

If you care about working men and women in this country, if you care about the working poor, you have a template that is only a year in the past where it was working.

Let's figure out what we were doing right, and, Mr. Speaker, let's go back and do more of it. The one thing I will beg of this body, as the Democrats look like they will continue to be in the majority, and they have spent a couple of years demagoguing our previous work as Republicans when we did the tax reform, when we did, the economic opportunity that it brought: Stop making up the numbers. Tell the truth.

Let's hold hands—well, in the COVID world, we will talk at an appropriate 6-foot distance. If our rhetoric is we care, we have delivered tax reform in a fashion where it worked.

□ 2130

It created an economic, in many ways, to quote Chairman Powell of the Federal Reserve, a Goldilocks economy.

I hope it is every Member of Congress' goal here. Let's get back to that Goldilocks economy that was helping so many of our poor, so many of our working poor, so many of our working class, and actually, as you can see in the data, was closing income inequality.

Mr. Speaker, I yield back the balance of my time.

POOR TRAINING AND OVERSIGHT OF TEXAS LAW ENFORCEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2019, the Chair recognizes the gentleman from Texas (Mr. GREEN) until 10 p.m.

Mr. GREEN of Texas. Mr. Speaker, and still I rise, and tonight I would like to initiate this event with some words of thanks for the many people who work late into the night with us.

Mr. Speaker, I want to thank all of them for what they do and for staying here for the duration. And there are other persons who are without this facility who are also here until we leave, so I thank them for what they do.

I also, tonight, would like to make note of the Houston Chronicle. That is the largest newspaper in Houston, Texas. And I would like to thank the Houston Chronicle for exercising some of its courage and some of its wisdom in terms of what it has produced with some of the news stories as of late.

The Houston Chronicle has printed two stories that I would like to focus on tonight. They are about policing in the State of Texas.

I have two documents that I include in the RECORD. They both deal with policing in Texas. The first one is styled: "Blistering Government Report Blasts Poor Training, Oversight of Texas Law Enforcement." The second one is an editorial, titled: "Editorial: Hairstylists Get More Training Than Texas Cops? That's Unacceptable."

[From Houston Chronicle Local, Nov. 30, 2020]

BLISTERING GOVERNMENT REPORT BLASTS POOR TRAINING, OVERSIGHT OF TEXAS LAW ENFORCEMENT

(By St. John Barned-Smith and Eric Dexheimer.)

Last year, more than 600 Texas law enforcement officers received a dishonorable discharge from their agencies for misconduct. Yet more than a quarter of them were rehired to work as sworn officers.

To qualify for a peace officer license, Texas cops need fewer hours of basic training than licensed cosmetologists and less than half the education required of air-conditioning and refrigeration contractors. While the basic training requires officers to spend 48 hours on the firing range, it demands only two hours of "civilian interaction" instruction.

The difficulty of purging bad officers from the ranks of Texas police and outdated and inadequate officer training highlight how state lawmakers have rendered the Texas Commission on Law Enforcement unable to meaningfully oversee the profession, according to a blistering new report by the Sunset Advisory Commission. The commission reviews the performance of state agencies every 10 years or so.

The Sunset Advisory Commission's critical findings come amid a contentious nationwide re-evaluation of the fundamental role of police. The deaths of Sandra Bland, Eric Garner, Tamir Rice and George Floyd, among others, have prompted calls for stronger oversight from police departments and civilian review boards, as well as stricter limits on police use of force.

But in Texas, the regulation of law enforcement is "by and large, toothless," the Sunset report concluded.

Although it is charged with licensing police and correctional officers and 911 dispatchers, the law enforcement commission differs from state agencies that regulate other professions in that it has almost no authority to act against an officer's license. Instead, most oversight of police conduct is left up to each of the state's 2,700 law enforcement agencies, which set their own policies and standards.

