



Legislative UPDATE

July 2, 2020
Number 26

USMCA Enters Into Force

This week, the United States-Mexico-Canada Agreement (USMCA) entered into force. The USMCA is designed to encourage balanced and reciprocal trade. The agreement contains improvements to rules of origin, agricultural market access, intellectual property, digital trade, financial services, and labor.

Foreign trade is a significant part of the Texas economy because Texas exports by far more goods to foreign countries than any other state. Whether it's agricultural products, oil and gas, or computer components, every community in Texas has a stake in promoting foreign trade

The League endorsed the legislation and congratulates the Texas delegation and the administration for the success.

U.S House Passes Police Reform Bill

Last week, the U.S. House of Representatives passed the *Justice in Policing Act of 2020* along mostly partisan lines, with three Republicans joining Democrats including Texas Congressman Will Hurd (R – Fort Stockton). The bill's passage came a day after Senate Democrats decided that the Republican policing bill did not contain enough in common with the *Justice in Policing Act* for it to be vehicle with which to negotiate with the House and ultimately blocked the bill from consideration.

The *Justice in Policing Act of 2020* would, among other things, do the following:

- **Enable individuals to recover damages in civil court when law enforcement officers violate their constitutional rights by eliminating qualified immunity for law enforcement.**
- Prohibit federal, state, and local law enforcement from racial, religious, and discriminatory profiling.
- Mandate training on racial, religious, and discriminatory profiling for all law enforcement officers.
- Require law enforcement to collect data on all investigatory activities.
- Ban chokeholds and carotid holds at the federal level and condition law enforcement funding for state and local governments on banning chokeholds.
- Ban no-knock warrants in drug cases at the federal level and condition law enforcement funding for state and local governments on banning no-knock warrants at the state and local level.
- Require that deadly force be used only as a last resort and require officers to employ de-escalation techniques first.
- Limit the transfer of military-grade equipment to state and local law enforcement.
- Require federal uniformed police officers to wear body cameras and requires state and local law enforcement to use existing federal funds to ensure the use of police body cameras.
- Amend the federal criminal statute from “willfulness” to a “recklessness” standard to successfully identify and prosecute police misconduct.
- Improve the use of pattern and practice investigations at the federal level by granting the Department of Justice Civil Rights Division subpoena power and create a grant program for state attorneys general to develop authority to conduct independent investigations into problematic police departments.
- Establish public safety innovation grants for community-based organizations to create local commissions and task forces to help communities to re-imagine and develop concrete, just and equitable public safety approaches.
- Establish a National Police Misconduct Registry to prevent problematic officers who are fired or leave one agency from moving to another jurisdiction without any accountability.
- Create law enforcement development and training programs to develop best practices.
- Require the creation of law enforcement accreditation standard recommendations based on President Obama’s Taskforce on 21st Century Policing.
- Require state and local law enforcement agencies to report use of force data, disaggregated by race, sex, disability, religion, age.
- Establishes a Department of Justice task force to coordinate the investigation, prosecution and enforcement efforts of federal, state and local governments in cases related to law enforcement misconduct.
- Make it a federal crime to conspire to violate existing federal hate crime laws.

The League will continue to report as legislation advances both chambers in Congress.

First Flood Planning Groups Forming: TWDB Seeking Nominations – DUE TODAY

The following was provided to the League by the Texas Water Development Board:

TWDB is currently soliciting nominations for individuals to serve as members of the 15 inaugural regional flood planning groups. Nominations for new members are due July 2, 2020.

We are especially looking for more candidates in the: Sabine, Neches, San Antonio, Nueces, and Upper Rio Grande regions in all interest categories.

Ideal candidates will have experience in and a continued strong interest in working cooperatively on public issues; be committed to and possess expertise in flood risk-related issues; be strongly affiliated with and endorsed by the interest category for which they are nominated; and be capable of playing a leadership role in a regional flood planning group.

For questions regarding these solicitations, please call James Bronikowski at 512-475-0145, or Reem Zoun at 512-475-1546, or email floodplanning@twdb.texas.gov.

U.S. House Passes Infrastructure Bill

Yesterday, the U.S. House of Representatives passed a comprehensive infrastructure bill, the Moving Forward Act (H.R.2). The bill includes \$1.5 trillion in provisions for transportation, water, broadband, workforce training, infrastructure financing and more. With several rounds of amendments, the debate on the floor lasted two days and dealt with several key amendments that the National League of Cities worked on to invest in workforce skills training, to replace lead water pipes, and to ensure road safety.

NLC's President released the following statement:

“The National League of Cities applauds the passage of the House ‘Moving Forward Act,’ which will make realistic investments across the country to recover from COVID-19, rebuild our essential infrastructure, and create critical jobs in a time of growing unemployment. Through our *Rebuild With Us* campaign, NLC has long called for a comprehensive approach to investing in our nation's physical infrastructure – roads, bridges, water and broadband – and ensuring that is coupled with a robust investment in skills that will bolster our human capital infrastructure and ensure that we have workers ready and prepared to rebuild and reimagine. This bill is an important step forward towards making that a reality. Passing comprehensive infrastructure legislation is critical for the economic recovery efforts on-going in communities across the nation. Recent survey data from over 1,100 municipalities across the country found that 65 percent of cities are being forced to

delay or completely cancel capital expenditures and infrastructure projects, which will stifle job growth and slow local economic activity.

NLC looks forward to continuing to advocate for Senate consideration in the weeks ahead of both essential COVID-19 emergency response and an infrastructure package that will help communities recover and rebound.”

[Editor’s Note: The edited information above was reprinted with permission of the National League of Cities.]

Don’t Forget: Emergency Management Resources Available

In Texas, local governments – including cities – are the first line of defense during a disaster. Because of that, the League has prepared emergency management resources that cities may find helpful in the event of a disaster. This information, which consists of legal FAQs, example documents, and helpful resources, is available [here](#).

A new development in the area is the release of the Federal Emergency Management Agency’s [2020 Hurricane Pandemic Plan](#), which provides guidance to state and local officials to prepare for response and recovery operations, and it encourages personal preparedness measures amidst the ongoing COVID-19 pandemic. While the document focuses on hurricane season preparedness, most planning considerations can be applied to any disaster operation in the COVID-19 environment, including no-notice incidents, spring flooding, and wildfire seasons.

Coronavirus (COVID-19) Updates

The Texas Municipal League is open for business. The building is closed to all but essential personnel and most staff is working remotely, but the League remains open for business and is fully ready to serve. Cities are encouraged to call or email for legal assistance, help with ordinances, or for general advice or assistance. Let us know how we can assist you and your city.

Call TML staff at 512-231-7400, or email Scott Houston for legal assistance at SHouston@tml.org; Rachael Pitts for membership support at RPitts@tml.org; and the training team for questions about conferences and workshops at training@tml.org.

The League has prepared a coronavirus clearinghouse [web page](#) to keep cities updated. In addition, everyone who receives the *Legislative Update* should receive a daily email update each afternoon with information on new developments. The daily email updates will be our primary means of communication during the pandemic. Those emails are being archived [chronologically](#) as well as by [subject matter](#).

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