

1 ALDERSON COURT REPORTING

2 KEVIN JAMES KISER

3 HJU163000

4 MARKUP OF H.R. 1327, THE "NEVER FORGET THE HEROES: PERMANENT
5 AUTHORIZATION OF THE SEPTEMBER 11TH VICTIM COMPENSATION FUND
6 ACT";

7 H.R. 35, THE "EMMETT TILL ANTILYNCHING ACT";

8 H.R. 677, THE "21ST CENTURY PRESIDENT ACT";

9 H.R. 1569, THE "TO AMEND TITLE 28, UNITED STATES CODE, TO ADD
10 FLAGSTAFF AND YUMA TO THE LIST OF LOCATIONS IN WHICH COURT
11 SHALL BE HELD IN THE JUDICIAL DISTRICT FOR THE STATE OF
12 ARIZONA";

13 H.R. 2368, THE "SUPPORTING AND TREATING OFFICERS IN CRISIS
14 ACT OF 2019"; AND

15 H.R. 1986, THE "EFFECTIVE PROSECUTION OF POSSESSION OF
16 BIOLOGICAL TOXINS AND AGENTS ACT OF 2019"

17 Wednesday, June 12, 2019

18 House of Representatives

19 Committee on the Judiciary

20 Washington, D.C.

21 The committee met, pursuant to call, at 10:15 a.m., in
22 Room 2141, Rayburn Office Building, Hon. Jerrold Nadler
23 [chairman of the committee] presiding.

24 Present: Representatives Nadler, Lofgren, Jackson Lee,
25 Cohen, Deutch, Bass, Jeffries, Cicilline, Lieu, Raskin,
26 Jayapal, Demings, Correa, Scanlon, Garcia, Neguse, McBath,
27 Stanton, Dean, Murcarsel-Powell, Escobar, Collins, Chabot,
28 Gohmert, Jordan, Buck, Roby, Johnson of Louisiana, Biggs,
29 McClintock, Lesko, Reschenthaler, and Cline.

30 Staff present: David Greengrass, Senior Counsel; John
31 Doty, Senior Advisor; Lisette Morton, Director of Policy,
32 Planning, and Member Services; Madeline Strasser, Chief
33 Clerk; Moh Sharma, Member Services and Outreach Advisor;
34 Susan Jensen, Parliamentarian/Senior Counsel; James Park,
35 Constitution Subcommittee Chief Counsel; Will Emmons,
36 Constitution Subcommittee Professional Staff Member; Jamie
37 Simpson, Courts Subcommittee Chief Counsel; Ben Hernandez,
38 Crime Subcommittee Counsel; Joe Graupensperger, Crime
39 Subcommittee Chief Counsel; Keenan Keller, Crime Subcommittee
40 Senior Counsel; Milagros Cisneros, Crime Subcommittee
41 Detailee; Monalisa Dugue, Crime Subcommittee Deputy Chief
42 Counsel; Veronica Eligan, Crime Subcommittee Professional
43 Staff Member; Brendan Belair, Minority Staff Director; Robert
44 Parmiter, Minority Deputy Staff Director and Chief Counsel;
45 Jon Ferro, Minority Parliamentarian/General Counsel; Dan

46 Ashworth, Minority Counsel; Jason Cervenak, Minority Crime
47 Subcommittee Chief Counsel; Paul Taylor, Minority
48 Constitution Subcommittee Chief Counsel; Ryan Breitenbach,
49 Minority National Security Subcommittee Chief Counsel; Tom
50 Stoll, Minority Chief Counsel, Intellectual Property
51 Subcommittee; Erica Barker, Minority Chief Legislative Clerk;
52 and Andrea Woodard, Minority Professional Staff Member.
53

54 Chairman Nadler. The Judiciary Committee will please
55 come to order, a quorum being present.

56 Without objection, the chair is authorized to declare a
57 recess at any time.

58 We have six bills on the agenda today, none I think
59 particularly contentious. So maybe we will proceed with
60 dispatch.

61 Pursuant to Committee Rule II and House Rule 11, Clause
62 2, the chair may postpone further proceedings today on the
63 question of approving any measure or matter or adopting an
64 amendment for which a recorded vote for the ayes and nays are
65 ordered.

66 Pursuant to notice, I now call up H.R. 1327, the Never
67 Forget the Heroes: Permanent Authorization of the September
68 11th Victim Compensation Fund Act, for purposes of markup and
69 move that the committee report the bill favorably to the
70 House.

71 The clerk will report the bill.

72 Ms. Strasser. H.R. 1327, to extend authorization for
73 the September 11th Victim Compensation Fund of 2001 through
74 Fiscal Year 2090 and for other purposes.

75 Chairman Nadler. Without objection, the bill is
76 considered as read and open for amendment at any point.

77 [The bill follows:]

78

79 Chairman Nadler. I will begin by recognizing myself for
80 an opening statement.

81 The September 11th attacks, September 11th, 2001
82 attacks, created an environmental nightmare. When the Twin
83 Towers collapsed in my district in lower Manhattan, hundreds
84 of tons of contaminants poured onto the streets and covered
85 first responders, residents, office workers, and students in
86 a cloud of toxic dust. Despite clear evidence of this
87 environmental and health disaster, the EPA insisted that the
88 air in lower Manhattan and Brooklyn was "safe to breathe,"
89 unquote. That was not true because, as we knew even then,
90 the air was not safe to breathe. In fact, it was deadly.

91 Thousands and thousands of responders, workers, and
92 residents were exposed to horrible toxins and were not
93 provided with protective equipment. Many people were exposed
94 to horrible toxins because of the collapse of the World Trade
95 Center. No one can be blamed but the terrorists.

96 But the Federal Government did not step in to conduct a
97 proper comprehensive cleanup of the schools, offices, and
98 residences in lower Manhattan. Today, as a direct result of
99 the Federal Government's inaction in not providing a proper
100 cleanup and deception in assuring people the air was safe to
101 breathe and it wasn't, more than 95,000 responders and
102 survivors are sick.

103 It was for those tens of thousands of brave, selfless,

104 and innocent responders and survivors that Congress came
105 together in 2010, after many years of struggle and
106 negotiation, to pass the James Zadroga 9/11 Health and
107 Compensation Act and to fulfill our moral obligation, as
108 President Lincoln said, to care for him who shall have borne
109 the battle and for his widow and his orphan. The Zadroga Act
110 established a national health program to care for those made
111 sick by exposure to toxins in the days, weeks, and months
112 after the 9/11 attack. It also reopened the Victim
113 Compensation Fund to provide support for sick responders or
114 survivors.

115 As the programs were set to expire in 2015, Congress
116 once again came together in a bipartisan measure and
117 reauthorized it. We made the health program essentially
118 permanent and set the expiration date in 2090, ensuring that
119 all those affected by the 9/11 attacks would have the health
120 care they need for as long as they need it. But the 2015
121 reauthorization extended the Victim Compensation Fund for
122 only 5 years.

123 As we heard in the Constitution Subcommittee hearing on
124 the VCF yesterday, that five-year reauthorization was not
125 nearly enough. People are still getting sick as diseases
126 like cancer emerge after long latency periods. Those already
127 sick are getting sicker, and tragically many have died and
128 are dying. Further, as the number of sick responders and

129 survivors continues to rise, the limited resources Congress
130 provided to the VCF have been strained, and now thousands of
131 sick responders and survivors are facing up to 70 percent
132 cuts in compensation.

133 Yesterday, we heard from many witnesses who are sick or
134 who have lost a loved one because of 9/11-related illnesses.
135 Two of those eight witnesses, an FBI agent who worked at the
136 Pentagon site and the widow of a New York construction worker
137 who worked on the pile at ground zero, will have their awards
138 cut by 50 percent and 70 percent, respectively, because of
139 the claims review process timing. Three of the other
140 witnesses received their full compensation simply because
141 they got sick earlier.