Without a shared definition of professional conduct, many have widely differing rules. For example, "In the Dallas-Fort Worth metroplex, chokeholds are an acceptable technique west of the 3200 block of Sandy Lane, but are not allowed on the east side of the same street because it crosses two different . . . jurisdictions," the Sunset report found.

Texas' patchwork of uneven oversight has resulted in "a fragmented, outdated system with poor accountability, lack of statewide standards, and inadequate training," the Sunset report stated.

While advocacy groups and demonstrators have demanded better police oversight, they also have called on cities to reallocate millions of dollars from law enforcement budgets into community services. That, in turn, has sparked swift blowback from conservative politicians and supporters of law enforcement. In Austin, a lawmaker recently filed legislation prohibiting local governments from cutting police budgets.

Washington-based criminologist Matthew Hickman said the protests and impassioned conversations about police reform have revealed holes in how municipalities, states and the federal government oversee law enforcement officers.

Accountability starts at the department level, he said, with internal affairs investigation. At the other end, in the most egregious circumstances, the Department of Justice

can pursue civil rights investigations against problem departments.

Charley Wilkison, executive director of the Combined Law Enforcement Associations of Texas, said the Sunset report was just the beginning of the process of state lawmakers' evaluation of the law enforcement commission. Legislators will hold hearings next year and almost certainly change some of the Sunset staff's recommendations.

"What you're seeing there is not going to be state law," he said. While his organization agreed some changes were needed, he said, it opposed granting the state commission sweeping new enforcement powers to investigate and discipline officers.

Still, policing watchdogs said the report's findings rang true. "Right now, it definitely feels like at the state level, there's little to no regulation of law enforcement that's happening," said Chris Harris of the nonprofit public interest justice center Texas Appleseed, "and to the extent there is, it's not effective."

And one key Houston-area legislator said he was inclined to make some changes. Reforms to the agency are "long overdue," said state Sen. John Whitmire, D-Houston, who said the Texas law enforcement commission should operate more like other regulatory boards such as the State Bar of Texas or the State Board of Pharmacy.

The report was notable for its sweepingly critical evaluation of nearly every facet of the agency, calling its regulation of the profession "fundamentally broken." It said the changes it recommended were stopgap and called for legislators to form a blue ribbon committee "to comprehensively look at how the state regulates law enforcement and recommend needed changes to improve law enforcement regulation in Texas."

It took particular note of the state's inability to discipline officers for misconduct. It pointed to a recent incident in which the San Antonio Police Department fired an officer for giving a homeless man a sandwich filled with dog feces. Yet the officer, Matthew Luckhurst, was able to return to the force. He was later fired—for good—after another feces-related incident.

The example highlighted the Texas Commission on Law Enforcement's limited authority to take any action against an officer's state license. The agency may act only when officers fail to complete mandatory continued education, if they are convicted of or received deferred adjudication for felonies or certain misdemeanors, or if they receive a second dishonorable discharge. The agency has even less authority to sanction individual law enforcement agencies.

Roger Goldman, retired law professor from the Saint Louis University School of Law, said that about two-thirds of states have stronger oversight abilities at the state level than Texas, and that in many states, officers can have their licenses revoked for misconduct even if they haven't been convicted of a crime.

Many states across the country are taking other tacks to try to prevent bad officers from getting hired at other departments after allegations of gross misconduct.

Some states are now requiring departments to screen candidates more rigorously. In Vermont, for example, lawmakers passed a bill requiring departments to provide information about why they fired officers to other departments when those officers try to get new jobs. In Connecticut, lawmakers implemented rules requiring regulators to create a list of officers fired for serious misconduct but whose licenses were not decertified. The list prevented officers from being rehired by other departments, Goldman said.

Matt Simpson, with the ACLU of Texas, said that while the Sunset review recommended a panel to study needed changes,

lawmakers in the meantime should “ensure public safety is not threatened” by unqualified cops and pass reforms to give the law enforcement commission more authority to discipline officers dishonorably discharged, as well as empower the agency to sanction law enforcement agencies that “fail to hold up their end of the bargain in hiring and training qualified law enforcement officers.”

