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**Congress of the United States**  
**House of Representatives**  
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COMMITTEES:  
JUDICIARY

SUBCOMMITTEES:  
CRIME, TERRORISM, AND HOMELAND SECURITY

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IMMIGRATION, BORDER SECURITY, AND CLAIMS

HOMELAND SECURITY

SUBCOMMITTEES:  
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ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION,  
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MANAGEMENT, INTERGRATION, AND OVERSIGHT

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SUBCOMMITTEES:  
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SPACE AND AERONAUTICS

Member  
DEMOCRATIC CAUCUS POLICY AND  
STEERING COMMITTEE

Copium  
CONGRESSIONAL CHILDREN'S CAUCUS

**CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**  
**HOUSE COMMITTEE ON THE JUDICIARY**

**MARKUP**

**JUNE 12, 2019 – 10:00 AM**

**2141 RAYBURN HOUSE OFFICE BUILDING**

- I thank the Chairman for yielding and I thank him for his leadership on many of the bills we are about to consider today.
- Mr. Chairman we have heard often from our friends from the other side of the aisle that we are spending too much time focusing on oversight matters and not enough time on passing legislation for the American people
- But those of us that have been paying attention to the work of this committee know that we have already passed the Equality Act out of the Judiciary Committee.
- We have already passed the Dream Act out of the Judiciary Committee.
- We have already passed the Violence Against Women out of Committee.

- And, when the House of Representatives passed the Equality Act, we helped ensure that our brothers and sisters in the LGBTQ community would no longer face a reality where they are discriminated against without abandon
- When we passed the Dream Act on the floor of the House of Representatives, we gave certainty to the Nation's Dreamers – young men and women who are American in every way besides a piece of paper, can grow up and enjoy a path of citizenship
- And when we passed the Violence Against Women Reauthorization Act of 2019 on the House of Representatives, we improved current law in several important respects, and took a holistic approach to the goal of eliminating the harm faced by victims of violence, and we made vital services accessible to victims of this scourge.
- So to those who claim that we are unable to both legislate and conduct meaningful oversight, I merely point them to these three bills and the other hundreds and hundreds of bills we have passed.
- And it is in that spirit that I am pleased that we have scheduled another markup to consider ways in which we can pass meaningful legislation to improve the lives of Americans.
- So I thank the Chairman for calling forward the following bills for our consideration:
  - H.R. 1327, the “Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act”
  - H.R. 35, the “Emmett Till Antilynching Act”
  - H.R. 677, the “21st Century President Act”

- H.R. 1569, the “To amend title 28, United States Code, to add Flagstaff and Yuma to the list of locations in which court shall be held in the judicial district for the State of Arizona”
- H.R. 2368, the “Supporting and Treating Officers In Crisis Act of 2019”
- H.R. 1986, the “Effective Prosecution of Possession of Biological Toxins and Agents Act of 2019”

**H.R. 1327, the “Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act”**

- I am proud to be an original co-sponsor of H.R. 1327, the Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act.
- Shortly following the September 11, 2001 attacks on our nation, and after the country came to terms with the scope, scale and gravity of the horror, Americans responded.
- Of course, there was the bipartisan 9/11 commission report, which laid out the comprehensive writing on the event
- On the field of battle, it required a counterattack to those that attacked us.
- To fix our wounded skyline, we sought to rebuild and now at the site of the Twin Towers stand three facilities worthy of the magnitude of the loss we all felt that day: the newly built 1 World Trade Center, cascading pools to mark the footprints of the Twin Towers, and a 9/11 museum, memorializing the horror of that day

- And of course, beyond our national response and beyond what buildings would be built at the site, there was the work of caring for those affected by the attacks
- The September 11th Victim Compensation Fund ("VCF") was created to provide compensation for any individual (or a personal representative of a deceased individual) who suffered physical harm or was killed as a result of the terrorist-related aircraft crashes of September 11, 2001 or the debris removal efforts that took place in the immediate aftermath of those crashes.
- On February 15, 2019, the September 11th Victim Compensation Fund announced that due to a funding shortfall, injured and ill 9/11 responders and survivors will receive drastic cuts to the awards that they were expecting.
- **There are 9/11 first responders and survivors in every state and in 433 out of 435 Congressional districts.**
- In the years since September 11, 2001, thousands of 9/11 responders and survivors have become ill—and many have lost their lives from exposure to a toxic cocktail of the burning chemicals, pulverized drywall, and powdered cement that was present at Ground Zero.
- After years of urging Congress to act, in 2010 and again in 2015, legislation was passed to help these heroes.