142 I refuse to accept that the lives of some responders and
143 survivors are worth more than others. Every sick responder
144 and survivor should be treated with the same dignity and
145 compassion, and all responders and survivors, whether they
146 got sick in 2015 or will get sick in 2025 or 2035, should be
147 properly compensated. Congress must act to make that happen.

148 That is why we are here today to mark up H.R. 1327, the
149 Never Forget the Heroes: Permanent Reauthorization of the
150 September 11th Victim Compensation Fund Act, a bill I
151 introduced along with Representatives Carolyn Maloney and
152 Peter King. This legislation extends the VCF to 2090,
153 matching the authorization for the World Trade Center Health

154 Program. It also reverses any cuts made to awards by the VCF
155 due to insufficient funds. The bill has more than 300, 300,
156 bipartisan cosponsors in the House, including the Ranking
157 Member of the full committee, the gentleman from Georgia, Mr.
158 Collins, and as of yesterday's hearing, the Ranking Member of
159 the Constitution Subcommittee, the gentleman from Louisiana,
160 Mr. Johnson.

161 Yesterday, we heard the difficult and often
162 heartbreaking testimony of our witnesses. We have asked so
163 much of our 9/11 responders and survivors. We relied on them
164 to rush to the World Trade Center and the Pentagon under
165 horrible conditions. We asked them to spend months on a
166 burning, dangerous pile. All the responders on our panel
167 echoed the same sentiment. There was nowhere else they would
168 rather have been than at ground zero on 9/11.

169 We asked the surrounding community to return to schools,
170 offices, and homes that the Federal Government knew were
171 horribly contaminated and unsafe. And they went back and re-
172 opened businesses and got New York and the country moving
173 again. But because of limits placed on the VCF, we have now
174 also asked them to come to Congress every five years to beg
175 for help. It is time for us to give responders and survivors
176 peace of mind once and for all and pass this long-term
177 reauthorization to ensure the VCF will be for them, will be
178 there for them, as long as they need it.

179 I now recognize the ranking member of the Judiciary
180 Committee, the gentleman from Georgia, Mr. Collins, for his
181 opening statement.

182 Mr. Collins. Thank you, Mr. Chairman. And I am glad
183 that you and I can come together on this piece of
184 legislation, which I believe is important.

185 I am not going to take long. I spoke yesterday about
186 this. I have met with the victims in my office. I have
187 talked with them on many occasions. And the remnants and the
188 effects of that day will regenerate forever.

189 I just do want to say, though, as I said yesterday, the
190 reason we do this is because we do remember. The reason we
191 do this is because we have seen the suffering. The reason we
192 do this is because there is a need that we need to address.
193 I believe, as I said yesterday, when I went to Iraq in 2008,
194 it still, even to this day, reverberates from the sacrifices
195 that were made that day, the sacrifices that were unintended
196 and not asked for but went through anyway, when you see
197 firemen and first responders and police all going up the
198 stairs, instead of down the stairs, when you saw them outside
199 coming in, instead of running away.

200 The theorists thought that the fires would bring us
201 down. And, instead, they only revealed. They only revealed
202 the true character of those that were responding and the true
203 character of our Nation.

204 It is easy to come together today, I hope, to say that
205 we will do our part. And that is why I support this bill.
206 That is why I am a cosponsor of this bill and look forward to
207 passing it out of this committee.

208 And I yield back.

209 Chairman Nadler. Thank you, Mr. Collins.

210 Without objection, all other opening statements will be
211 included in the record.

212 For what purpose does the gentleman from Florida seek
213 recognition?

214 Mr. Deutch. I move to strike the last word.

215 Chairman Nadler. The gentleman is recognized.

216 Mr. Deutch. Chairman Nadler, thank you for moving this
217 bill forward. I know it is so important to your
218 constituents, to New Yorkers, to all of the many people from
219 New York and New Jersey and Connecticut who now live in south
220 Florida but also to our Nation. I would also like to thank
221 Carolyn, Representative Carolyn Maloney, and Representative
222 Peter King for their leadership and strong commitment to
223 bipartisan support for 9/11 victims.

224 I don't know that I will ever see a more selfless act of
225 patriotism in my lifetime than the bravery of the first
226 responders on that day in September and the days and weeks
227 that followed. The police, the firefighters, the paramedics,
228 the doctors, and others who rushed into danger as so many

229 tried to rush out, they knew they might not come home that
230 day. And we will forever be grateful for those whose lives
231 were lost. But the ones who did come home, for those who
232 showered off the dust and then went back to claw through
233 debris and came back home, only to do it again day after day
234 until the job was done, they are also paying a lifelong
235 price.

236 Nearly 10 years ago, I was a freshman Member of
237 Congress. And I had the pleasure of meeting a constituent,
238 Freddie Noboa, who moved to south Florida from his native
239 Queens. Freddie worked as a paramedic supervisor. And on
240 September 11, 2001, shortly after the North Tower was hit,
241 Freddie was dispatched to the South Tower to help run triage
242 out of the lobby. And then, suddenly, the ground beneath him
243 began to shake and the windows burst. And the second tower
244 was hit. Freddie was able to run for cover beneath an
245 ambulance that was completely engulfed in smoke and debris.
246 Over the course of the recovery effort, Freddie spent 18 days
247 digging through the rubble at ground zero.

248 Today, Freddie takes 14 different medications for severe
249 asthma, obstructive lung disease, sleep apnea, liver disease,
250 and diabetes. His asthma is so bad that he doesn't drive
251 anymore. He can't catch his breath on the walk from his
252 house to a car.

253 Before the Victims Fund, there were some months that

254 Freddie was forced to make the difficult choice of food or
255 medicine. He will live with the cost and the pain his entire
256 life. We must do everything that we can to ease the burden
257 that he and every first responder took in those days after
258 9/11.

259 And to Freddie and to the first responders who joined us
260 here yesterday as witnesses and observers, to all of the
261 first responders in New York and New Jersey and across our
262 country, we remember the spirit of unity that you embodied in
263 those days at ground zero. We remember your sacrifice. We
264 are grateful for the sacrifices that you make every day, and
265 we thank you.

266 Thank you again to my colleagues who strongly support
267 this bill. And I look forward to working with all of you to
268 make sure that it becomes law.

269 Chairman Nadler. I thank the gentleman.

270 Are there any amendments to H.R. 1327?

271 Very well. A reporting quorum being present, the
272 question is on the motion to report the bill, H.R. 1327,
273 favorably to the House.

274 Those in favor, say aye?

275 Opposed, no?

276 The ayes have it. And the bill is ordered reported
277 favorably to the House.

278 Pursuant to notice, I now call up H.R. 35, the Emmett

279 Till Antilynching Act, for purposes of markup and move that
280 the committee report the bill favorably to the House.

281 The clerk will report the bill.

282 Ms. Strasser. H.R. 35, to amend section 249 of Title
283 18, United States Code, to specify lynching as a hate crime
284 act.

285 Chairman Nadler. Without objection, the bill is
286 considered as read and open for amendment at any point.

287 [The bill follows:]

288

289 Chairman Nadler. I will begin by recognizing myself for
290 an opening statement.

291 H.R. 35, the Emmett Till Antilynching Act, is long-
292 overdue legislation that would explicitly designate lynching
293 as a hate crime under Federal law.

294 The term "lynching" has most often been used to
295 characterize premeditated extrajudicial executions by a mob
296 in order to punish an alleged transgressor or to strike fear
297 among a targeted group. Throughout history, lynching has
298 been employed as an extreme form of informal group social
299 control and has often been conducted with the display of a
300 public spectacle for maximum intimidation.