Simpson also urged the Legislature to pass reforms that set statewide use of force standards and require a focus on de-escalation and proportional response; require officers to intervene if they witness other officers using excessive force; and pass citation requirements for low-level offenses.

[From the Houston Chronicle, Dec. 7, 2020]

EDITORIAL: HAIRSTYLISTS GET MORE TRAINING THAN TEXAS COPS? THAT'S UNACCEPTABLE

(The Editorial Board)

People who call the police for help in a life and death situation have every right to expect the responding officer to be at least as well-trained and professional as the person who cuts their hair or fixes their air conditioner.

We should have similar assurances that the deputy pulling us over for speeding or the jailer locking the cell door holding a murder suspect are being held accountable to local and state legal standards that preserve life, safety and civil liberties.

That may not be the case in Texas, according to a harshly critical report from the Sunset Advisory Commission, the oversight body the Legislature created to ensure state government agencies remain effective or be shut down.

The study showed that the Texas Commission on Law Enforcement, the organization responsible for licensing peace officers and regulating state and local police agencies, hasn't been able to effectively hold police or their departments to sufficient standards. It found that “Texas” approach has resulted in a fragmented, outdated system with poor accountability, lack of statewide standards, and inadequate training.”

In the wake of the 2015 jail death of Sandra Bland in Waller County, the carnage of the 2019 botched Harding Street raid in Houston and the death in Austin later that year of Javier Ambler after a police stop, scrutiny of police practices and policies is long overdue. The Sunset report only increases the urgency for Houston to move forward on recent recommendations for reform at HPD and for Texas to make fundamental changes at the state level.

The Sunset process, which begins with the staff recommendations, will eventually require lawmakers to pass new enabling legislation for the agencies under review or allow them to close. That's powerful leverage for lawmakers who believe, as we do, that the Legislature should overhaul the way the state certifies and regulates the 155,000 peace officers, jailers, emergency telecommunications operators and school marshals operating within 2,700 local law enforcement agencies across Texas.

The report makes clear that the current system too often allows officers fired from one department to get hired by another, fails to provide the basic levels of instruction needed to support the demands of a fast-changing profession and does not adequately inform the public about a government service that is crucial to daily life and safety.

A new state system needs to focus on transparency, training and true accountability. That isn't the case now.

The Sunset report found that Texas requires more time in basic training for cosmetologists (1,000 hours) than for cops (696

hours). Air conditioning and refrigeration contractors, meanwhile, have to put in 2,000 hours of training to get licensed. The Houston Police Department requires at least 48 semester hours of college credit for prospective officers but a high school diploma or GED is enough in other parts of the state.

The type of training officers receive is also out of whack with real world demands. Requiring 48 hours for firearms training and 40 hours for instruction in arrest, search and seizure is appropriate, but the regimen also includes four hours of work on interacting with canines while requiring only two hours on interacting with civilians.

The standard Basic Peace Officer Course includes only four hours for education on “Family Violence, Child Victims, and Related Assaultive Offenses” and no special training for dealing with rape victims.

The fact that larger departments in places such as Houston, Dallas and Harris County mandate, at local expense, more and specialized training for officers only points out how much it is needed as a basic state standard.

This isn't about creating a one-size-fits-all program. It's about certifying officers have the knowledge and skills to do vital, dangerous and demanding jobs. The officers themselves will be the first beneficiaries of these stepped-up training requirements. The patchwork approach leaves standards for policing to vary across the state's 254 counties, 1,200 cities and other jurisdictions, depending on widely disparate resources, department culture and current leadership attitudes about training. That's not how the law is supposed to work.

The Sunset report also raises questions about TCOLE's ability to protect the public from bad cops, including the way background checks are done and how information about firings is handled.