- On December 18, 2015, President Obama signed into law a bill reauthorizing the James Zadroga 9/11 Health and Compensation Act of 2010.
  - This included the reauthorization of the VCF. The new law extends the VCF for five years, allowing individuals to submit their claims until December 18, 2020.
  - The law also includes some important changes to the VCF's policies and procedures for evaluating claims and calculating each claimant's loss:
    - Capped non-economic loss that results from a cancer at \$250,000.
    - Capped non-economic loss that does not result from a cancer at \$90,000.
    - Instructed the Special Master to prioritize claims for victims who are determined by the Special Master to be suffering from the most debilitating physical conditions.
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- For purposes of calculating economic loss, capped Annual Gross Income ("AGI") at \$200,000 for each year of loss.
  - Removed the \$10,000 minimum award.

#### **PROPOSED CUTS DUE TO INCREASED CLAIMS**

- On February 15, 2019, the Special Master determined that the funding remaining in the VCF would be insufficient to pay all pending and projected claims under current VCF policies and procedures and, consequently, announced modifications to VCF policies consistent with her statutory obligation.

- The VCF could be cut by 70% due to increased number of claims.
  - Special Master Rupa Bhattacharyya — announced dwindling funds will force them to slash future payouts by 50% to 70%, a figure that worries those still waiting for compensation.
  - As of April 30, 2019, the VCF has found 23,390 claimants eligible for compensation.
  - The total amount awarded through April 30, 2019, is \$5,137,416,674.86.
  - 49,548 claims were received as of April 2019
  - This year's claims have significantly increased by 14,071 since April 2018. (Last year reported 35,477 claims).
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- Within the next few years, the number of deaths caused by 9/11-related illnesses and injuries is expected to surpass the 3,000 deaths during the attacks themselves, according to the Fund
  - Now, our colleague Carolyn Maloney has introduced H.R. 1327, legislation which will extend this fund through 2090, which will sufficiently cover victims for their lives.
  - Yesterday, the House Subcommittee on the Constitution held a hearing on this bill. I, alongside the Chairman, were in this room when we heard the stories

of heroes like Luis Alvarez, who is undergoing his 69th session of chemotherapy at this very moment.

- And in that hearing, we heard from Lila Nordstrom, who was just a teenage student at Stuyvesant High School, and who told of the harrowing tale of her colleagues, who are now in their mid-30s, who are developing cancers, and who are actually dying. This is wrong. We owe these individuals better than this.
- I was in the room when Chairman Nadler promised swift passage of this bill, and I commit to joining him in that endeavor.

### H.R. 35, the “Emmett Till Antilynching Act”

- I am proud to be a cosponsor of the Emmett Till Antilynching Act.
- This bill is long overdue and continues our nation’s inexorable march towards a more perfect union.
- This bill finally adds lynching to the list of hate crimes in the federal roster of hate crimes.
- It is shocking that in 2019, we must still consider ways to stifle lynching.
- In the last century, lynching was mostly a southern phenomenon, committed by white southerners against black southerners and occurred in mostly southern states.
- The oldest statistics related to lynching were compiled by the Tuskegee Institute which found that of all the lynchings that had occurred by 1968, 72% of those victims were black.

- And these lynchings were not quiet or silently macabre events. They were mob scenes.
- The images of that time evinced the cruelty of the act: white southerners were often shooting, burning, and mutilating the victim's body, alive.
- The time has come to end the practice, but this is not the first time the measure has been attempted to be stopped by the Congress. Between 1920 and 1940, Congress passed three Anti-lynching bills, only for them to be stalled in the Senate.
- When Congress passed the Civil Rights Act of 1968, it came close to ending lynching but did not finish the task.
- In 2005, the Senate passed a resolution, sponsored by Senators Mary Landrieu and George Allen, apologizing for the Senate's failure to enact antilynching legislation as a Federal crime, with Senator Landrieu saying, "There may be no other injustice in American history for which the Senate so uniquely bears responsibility."
- This country should not be forced to wait any longer.
- And of course, I would be remiss if I did not state that this bill is named after a martyr of the civil rights movement: Emmett Till.