301 H.R. 35 is named in honor of Emmett Till, a 14-year-old
302 African American youth from Chicago who was lynched while
303 visiting an uncle in Mississippi in 1955 in particularly
304 gruesome fashion for allegedly whistling at a white woman.

305 Though lynching touched all races and religions and
306 occurred in all States in the contiguous United States, the
307 practice was predominant in the South, and 4 out of 5 victims
308 were black. During the period between the Civil War and
309 World War II, thousands of African Americans were lynched in
310 the United States. In 1892, the Tuskegee Institute began to
311 record statistics of lynchings and reported that 4,742
312 reported incidents had taken place by 1968, of which 3,445 of
313 the victims were African Americans. Through additional

314 research, the Equal Justice Initiative, or EJI, documented
315 4,075 lynchings of African Americans in 12 Southern States
316 between the end of Reconstruction in 1877 and 1950.

317 EJI estimates that lynchings peaked somewhere between
318 1880 and 1940, in a shameful chapter in American history.
319 These violent incidents profoundly impacted race relations
320 and shaped the geographic, political, social, and economic
321 conditions of African American communities in ways that are
322 still evident today and were largely tolerated by State and
323 Federal officials.

324 The anti-lynching movement set the stage for the
325 creation of the civil rights movement that we recognize
326 today. African Americans mobilized their own efforts to
327 combat the terror of lynching and the threat of racial
328 violence through grassroots activism and the founding of
329 integrated social service organizations.

330 The work of the NAACP was especially pivotal in
331 awakening the Nation to the urgency of combating lynching.
332 In 1921, the NAACP also began actively endorsing legislation
333 to make lynching a Federal crime. Antilynching activists,
334 such as journalist Ida B. Wells, also harnessed the growing
335 power of the African American press to demand national
336 accountability for racial violence.

337 The first Federal anti-lynching legislation was
338 introduced in 1900, almost 120 years ago, by Congressman

339 George Henry White, the only African American Member of
340 Congress at that time. Unfortunately, neither his bill, nor
341 any other anti-lynching bills that were introduced in the
342 decades that followed managed to pass Congress.

343 Although anti-lynching legislation passed by a large
344 majority in the House of Representatives in 1922 and was
345 supported by then-President Warren G. Harding, the Southern
346 Democratic bloc in the Senate prevented it from coming to a
347 vote in 1922, as well as similar legislation in 1923 and
348 1924, claiming that it would be unconstitutional and an
349 infringement upon States' rights. However, the extensive
350 debate on the bill, in combination with the 1919 NAACP report
351 and the related National Conference on Lynching, moved local
352 and State governments to take lynching more seriously,
353 leading to a dramatic decrease in incidents after 1922.

354 The enactment of the Civil Rights Act of 1968 was the
355 closest that Congress ever came in the post-Reconstruction
356 era to enacting anti-lynching legislation. Although the
357 civil rights conspiracy statute does not specify the offense
358 of lynching as a Federal crime, this section has been used by
359 the Department of Justice to prosecute civil rights-era
360 crimes and hate crimes that were described as lynching in
361 public discourse.

362 However, despite the existence of Federal criminal
363 enforcement against hate crimes, it remains important to

364 enact Federal anti-lynching legislation given the historical
365 context of these violent incidents. Lynching was a violent
366 tactic of racial subordination closely linked to the
367 deprivation of freedmen's post-reconstruction constitutional
368 rights. Moreover, the fear of lynching was a major factor in
369 the Great Migration to the North and changed the demographics
370 of the Nation. Politically, the terms of the lynching debate
371 still echo through Congress and influence the debate around
372 social justice policy.

373 In his farewell address to Congress, Representative
374 George Henry White lamented the failure of his anti-lynching
375 bill of 1900 by observing that, quote, "During the last
376 session of this Congress, I took occasion to address myself
377 in detail to this particular measure, but with all of my
378 efforts, the bill still sweetly sleeps in the room of the
379 committee to which it was referred. The necessity of
380 legislation along this line is daily being demonstrated. The
381 arena of the lyncher no longer is confined to Southern
382 climes, but is stretching its hydra head over all parts of
383 the Union," close quote.

384 Today, we act to correct this historical injustice that
385 rests heavily on the conscience of this committee and this
386 Congress. Accordingly, I thank the gentleman from Illinois,
387 Mr. Rush, for his leadership on this important issue and his
388 attention to history. I urge my colleagues to support this

389 legislation.

390 I now recognize the ranking member of the Judiciary
391 Committee, the gentleman from Georgia, Mr. Collins, for his
392 opening statement.

393 Mr. Collins. Thank you, Mr. Chairman.

394 H.R. 35, the Emmett Till Antilynching Act, recalls a
395 horrible period in our Nation's history. In fact, many may
396 claim this bill is actually a century too late. After all,
397 the first anti-lynching bill was introduced more than 100
398 years ago but never became law. Back then, lynchings were a
399 popular atrocity committed by the Ku Klux Klan against black
400 communities, Catholics, Jews, Republicans, anybody else, for
401 that matter. Lynching, which is used to intimidate a certain
402 populous, is the practice of a murder by a group of people by
403 extrajudicial action. What we find here today is this
404 legislation will ensure that those who engage in mob violence
405 resulting in death are dealt with in the Federal system.

406 It is my gladness that we come through, we are doing
407 this bill, although I believe there will be some questions
408 that I think will be raised and legitimately raised by
409 Members on our side to make sure that we actually have the
410 tightest bill that we possibly can so that it is actually
411 enforced in the way it needs to be enforced. And I
412 appreciate the concerns coming forward.

413 I look forward to supporting this bill as we move

414 forward and would yield back the balance of my time.

415 Chairman Nadler. I thank the gentleman.

416 I now recognize the chair of the Subcommittee on Crime,
417 Terrorism, and Homeland Security, the gentlelady from
418 California, Ms. Bass, for her opening statement.

419 Ms. Bass. Thank you, Mr. Chair.

420 I stand with my colleagues on the committee in
421 supporting H.R. 35, the Emmett Till Antilynching Act in order
422 to make a long-overdue change to our law and denounce the
423 terror represented by the thousands of lynchings that have
424 taken place in this country since Reconstruction. I do have
425 to say, though, that lynchings were not just perpetrated by
426 the Ku Klux Klan. Lots of people participated in lynching,
427 including law enforcement, elected officials. And they were
428 primarily and overwhelmingly done to African Americans.

429 One of the great challenges of race in our country is
430 the fact that we do not know and cannot come to grips with
431 the history of this country. As a legacy of the 200-plus
432 years that African Americans were enslaved in this country
433 and, in fact, built the U.S. Capitol, a monument is dedicated
434 to them in the Capitol's Visitor Center.

435 The lynching of African Americans represents the most
436 heinous example of the campaign of terror perpetrated by the
437 recently enslaved women and men and their descendents. The
438 roots of lynching lie in the whippings, brandings, and other

439 forms of terror that slave owners use to oppress black
440 Americans. Post-Emancipation, lynchings changed from an
441 instrument of enslavement to a tool of domestic terrorism.
442 Bands of hooded murderers roamed the United States,
443 threatening to lynch black Americans for nothing more than
444 the color of their skin. Excuses were used, such as making
445 eye contact with a white person or resisting the
446 discrimination.

447 This reign of American terror lasted nearly 100 years.
448 Black Americans were murdered for simply going about their
449 daily lives. Make no mistake. These vigilante acts were the
450 key component of a campaign to keep black Americans from
451 exercising their constitutional rights. These murders,
452 nearly 5,000 of them, largely went unpunished. And in many
453 cases, they were advertised as social events, like a football
454 or a basketball game. Come out on Sunday evening and watch a
455 black person be burned alive. Postcards were taken.
456 Photographs were distributed because this was a recreational
457 activity. Few perpetrators were ever held to account for
458 these heinous crimes and in the communities in which
459 lynchings took place, suffered from the oppressive blanket of
460 fear that each murder brought. We must take this moment to
461 remember the victims of lynching, hundreds of whom remain
462 unnamed.