More than 600 Texas law enforcement officers received a dishonorable discharge for misconduct last year with more than a quarter of them being rehired to work as sworn officers with their original departments or elsewhere in the state. TCOLE is barred from revoking a license except in cases of a criminal conviction or after a second dishonorable discharge.

That unwisely precludes an independent review by an agency that is supposed to be upholding statewide standards.

None of this is good for the public, which deserves consistent and competent policing, nor for the officers who deserve professional training and the respect that comes with it.

The Sunset Commission concludes that the current system isn't working and recommends a blue ribbon panel to rethink how Texas handles law enforcement regulation. Fine. But more study is not enough. Lawmakers should hear from experts about what it can do this session, beginning in January, to strengthen TCOLE so that Texans can count on a police force that is properly trained, a process that is publicly transparent and a system that guards the public trust through robust oversight.

Mr. GREEN of Texas. Mr. Speaker, I would like to start with this one on the “Blistering Government Report Blasts Poor Training Oversight of Texas Law Enforcement.” This is from the Houston Chronicle.

The Houston Chronicle indicates: “Last year, more than 600 Texas law enforcement officers received a dishonorable discharge from their agencies for misconduct. Yet more than a quarter of them were rehired to work as sworn officers.

“To qualify for a peace officer license, Texas cops need fewer hours of

basic training than licensed cosmetologists and less than half the education required of air-conditioning and refrigeration contractors. While the basic training requires officers to spend 48 hours on the firing range, it demands only 2 hours of ‘civilian interaction’ instruction.”

Some things bear repeating: 48 hours on the firing range and 2 hours of civilian interaction instruction.

Something has got to change, and I am pleased to see that the Chronicle is a part of the movement to bring about the change, the reform that is necessary.

This story goes on to read, and it is dated, by the way, November 30, 2020, at 10:16 a.m., when it was last updated.

It goes on to indicate: “... in Texas, the regulation of law enforcement is ‘by and large, toothless.’”

This is from a sunset committee report.

I want to focus for just a moment now on why this is so important to me.

I have a constituent, a constituent who has made his transition, and it is because of an encounter with a peace officer in the State of Texas. I want to talk about Joshua Johnson and how the death of Joshua Johnson has had an impact on my life and, I believe, on the lives of many others who are familiar with this story.

I believe his case is one for us to examine another way of taking these cases of questionable shootings by police before the authorities.

In the case of Joshua Johnson, he was a 35-year-old Black man, and at 6 a.m. on April 22, Joshua Johnson was house-sitting for a neighbor. He went out of his home, or that home, and he went out into the street. He had an encounter with a peace officer who was there.

Much has been said about the encounter, but what I will tell you now is based on facts, because we have an actual recording of what an officer has said that, in my opinion, has corrupted this investigation.

Joshua had this encounter, and as a result, he was shot twice. He, later on, died.

But let's not continue from this point. Let's step back for just a moment.

His parents lived within yards of where he died. His father took his mother to work that morning, and when he returned, his son had lost his life. He acquired the opportunity to go and bring his wife to the area near the scene, and there was an investigating officer there.

This officer took it upon himself to explain to the Bearys—these are the parents of Joshua, Ms. Wilhelmena Beary and Mr. Richard Beary. He took it upon himself to tell them what the facts were.

He told them that their son approached this officer who was in a car, a vehicle, and that this officer told their son to lower a pistol. It was a BB pistol, according to the report. The son

had his phone flashlight on. He did not lower the pistol, and as a result, he was shot twice and he was killed.

Now, the officer that called this to the attention of the Bearys did not talk to the officer who did the shooting. He did not have the benefit of a video recording. He did not have the benefit of an autopsy report because one had not been performed. This was just 2 hours after Joshua's death.

He did not have the benefit of a ballistics report. He did not talk to the medical examiner before making these statements. There was no way for him to know what he would say, but he said it, and it has become the narrative for Joshua's death.

This officer who shot Joshua twice—and this is the part that will tear at your heart—he shot Joshua twice and drove away, shot him twice and left the scene and drove away and went around the corner.