- Emmett himself was a victim of lynching.
- Young Emmett was only 14 years old when he was lynched in Mississippi on accusations that he was offending a white woman.
- Young Emmett's story is seared in our national consciousness because of the brutality of lynching, the accusations that led to his murder and his age—Emmett was only 14 years old.
- It is unconscionable that this has not yet been made a federal hate crime.
- That must end today.
- The time has come for Congress must make lynching a federal crime so our Nation can begin reconciliation.

**H.R. 677, the “21st Century President Act”**

- This is a rather straightforward and an important bill.
- In 2016, one of our two major political parties nominated a woman to lead its ticket and be its nominee of president
- For the 2020 campaign, there are any number of women that are running for one of the party nominations for President.

- If one of these candidates were to win, they would have a male spouse.
- As it stands, our federal code contemplates that our president is male.
- This accords with history. But it is also sexist.
- The time has come to change the code to make it neutral on this issue.
- I support this bill, introduced by my good friend from Wisconsin, Mark Pocan, and I look forward to working towards full passage.

**H.R. 1569, the “To amend title 28, United States Code, to add Flagstaff and Yuma to the list of locations in which court shall be held in the judicial district for the State of Arizona”**

- Right now, federal district court is heard in Globe, Phoenix, Prescott and Houston.
- Flagstaff and Yuma have federal magistrate judges but not district court judges.
- Right now, it is the practice of district court judges, all of whom have chambers in Phoenix, travel to Flagstaff. And Judges who have chambers in Globe, Prescott, and Tucson travel to Yuma.
- Over the past 70 years Arizona population has so changed that many people now drive several hours to have business before a federal district court.

- This bill, H.R. 1569, makes access to the courthouse easier, and I am proud to support it.

### H.R. 2368, the “Supporting and Treating Officers In Crisis Act of 2019”

- Our nation’s first responders absorb a lot of society’s most difficult elements. We routinely call on them to go into dangerous situations and be the first line of defense.
- I am a steadfast advocate of law enforcement – I take a backseat to no one when it comes to supporting law enforcement
- Which is why I am proud to support H.R. 2368, the Supporting and Treating Officers in Crisis Act of 2019.
- This bill would modify an existing but expired authorization that provided support to law enforcement officers families to add mental health and suicide prevention programs directed at law enforcement officers.
- This bill represents a continued and dedicated effort to improve the recovery from the mental and physical toll that can be exacted on law enforcement officers in America as a result of their public service.
- Past legislation which emanated from this committee, including the 1994 crime bill, to include grant dollars which would be dollar-to-dollar matches for the grant recipient.

- In 2017, Congress passed additional legislation which required the DOJ to publish reports of the Department's officer mental health efforts.
- H.R. 2368 authorizes grant money to provide direct mental health services to law enforcement officers

**H.R. 1986, the “Effective Prosecution of Possession of Biological Toxins and Agents Act of 2019”**

- This bill addresses a scrivener's error in federal code so as to ensure that the bill consists of the complete list of biological toxins and agents intended by Congress to be covered.
- This bill would also reorganize the physical structure of the code by adding certain titles and subtitles and adjusting margins to make clear precisely what conduct and which toxins are covered by the federal code.
- Following a series of statutory developments following the September 11, 2001 attacks, certain portions of federal code were reorganized both in code and within the agencies of the federal government.
- One such reformatting occurred by the Department of Health and Human Services months after Congress, in 2004, passed the Intelligence Reform and Terrorism Prevention Act.
- The HHS reformatting had the unintended consequence of leaving some biological agents and toxins off the prohibited list.

- Among these, is ricin, which is a poison found in castor beans.
- Ricin is inexpensive, easy to make, and very toxic—it can kill by just being inhaled.
- Unfortunately, the scrivener’s error has led to real-life consequences by impeding the prosecution of at least one individual who possessed and may have manufactured Ricin.
- This bill corrects the scrivener’s error.
- This bill is bipartisan.
- An identical version of this bill has passed the Senate, and I am proud to support H.R 1986.