463 It is shameful that it has taken this long for us to

464 specifically address lynching in a Federal law. And it is
465 shameful that we even need a Federal law more than 100 years
466 after Representative Dyer of Missouri first introduced anti-
467 lynching legislation in Congress.

468 Unfortunately, these crimes are not that far in our
469 past. Mysterious hangings of black people continue today,
470 and there are several cases under investigation right now.
471 In fact, just a few weeks ago, the perpetrator of a lynching
472 of a black man in Texas was executed. It is sad to say that
473 it was progress that someone was arrested and tried for the
474 heinous crimes.

475 So we can't wait any longer. Although we can never
476 truly rectify the terror and horrors of past lynchings, we
477 can do our part so that justice is delivered in the future.
478 The fight for civil rights and to protect African Americans
479 from racially motivated violence continues today because the
480 threats and acts continue. And this legislation is needed
481 now and not just as a measure of historical justice.
482 Congress has debated various forms of anti-lynching
483 legislation since 1918, but we have not completed action with
484 the enactment of a law.

485 I thank our colleague Representative Bobby Rush for
486 championing this effort and introducing this bill. I support
487 this legislation, and I urge its quick adoption today. You
488 know, at least today, we have a museum, a Smithsonian Museum,

489 that documents this history. And I would encourage all of my
490 colleagues who are not aware of this part of our history to
491 please visit the African American Museum and please begin on
492 the bottom floor so that you can learn and understand the
493 200-plus years that this country enslaved African Americans.

494 Thank you. And I yield back the balance of my time.

495 Chairman Nadler. I thank the gentlelady.

496 Are there any amendments to H.R. 35? For what purpose
497 does the gentleman from Arizona seek recognition?

498 Mr. Biggs. I have an amendment at the desk.

499 Chairman Nadler. The clerk will report the amendment.

500 Ms. Strasser. Amendment to H.R. 35 offered by Mr. Biggs
501 of Arizona. On page 5, line 2, insert "knowingly" before
502 "causes."

503 [The amendment of Mr. Biggs follows:]

504

505 Chairman Nadler. The gentleman is recognized in support
506 of his amendment.

507 Mr. Biggs. Thank you, Mr. Chairman. I appreciate the
508 opportunity to offer this amendment.

509 The young Mr. Emmett Till was a resident of Chicago who
510 had gone down to Mississippi to stay with his relative, who
511 was a sharecropper for the summer. After working in the
512 morning, he went to a store in the afternoon with some of his
513 friends. He made the mistake at that time of whistling at a
514 white woman who was 21 years old. Her husband and another
515 then later brutally abducted him, went into his home, took
516 him away, and inhumanely tortured and in barbarous fashion
517 murdered him and hid his body. These two men were later
518 arrested. They were acquitted. And, even to add further
519 insult to this inhumane crime, they received payment for
520 selling their story as to what happened to a periodical.
521 This is outrageous conduct. It is inhumane conduct. It is
522 brutal and barbaric in nature.

523 And so my intention here is if we are going to pass a
524 bill, I think it should be the best bill we could possibly
525 get. And that is why I refer technically to the language on
526 line 23 of page 4, which uses the culpable mental state
527 requirement of "willfully." The problem with the term
528 "willfully" is that it is used often, but, even in the jury
529 instruction, the comment is this. It says, "The committee

530 does not recommend any general instruction defining the term
531 'willfully' because no single instruction can accurately
532 encompass the different meanings this term has in Federal
533 criminal law. This term is a word of many meanings, its
534 construction often being influenced by its context."

535 Most State statutes resort to what was called the
536 Uniform Criminal Code at the time that that it is offering in
537 the early '80s, late '70s. And it defines "culpable mental
538 state" in four ways, "intentional, knowingly, reckless, or
539 with criminal negligence," provides a very specific
540 understanding of what that is. It seems to me that we would
541 make a better statute if we worked on correcting the term
542 "willfully," which I think is a real problem because if we
543 are going to prosecute these crimes, we want them to be
544 prosecuted effectively and without any kind of
545 misunderstanding.

546 And so that is the point I am trying to make with regard
547 to culpable mental state because you actually create an
548 additional problem by using the culpable mental state
549 requirement just in the next line when you say,
550 "intentional." And, thus, I don't want there to be any kind
551 of confusion on the part of triers of fact.

552 And, with that, I am going to withdraw my motion to
553 amend, but I am just suggesting that we might want to revisit
554 that to make sure it is tighter and more complete.

555 Mr. Collins. Would the gentleman yield?

556 Mr. Biggs. Yes, I will yield.

557 Mr. Collins. Good. I appreciate the gentleman's
558 concern. And, like I said, legislation that we support, we
559 can also always try to make better. I appreciate the
560 gentleman's concern. And my hope is as this will go through
561 the process, we could make it better, making sure it is
562 tight, to do exactly what it needs to do. And I do
563 appreciate the gentleman. I appreciate his withdrawal. I
564 just wanted to give support.

565 Chairman Nadler. I appreciate the gentleman's
566 withdrawal. And we will certainly be willing to look at --
567 the problem with the word "willfully" I think is what you
568 really are talking about.

569 Without objection, the amendment is withdrawn.

570 Ms. Jackson Lee. I would like to strike the last word.

571 Chairman Nadler. The gentlelady from Texas?

572 Ms. Jackson Lee. First of all, I want to thank the
573 gentleman for withdrawing his amendment. And I understand as
574 a lawyer, his effort to be precise. And, certainly, we
575 acknowledge that.

576 Let me take particular note of George Henry White, who
577 in the early 1900s or 20th Century, even before the heinous
578 death of Emmett Till, was one of those who introduced the
579 first anti-lynching bill. And he led the way for 200 bills

580 to come after him. Interestingly enough, George Henry White
581 was, in essence, drawn out of the United States Congress and
582 stood on the floor of the House in the early 1900s and said
583 that the Negro would rise like the phoenix.

584 His departure began a systematic attack on African
585 Americans in the deep South. And a terminology that is not
586 used in this legislation was the "hanging fruit." Probably
587 where the largest number of African Americans were hung were
588 in those early years, and it was brutal. And it was a sport.

589 And so I want to thank Mr. Rush for the language is
590 clear. It says, "causes death." And those individuals were
591 hung until they died. It was at the same time when the Ku
592 Klux Klan was at its peak. And not only were people hung,
593 but razes were made in the dark of the night with white
594 clothing, and fires were lit. And African American
595 communities were horrifically intimidated, elderly people,
596 children, and families. Many of their homes burned. It was
597 really a reign of terror.

598 And so I am grateful for the bipartisan consensus of
599 understanding that it was even more than lynching. It was a
600 systematic attack to deny African Americans the right and the
601 privileges of being a citizen of the United States of
602 America.

603 In the next week, we will have a companion analysis be
604 brought before this committee. And I am grateful for the

605 leadership of this committee, subcommittee chair of the
606 constitution committee and the full committee chair and
607 Members, where we will have an opportunity to hear the
608 assessment of a commission on reparations. The more we
609 understand the vileness and viciousness and the loss of life
610 that occurred, both by lynching and other means of violence,
611 the more opportunity we can bring our Nation together. Just
612 as we understand immigrants and non-immigrants to better
613 understand our diversity, it makes America great.

614 I want to conclude my remarks on the opportunity I had
615 in the last weekend to be at Normandy and to be able to see
616 the vast numbers of symbols of faith of the 10,000 people who
617 rushed, men who rushed, those shores. And I believe they
618 rushed them with an understanding of what America really
619 represents.