If he shot him because he was in fear of his life, and this is typically what is said, should he not have concern for the lives of people in that neighborhood that he was sworn to protect?

Joshua didn't die immediately, but he did die within some short time after he was shot.

So the Bearys find themselves being told how their son died by someone who didn't see it, didn't have a video recording of it, didn't have an autopsy report, didn't have a ballistics report, didn't talk to the medical examiner. They had someone who literally gave them a story that some conclude was made up.

Can you imagine? Your son is on the ground. Your son is there. You can't go over and see your son. And you are told that your son has died because he pulled a BB pistol on a peace officer.

This is important in terms of what the officer said because of this training: 2 hours of civilian interaction instruction, not nearly enough.

That officer who was investigating should have been better trained such that he would not have told this story without having more of the actual facts, such that what he would tell them they could believe.

No ballistics report. No autopsy report. No conversation with the medical

examiner. Didn't talk to the officer who shot Joshua. Yet he told them that these were the facts in terms of how their son had lost his life.

This officer needed better training. Unfortunately, in Texas, they are not getting this training at this time, and I am proud of the Chronicle for pointing it out.

But he also needs training in terms of how you present yourself and how you protect the people in the neighborhood that he was in.

Let's talk about the shooter.

How can a police officer shoot a person twice, not be fired upon, and simply drive away? It makes no sense. Drive away.

If you believe that this person was a threat, wouldn't you want to protect the people that you are sworn to protect and defend by staying there, or wouldn't you call for additional help?

You shoot him twice and you leave. Joshua died.

There is more to the story, but my point tonight is this. The Houston Chronicle has apparently decided that enough is enough and that there should be better policing in the State of Texas.

I have decided that there is another way to deal with these cases. The grand jury is one means by which we can take cases to court, but there is another way.

In Texas, we have something called the court of inquiry. I believe that it is time for us to use this tool, the court of inquiry, to get the facts and have transparency such that the public can understand what is happening, that they cannot acquire intelligence on when these cases go before a grand jury because it is all sworn to secrecy. No one can tell you what happened before the grand jury. Maybe the district attorney can give you some semblance of what happened.

But the court of inquiry allows any person who believes that a crime has been committed to go before a district judge and explain what the facts are. And if that judge believes that there is probable cause to believe that a crime has been committed, then that judge goes to another judge, an administrative judge, and makes an appeal to the

administrative judge to convene the court of inquiry, then a third judge will actually conduct the court of inquiry.

I think that in the State of Texas, because of the training—or the absence thereof—as it relates to our peace officers, this court of inquiry is going to be of great benefit as we move forward.

It is time to change the paradigm. Simply allowing these cases to go before a grand jury and never know what actually happened is not enough.

I believe that the Houston Chronicle has set a proper course for us to move in a direction that will change policing in the State of Texas, and I would invite persons to please read these two articles that I have called to your attention.

Mr. Speaker, I leave you and all who are listening with these words:

Joshua Johnson shouldn't have lost his life that morning.

Joshua Johnson shouldn't be another statistic.

Joshua should be with his parents.

My prayer is that these parents will receive the justice they deserve because they have been waiting approximately 230 days for some decision from law enforcement, and they have not had that decision.

There is some hope. The district attorney's office is moving forward with an investigation. My prayer is that this family will receive the justice that they deserve because their son shouldn't have lost his life on the 22nd of April this year at approximately 6 a.m.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 967, the House stands adjourned until 10 a.m. tomorrow for morning-hour debate and noon for legislative business.

Thereupon (at 9 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 9, 2020, at 10 a.m. for morning-hour debate.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 631, For the relief of Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 1375, the PAID Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 1375

	By fiscal year, in millions of dollars—											
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2021–2025	2021–2030
Statutory Pay-As-You-Go Impact	19	11	0	–3	–4	–4	–4	–5	–5	–5	23	0

Components may not sum to totals because of rounding.