100 minors remained in federal custody;
4 and

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

13 WHEREAS, Although the family separation measures ended,
14 older youths have continued to cross the border on their own in
15 search of a better life, and immigration policies still in place
16 have driven the overall number of unaccompanied minors in detention
17 to record levels; in September 2018, the *New York Times* reported
18 that the migrant youth population at federally contracted shelters
19 had more than quintupled in a year, to over 13,000, as unaccompanied
20 minors spend longer periods in custody; Department of Health and
21 Human Services data suggests that the rise is due to increasingly
22 stringent regulations and heightened fears of deportation, which
23 discourage relatives and family friends from coming forward as
24 sponsors for these children; as a result, shelters have hovered
25 near 90 percent capacity, and in early September, the
26 administration announced the tripling of its temporary "tent city"
27 for children in Tornillo; such shelters are far more costly than

1 traditional shelters, and they offer neither education nor mental
2 health services, nor are they regulated by state child welfare
3 authorities, as are permanent shelters; protracted stays in such
4 facilities risk deepening the trauma already suffered by these
5 youngsters; and

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

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

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

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

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