620 And in the sense of the guidance of former President
621 Eisenhower, General Eisenhower, said the world is watching.
622 And, as well, they watch you as you march to victory. With
623 that in mind, I think the world is watching America to see
624 whether that very unique experiment of bringing people
625 together from all walks of life, all backgrounds, starting
626 out with a structure of slavery, could actually succeed,
627 where they started this Nation with a population of Africans
628 as slaves that lasted for 250 years. The lynching was a
629 result of us not healing after the Emancipation Proclamation

630 and the discontinuation of Reconstruction.

631 So this is a very important step. And I thank this
632 committee, thank the Members for having a very important step
633 for us recognizing that it is better to be conciliatory and
634 come together in a healing and passionate manner. Though
635 this speaks to the vileness of lynching, it will be
636 acknowledged, and it will be in its appropriate place: a
637 hate crime. And this great committee has the right to do
638 that.

639 With that, Mr. Chairman, I yield back.

640 Chairman Nadler. Who else? Does anyone else seek
641 recognition? Gentlewoman from Georgia, Mrs. McBath?

642 Mrs. McBath. Thank you, Mr. Chairman.

643 Chairman Nadler. For what purpose does the gentlelady
644 seek recognition?

645 Mrs. McBath. I move to strike the last word.

646 Chairman Nadler. The gentlelady is recognized.

647 Mrs. McBath. I want to thank our colleague, Republican
648 colleague, for withdrawing his amendment, but I would like to
649 say that I know the Emmett Till family very intimately, have
650 spent many hours, days, and months in their presence.
651 Despite what the history books will say, I do want to clarify
652 that Emmett Till was not whistling at the white woman, as it
653 was supposed. He was using whistling as a coping mechanism
654 that his mother had given him in instances when he was under

655 stress or having, you know, emotional stresses. So the
656 history books will never truly tell the truth, but I am here
657 to clarify today as having great conversations with the
658 Emmett Till family. And I would like it to be noted on the
659 record that Emmett Till was not whistling at the white woman,
660 as the history books purport, but he was using whistling as a
661 coping mechanism. So thank you very much.

662 Ms. Jackson Lee. Will the gentlelady yield?

663 Mrs. McBath. I yield the balance of my time. Thank
664 you.

665 Ms. Jackson Lee. No, not the balance. I am over here,
666 congresswoman.

667 Mrs. McBath. I yield to the congresswoman.

668 Ms. Jackson Lee. Yes. I just want to thank you. That
669 is an enormous piece to put on the record today.

670 And I think I would like to say as well that whistling,
671 period, is not a crime. It is not unconstitutional. It is
672 not disallowed. And so there is no reason that anyone loses
673 their life in the brutal manner that he did as a child to
674 whistle in any way that he may have done so. He was a child.
675 And I don't believe he was capable of whistling at anyone in
676 any manner that would have been untoward.

677 But I thank you. We have likewise, not in the way that
678 you have, but the family has been here to the Congress, and
679 we honor them. And we thank you again for your record-

680 changing remarks that will now be in the history books.

681 And might I yield back to you and thank you.

682 Mrs. McBath. Thank you.

683 And I yield the balance of my time. Thank you.

684 Chairman Nadler. For what purpose does the gentleman
685 from Tennessee seek recognition?

686 Mr. Cohen. Strike the last word.

687 Chairman Nadler. The gentleman is recognized.

688 Mr. Cohen. Thank you, sir.

689 I want to thank Congresswoman Bass for her good
690 reflection of the history of this awful act and her
691 encouragement of people to come to the African American
692 Museum, where there is the whole story from slavery through
693 to today. And there is an exhibit on Emmett Till there that
694 is very graphic and emotional.

695 But I also want to encourage people to go to Montgomery,
696 Alabama. Bryan Stevenson is an outstanding American lawyer,
697 and he has an Equal Justice Initiative there. They have a
698 museum, and they have a memorial to the victims of lynching.
699 It is an effective means of teaching people about how many
700 lynchings there were. There were about 4,000 throughout the
701 South and, give or take, 300 in other parts of the country.
702 Lynching was a terrorist act by people who wanted to make the
703 South great again.

704 Paralleling the lynching was the erection of statues

705 memorializing the leaders of the Confederacy. In my
706 hometown, it included a slave trader, a soldier but a slave
707 trader. And that statue was recently taken down, but still
708 people are fighting it. They are still fighting to keep that
709 statue. But these were parallel movements to make the South
710 great again because they didn't accept the results of the
711 Civil War. They didn't accept the Civil War amendments to
712 the Constitution.

713 And this is long in coming but appropriate. I thank the
714 sponsor, and I look forward to passing it and seeing it
715 become law.

716 I yield back the balance of my time.

717 Chairman Nadler. For what purpose does the gentlelady
718 from Pennsylvania seek recognition?

719 Ms. Dean. To strike the last word.

720 Chairman Nadler. The gentlelady is recognized.

721 Ms. Dean. Thank you, Mr. Chairman. And I thank the
722 gentleman for withdrawing his amendment.

723 I, too, had the chance to visit the National Memorial
724 for Peace and Justice this past year with Representative John
725 Lewis and a cohort of our colleagues and people who were
726 there at the time of the crossing of the bridge. One woman
727 spoke to us. She was I think only eight at the time she
728 crossed the bridge. But we had the chance to go to what is
729 informally known as the national lynching memorial. It is

730 breathtaking. As my husband and I walked through it, he
731 said, "Every American should come here. Everyone should
732 understand our history because those who cannot remember the
733 past are condemned to repeat it." So it is a powerful
734 memorial to create a single memorial to the victims of white
735 supremacy in the United States who suffered the grievous
736 atrocities of lynching. Those who cannot remember are
737 condemned to repeat it. So I support this legislation. It
738 is long overdue.

739 Thank you, Mr. Chairman. I yield the remainder.

740 Chairman Nadler. Does anyone else seek recognition?

741 A reporting quorum being present, the question is on the
742 motion to report the bill, H.R. 35, favorably to the House.

743 Those in favor, say aye?

744 Those opposed, no?

745 The ayes have it. And the bill is ordered reported
746 favorably to the House.

747 Pursuant to notice, I now call up H.R. 677, the 21st
748 Century President Act, for purposes of markup and move that
749 the committee report the bill favorably to the House.

750 The clerk will report the bill.

751 Ms. Strasser. H.R. 677, to amend gendered terms in
752 Federal law relating to the President and the President's
753 spouse.

754 Chairman Nadler. Without objection, the bill is

755 considered as read and open for amendment at any point.

756 [The bill follows:]

757

758 Chairman Nadler. I will begin by recognizing myself for
759 an opening statement.

760 H.R. 677, the 21st Century President Act, modernizes
761 current law criminalizing threats against former Presidents
762 and their families by removing gendered terms from the
763 statute. It makes no substantive change in the law.

764 This provision, section 879 of Title 18, was enacted in
765 1982, in the aftermath of John Hinckley, Jr.'s attempt on the
766 life of then President Ronald Reagan. Section 879 makes it
767 unlawful to threaten to kill, kidnap, or inflict bodily harm
768 upon a former President, President-elect, or vice president-
769 elect, or a major candidate for president, or vice President,
770 or their "immediate family" member.

771 The statute, however, defines immediate family with
772 terms such as "wife," "her," and "widow," which presumes the
773 President will always be a man married to a woman. When the
774 law was enacted, in using these terms, Congress did not
775 account for issues of gender equality, an area in which we
776 have made important, though incomplete, progress.

777 At present, one member of the LGBTQ community and six
778 women have declared themselves to be candidates for the
779 presidency. Whether or not any one of these candidates is
780 nominated or elected, it is clear that the terminology in the
781 statute is outdated and should be changed to refer to the
782 spouse of a former President.

783 I want to thank Representative Mark Pocan for
784 identifying this anachronism in the law and for introducing
785 this bill to rectify it. H.R. 677 will indeed take this law
786 into the 21st Century.

787 Therefore, I support this bill, and I urge my colleagues
788 to do the same. I now recognize the ranking member of the
789 Judiciary Committee, the gentleman from Georgia, Mr. Collins,
790 for his opening statement.

791 Mr. Collins. Thank you, Mr. Chairman. At this point,
792 again, as you have sort of stated in this bill, this is a
793 change of language I think that updates the code in this. I
794 would not oppose this legislation, but I think as we look at
795 this as we go forward, I think this is -- you know, as
796 somebody who wants to look forward to it, look forward to it,
797 I will support it and yield back.

798 Chairman Nadler. Thank you, Mr. Collins.

799 Without objection, all other opening statements will be
800 included in the record. Are there any amendments to H.R.
801 677?

802 A reporting quorum being present, the question is on the
803 motion to report the bill, H.R. 677, favorably to the House.

804 Those in favor, say aye?

805 Those opposed, no?

806 The ayes have it. And the bill is ordered reported
807 favorably to the House. Members will have two days to submit

808 views.

809 Pursuant to notice, I now call up H.R. 1569, a bill to
810 amend Title 28, United States Code to add Flagstaff and Yuma
811 to the list of locations in which court shall be held in the
812 judicial district for the State of Arizona. For purposes of
813 markup, I would move that the committee report the bill
814 favorably to the House.

815 The clerk will report the bill.

816 Ms. Strasser. H.R. 1569, to amend Title 28, United
817 States Code to add Flagstaff and Yuma to the list of
818 locations in which court shall be held in a judicial district
819 in the State of Arizona. .

820 Chairman Nadler. Without objection, the bill is
821 considered as read and open for amendment at any point.

822 [The bill follows:]

823

824 Chairman Nadler. I will begin by recognizing myself for
825 an opening statement.

826 H.R. 1569 would add Flagstaff and Yuma to the list of
827 locations in which court may be held in the judicial district
828 for the State of Arizona. So Flagstaff would have, in
829 addition to a world-famous astronomical observatory, a
830 courthouse. This legislation, introduced by Congressman Tom
831 O'Halleran of Arizona, has the support of every Member of the
832 Arizona Congressional delegation, including our colleagues
833 Mr. Stanton, Mr. Biggs, and Mrs. Lesko.

834 Access to justice is fundamental to the rule of law, and
835 this straightforward bipartisan legislation will bring
836 Arizona's U.S. district judges closer to the communities they
837 serve. Currently, by statute, the United States district
838 court for the District of Arizona may hold court in four
839 cities: Globe, Phoenix, Prescott, and Tucson. But Arizona's
840 population has changed significantly in the 71 years since
841 that statute was enacted in 1948. The population of Yuma,
842 for example, has increased tenfold, and the population of
843 Flagstaff has increased almost as much. Today, litigants in
844 those parts of the State have to drive for hours to the
845 nearest courthouse where a Federal district judge is
846 permitted to sit.

847 For example, someone living on the Navajo Nation Indian
848 reservation currently has to drive four to five hours to the

849 Federal courthouse in Prescott. Their trip would be nearly
850 half that if they could go to Flagstaff instead.

851 This commonsense bill remedies that problem by adding to
852 the United States Code Flagstaff and Yuma as locations where
853 district court judges may hear cases. Implementing the bill
854 will be as simple as its text as both of these sites already
855 host Federal courthouses where these judges can hear cases.

856 I want to thank Mr. Stanton for his strong advocacy for
857 this legislation as well as the efforts of Mr. Biggs and Mrs.
858 Lesko. I am pleased to support this bipartisan legislation,
859 and I urge my colleagues to do so as well.

860 I now recognize the ranking member of the Judiciary
861 Committee, the gentleman from Georgia, Mr. Collins, for his
862 opening statement.

863 Mr. Collins. Thanks, Chairman Nadler. And thanks for
864 this bipartisan piece of legislation. As you have thanked
865 the Arizona delegation, I think this is a great way to come
866 together.

867 And this is a useful piece of legislation. It actually
868 takes into account the changes that have happened in some of
869 our judicial circuits, Arizona being particularly one,
870 especially in the population increases in Flagstaff and Yuma.
871 They become important to the business of the legal community,
872 as you laid out. This would actually help access to courts
873 and also cut down on travel time as we go forward in this.

874 This legislation will make better use I think of the judicial
875 and attorney resources, make better use to serve the public
876 by allowing the district court judges to hear the cases in
877 existing Federal courthouses in Flagstaff and Yuma, with
878 minimal, if any, additional administrative costs.

879 Again, I congratulate the Arizona delegation for coming
880 together and highly recommend this and yield back.

881 Chairman Nadler. Thank you, Mr. Collins.

882 Without objection, all other opening statements will be
883 included in the record.

884 For what purpose does the gentleman from Arizona seek
885 recognition?

886 Mr. Stanton. Thank you very much, Mr. Chairman. I move
887 to strike the last word.

888 Chairman Nadler. The last word is duly struck, and the
889 gentleman is recognized.

890 Mr. Stanton. Thank you, Mr. Chairman.

891 I am very happy to see this Judiciary Committee move
892 forward with H.R. 1569, a bipartisan bill that will add the
893 cities of Flagstaff and Yuma to the list of locations in
894 which district court can be held in my home State of Arizona.
895 It has the full support of our Arizona delegation, including
896 my colleagues on the Judiciary Committee, Congressman Biggs
897 and Congresswoman Lesko.

898 Currently district court-related matters can only be

899 held in Globe, Phoenix, Prescott, and Tucson, even though
900 both Flagstaff and Yuma have Federal courthouses. At the
901 moment, these courthouses have magistrate judges that oversee
902 judicial and law enforcement activity, but they cannot
903 oversee criminal trials and cases. H.R. 1569 would change
904 this. Under the current structure, Flagstaff and Yuma area
905 residents have to travel long distances for district court
906 proceedings. If a Yuma resident needs to attend a hearing or
907 to report for jury duty, they have to travel 195 miles to
908 Phoenix. A Flagstaff resident would have to travel almost
909 100 miles to Prescott. We can do better.

910 Access to courts, whether we are talking about a
911 physical local or reducing cost barriers to our court system,
912 is critical to protect the American people's constitutional
913 rights to equal protection and due process under law. Access
914 to justice should not be dictated by where you live.

915 I am proud to support H.R. 1569 because it will have a
916 tremendous impact on the residents in these parts of our
917 State. Simply put, this is a commonsense action that will
918 make our court system in Arizona more efficient.

919 I yield back.

920 Chairman Nadler. Thank you.

921 Are there any amendments to H.R. 1569?

922 A reporting quorum being present, the question is on the
923 motion to report the bill, H.R. 1569, favorably to the House.

924 Those in favor, say aye?

925 Opposed, no?

926 The ayes have it. And the bill is ordered reported
927 favorably to the House. Members will have two days to submit
928 views.

929 Pursuant to notice, I now call up H.R. 2368, the
930 Supporting and Treating Officers in Crisis Act of 2019, for
931 purposes of markup and move that the committee report the
932 bill favorably to the House.

933 The clerk will report the bill.

934 Ms. Strasser. H.R. 2368, to amend the Omnibus Crime
935 Control and Safe Streets Act of 1968 to expand support for
936 police officer family services, stress reduction, and suicide
937 prevention, and for other purposes.

938 Chairman Nadler. Without objection, the bill is
939 considered as read and open for amendment at any point.

940 [The bill follows:]

941

942 Chairman Nadler. I will begin by recognizing myself for
943 an opening statement.

944 H.R. 2368, the Supporting and Treating Officers in
945 Crisis Act of 2019, would provide important mental health and
946 suicide prevention services to law enforcement officers. The
947 bill would modify an existing but expired authorized program
948 that provides support services to families of law enforcement
949 officers by including services directly targeted at law
950 enforcement officers themselves. This measure would also
951 reauthorize the program, would expand the range of services
952 that can be offered, and would authorize funding of up to
953 \$7.5 million for each of the next 4 fiscal years to fund both
954 family and law enforcement mental health programs.

955 Every day, we rely on the law enforcement community to
956 keep our neighborhoods safe. Doing so is not easy. The work
957 of law enforcement can be highly stressful. It often exposes
958 those charged with upholding the law to dangerous and
959 challenging circumstances. The American people set high
960 standards for the law enforcement community, and the vast
961 majority of officers do so honorably and selflessly.

962 Yesterday's hearing on the reauthorization of the 9/11
963 Victim Compensation Fund was a reminder of the heroism and
964 sacrifice our Nation's law enforcement officers are often
965 called to muster.

966 The impact of day-to-day patrolling on law enforcement

967 officers, especially in the aftermath of a catastrophic
968 event, is profound. Studies consistently show that law
969 enforcement officers have above-average stress levels in
970 their jobs. In their daily duties, 83 percent of officers
971 report dealing with calls for service involving family
972 disputes and crisis situations. Even more straining, 27
973 percent of officers report arriving to a scene with a dead or
974 battered child.

975 Given these daily rigors, it comes as no surprise that
976 the mental health consequences for officers are pervasive.
977 One study found that 7 percent of the officers sampled met
978 the criteria for PTSD, or post-traumatic stress disorder.
979 The Centers for Disease Control concluded that the rate of
980 suicides among workers in protective services, those who are
981 employed in law enforcement and firefighting, is 50 percent
982 higher than the national average.

983 Officer suicides in 2017 and 2018 exceeded the number of
984 officers killed in the line of duty from homicides, traffic
985 accidents, and other causes. The status quo cannot persist.

986 Unlike other recent efforts, this bill directs the
987 attorney general to provide grants that would direct mental
988 health services to law enforcement officers and their
989 families. This initiative includes evidence-based programs
990 to reduce stress, prevent suicide, and promote mental health.
991 Recipients of this grant may also use funds to establish

992 suicide prevention hotlines and develop programs to provide
993 specialized training to provide treatment to officers in
994 crisis, or who are contemplating suicide.

995 I thank our colleagues, the gentleman from Pennsylvania,
996 Mr. Reschenthaler, and the gentlelady from Pennsylvania, Ms.
997 Dean, for championing this effort and introducing this
998 bipartisan bill. I support this important legislation, and I
999 urge its adoption.

1000 I now recognize the ranking member of the Judiciary
1001 Committee, the gentleman from Georgia, Mr. Collins, for his
1002 opening statement.

1003 Mr. Collins. Thank you, Mr. Chairman, for bringing this
1004 today.

1005 And H.R. 2368, the Supporting and Treating Officers in
1006 Crisis, or the STOIC, Act of 2019, it is a bipartisan and
1007 bicameral measure. It is long overdue and should be passed
1008 by this body and sent to the President's desk for signature.
1009 In 2018, at least 159 officers died by suicide, almost 10
1010 percent more than the total number of line-of-duty deaths,
1011 resulting from 15 other causes, such as felonious assault,
1012 patrol vehicle accident, heart attack, and duty-related
1013 illness, among others.

1014 If enacted, the STOIC Act would expand the statutory
1015 language of preexisting family support grant programs to
1016 ensure that they support suicide prevention efforts, mental

1017 health screenings, and training to identify officers who are
1018 at risk for suicide. It would also appropriate \$7.5 million
1019 for the next 5 years for these programs. Unfortunately,
1020 these programs have gone underfunded for nearly two decades.
1021 The numbers I mentioned earlier indicate the trend needs to
1022 end and end now.

1023 An identical bill unanimously passed the Senate last
1024 month. This legislation is supported by numerous law
1025 enforcement groups. And I would urge my colleagues to vote
1026 in favor of this bill so that we may move it expeditiously to
1027 the President's desk.

1028 And I yield back.

1029 Chairman Nadler. Thank you, Mr. Collins.

1030 Without objection, all other opening statements will be
1031 included in the record. Are there any amendments to H.R.
1032 2368? Does anyone --

1033 Mr. Reschenthaler. Mr. Chairman, can I move to strike
1034 the last word?

1035 Chairman Nadler. For what purpose does the gentleman
1036 from Pennsylvania seek recognition?

1037 Mr. Reschenthaler. To strike the last word.

1038 Chairman Nadler. The gentleman is recognized.

1039 Mr. Reschenthaler. Thank you, Mr. Chairman. I am
1040 extremely grateful that this committee is considering the
1041 STOIC Act today. And I would like to thank the chairman and

1042 the ranking member for all the support you have given this
1043 bill.

1044 I also want to thank my fellow Pennsylvanian,
1045 Congresswoman Dean, for partnering with me to introduce this
1046 critical legislation. She is truly dedicated to improving
1047 mental health treatment across our Nation. So thank you.

1048 According to the national study of police suicides, law
1049 enforcement officers are two and a half times more likely to
1050 die from suicide than homicides. This is a sobering
1051 statistic that means that officers are more likely to die
1052 from suicide than in the line of duty.

1053 Law enforcement officers put their lives on the line
1054 every day to protect communities. These men and women
1055 routinely endure extremely stressful situations. Yet, the
1056 Federal Government does little to address the consequences of
1057 this taxing work. This stress can cause post-traumatic
1058 stress. It has resulted in a suicide rate that is 50 percent
1059 higher than the national average.

1060 The STOIC Act is bipartisan. It is legislation that
1061 will reform and expand an existing grant program to better
1062 address the mental health and support needs of law
1063 enforcement officers, especially as it relates to suicide
1064 prevention.

1065 I am very proud to work with Congresswoman Dean to
1066 support police officers and their families. It is time for

1067 us to take care of those who take care of us. So I urge my
1068 colleagues to support the STOIC Act.

1069 Thank you again, Mr. Chairman. I yield back the balance
1070 of my time.

1071 Chairman Nadler. The gentleman yields back. For what
1072 purpose does the gentlelady from Pennsylvania seek
1073 recognition?

1074 Ms. Dean. To strike the last word.

1075 Chairman Nadler. Ms. Dean? Ms. Dean?

1076 Ms. Dean. Yes.

1077 Chairman Nadler. The gentlelady is recognized.

1078 Ms. Dean. Thank you, Mr. Chairman. And I thank you
1079 very much for bringing forward before our committee this
1080 important bill, H.R. 2368, a bill that will change and save
1081 lives. It is the Supporting and Treating Officers in Crisis,
1082 or STOIC, Act. It responds to a growing emergency in law
1083 enforcement and in their entire community.

1084 Studies show that law enforcement officers face a wide
1085 range of stressors, including responding to violent crime;
1086 managing crisis situations; and, as 77 percent of officers
1087 have reported, dealing with insufficient department support
1088 for their mission. This stress has dreadful consequences.
1089 Studies indicate that one in four officers report stress-
1090 based physical health. And 1 in 14 meet the criteria for
1091 PTSD.

1092 Suicide among our law enforcement community is rising at
1093 a troubling rate. The CDC reported in 2016, the suicide rate
1094 in this community is 50 percent higher than the national
1095 average. In recent years, the number of law enforcement
1096 officers who have died by suicide has even surpassed the
1097 numbers killed in the line of duty, as my colleague just
1098 reported. According to Blue Health, we lost 142 officers to
1099 suicide in 2016. Last year, that number jumped to 167
1100 compared to 144 who were, sadly, lost in the line of duty.

1101 Officers in crisis need our support. The STOIC Act will
1102 reform and expand existing grant programs to better address
1103 mental health, establishing suicide prevention programs and
1104 offering aid to officers' families. Our law enforcement
1105 officers are true public servants. It is time we provide
1106 them with the support they deserve.

1107 I thank my colleague and fellow Pennsylvanian,
1108 Congressman Reschenthaler. I admire your passion. I admire
1109 your leadership on this bipartisan bill. It has been a
1110 pleasure to partner with you and your whole team, for that
1111 matter, on an issue that we both care deeply about. Again, I
1112 admire your passion for the police officers and their
1113 families and their mental health. I look forward to working
1114 with you on this.

1115 Mr. Chairman, I thank you for moving this important bill
1116 forward. And I urge all members to support it. I yield the

1117 remainder of my time.

1118 Chairman Nadler. For what purpose does the gentlelady
1119 from Pennsylvania seek recognition?

1120 Ms. Scanlon. I move to strike the last word.

1121 Chairman Nadler. The gentlelady is recognized.

1122 Ms. Scanlon. I wanted to thank my Pennsylvania
1123 colleagues for moving this legislation. It is such an
1124 important issue across the country, but we know it is in
1125 Pennsylvania.

1126 There is similar legislation moving through our State
1127 legislature now, and it is being co-led by one of our
1128 colleagues from my district, Jen O'Mara, who was just elected
1129 to our State house. Jen lost her father, a firefighter, to
1130 suicide about 15 years ago, so knows firsthand how that
1131 impacts a family and the need for services in that realm. I
1132 just wanted to quote her on something she said in a hearing
1133 just this week, "Our first responders are heroes, yes, but
1134 they are not superheroes unable to feel."

1135 So I really appreciate this effort to move this
1136 legislation forward, and I yield back.

1137 Chairman Nadler. A reporting quorum being present, the
1138 question is on the motion to report the bill, H.R. 2368,
1139 favorably to the House.

1140 Those in favor, say aye?

1141 Opposed, no?

1142 The ayes have it. And the bill is ordered reported
1143 favorably to the House. Members will have two days to submit
1144 their views.

1145 Pursuant to notice, I now call up H.R. 1986, the
1146 Effective Prosecution of Possession of Biological Toxins and
1147 Agents Act of 2019, for purposes of markup and move that the
1148 committee report the bill favorably to the House.

1149 The clerk will report the bill.

1150 Ms. Strasser. H.R. 1986, to amend section 175b of Title
1151 18, United States Code, to correct a scrivener's error.

1152 Chairman Nadler. Without objection, the bill is
1153 considered as read and open for amendment at any point.

1154 [The bill follows:]

1155

1156 Chairman Nadler. I will begin by recognizing myself for
1157 an opening statement.

1158 H.R. 1986, the Effective Prosecution of Biological
1159 Toxins and Agents Act of 2019, would correct a scrivener's
1160 error that has unintentionally resulted in an incomplete list
1161 of biological toxins and agents that are prohibited under the
1162 law. I support this important bill, introduced by the
1163 gentleman from Texas, Mr. Ratcliffe, the ranking member of
1164 the Subcommittee on Crime, Terrorism, and Homeland Security,
1165 because it will help ensure the safety of our citizens and
1166 our Nation.

1167 In 1990, Congress imposed criminal penalties with
1168 respect to the development, production, stockpiling,
1169 transfer, acquisition, retention, or possession of any
1170 biological agents, toxins, or delivery systems for uses of
1171 weapons.

1172 In 2001, Congress went even further than in Sections
1173 175(b) to Title 18 to criminalize the possession by
1174 unregistered individuals or restricted persons of certain
1175 biological agents that are termed "select agents" determined
1176 to be such by the Secretary of Health and Human Services. A
1177 person found guilty under Section 175(b) can be imprisoned
1178 for up to 10 years.

1179 When Congress originally enacted Section 175(b) and its
1180 subsequent amendments, we referred to specific sections of

1181 the Code of Federal Regulations that included a list of
1182 number of biological agents and toxins.

1183 We last amended Section 175(b) in 2004. After that, HHS
1184 reformatted some sections of the Code of Federal Regulations
1185 and inadvertently rendered the references in Section 175(b)
1186 incomplete.

1187 One of the select agents that was accidentally left off
1188 the list of prohibited substances is ricin, a poison found in
1189 castor beans. Ricin is inexpensive, easy to make, and very
1190 toxic. This result, the consequence of a drafting error, is
1191 clearly not what Congress intended. Unfortunately, there
1192 have already been real-life consequences for this error.

1193 Last September, for example, the District Court for the
1194 Northern District of Georgia dismissed the indictment against
1195 William Christopher Gibbs, a self-avowed white supremacist,
1196 who was charged with the unregistered possession of ricin.

1197 In dismissing the *Gibbs* indictment, the Court stated,
1198 "It appreciates the potential dangers associated with
1199 individuals possessing potentially hazardous agents and
1200 toxins without permission to do so. Equally though, the
1201 Court takes very seriously the principle that citizens ought
1202 to have fair and clear warning of the conduct for which they
1203 can be held criminally responsible. It falls to Congress to
1204 write criminal laws or to amend them if they yield unfair or
1205 unwanted results. The role of the courts, on the other hand,

1206 is limited to fairly reading and applying the laws Congress
1207 writes, not to change them."

1208 The Senate has already done its job by passing an
1209 identical version of H.R. 1986. It is now our turn. The
1210 possession and distribution of ricin is dangerous and should
1211 be included in the current statute as we had intended. This
1212 legislation corrects this error and its unintended but
1213 serious consequences.

1214 I thank the gentleman from Texas for introducing this
1215 bill and I urge all of my colleagues to support it.

1216 I now recognize the Ranking Member of the Judiciary
1217 Committee, the gentleman from Georgia, Mr. Collins, for his
1218 opening statement.

1219 Mr. Collins. Thank you, Mr. Chairman, and I do
1220 appreciate my friend from Texas, Mr. Ratcliffe, for
1221 introducing this legislation which I am a co-sponsor of.

1222 And as you have said, H.R. 1986 fixes a technical but
1223 important error in the Federal Code and current law makes a
1224 crime for certain restricted persons to possess a biological
1225 agent or toxin listed as a selected agent by the HHS
1226 Secretary.

1227 Several years ago, the HHS reformed its regulations
1228 which caused certain toxins, including ricin, to not be
1229 covered by the Criminal Code, and now we are actually seeing
1230 the effects of that error and individuals who would otherwise

1231 be guilty of a crime under the registered possession of ricin
1232 have been moving to dismiss and federal prosecutors, having
1233 already argued that this is a scrivener's error, have been
1234 stymied, and as you made mention, in my district of Northeast
1235 Georgia, the *Gibbs* case has showed that. I think the Court
1236 was very plain in that.

1237 It is Congress's job to fix the problem it created in
1238 federal law and that is what we are doing here today. I
1239 support the bill and yield back.

1240 Chairman Nadler. Thank you, Mr. Collins.

1241 Without objection, all other opening statements will be
1242 included in the record.

1243 [The information follows:]

1244

1245 Chairman Nadler. Are there any amendments to the bill?

1246 Does anyone seek recognition?

1247 Well, the reporting quorum being present, the question
1248 is on the motion to report the Bill 1986 favorably to the
1249 House.

1250 Those in favor, say aye.

1251 Those opposed, no.

1252 The ayes have it and the bill is ordered reported
1253 favorably to the House.

1254 Members will have two days to submit views.

1255 This concludes our business for today. Thank you to all
1256 our members for attending.

1257 Without objection, the markup is adjourned.

1258 [Whereupon, at 11:19 a.m., the committee was adjourned.]