

SHEILA JACKSON LEE  
18TH DISTRICT, TEXAS

WASHINGTON OFFICE:  
2160 Rayburn House Office Building  
Washington, DC 20515  
(202) 225-3816

DISTRICT OFFICE:  
1919 SMITH STREET, SUITE 1180  
THE GEORGE "MICKEY" LELAND FEDERAL BUILDING  
HOUSTON, TX 77002  
(713) 655-0050

ACRES HOME OFFICE:  
6719 WEST MONTGOMERY, SUITE 204  
HOUSTON, TX 77019  
(713) 691-4882

HEIGHTS OFFICE:  
420 WEST 19TH STREET  
HOUSTON, TX 77008  
(713) 961-4070

FIFTH WARD OFFICE:  
4300 LYONS AVENUE, SUITE 200  
HOUSTON, TX 77020  
(713) 227-7740

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

COMMITTEES:  
JUDICIARY

SUBCOMMITTEES:  
COURTS, INTELLECTUAL PROPERTY AND THE INTERNET  
IMMIGRATION AND BORDER SECURITY

HOMELAND SECURITY  
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**CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

**COMMITTEE ON THE JUDICIARY**  
**FULL COMMITTEE**

**MARKUP HEARING ON:**

**H.R. 5309**

**“CREATING A RESPECTFUL AND OPEN WORLD FOR  
NATURAL HAIR ACT OF 2019” (“CROWN ACT) ”**

**H.R. 7718**

**“PROTECTING THE HEALTH AND WELLNESS OF BABIES  
AND PREGNANT WOMEN IN CUSTODY ACT”**

**H.R. 8161**

**“ONE-STOP SHOP COMMUNITY REENTRY PROGRAM ACT  
OF 2020”**

**H.R. 8169**

**“ELDER ABUSE PROTECTION ACT OF 2020”**

**H.R. 6813**

**“PROMOTING ALZHEIMER’S AWARENESS TO PREVENT  
ELDER ABUSE ACT”**

**H.R. 8225**  
**“FIGHT NOTARIO FRAUD ACT OF 2020”**

**H.R. 8235**  
**“OPEN COURTS ACT OF 2020”**

**H.R. 7370**  
**“PROTECTING EMPLOYEES AND RETIREES IN BUSINESS  
BANKRUPTCIES ACT OF 2020”**

**H.R. 2648**  
**“STUDENT BORROWER BANKRUPTCY RELIEF ACT OF  
2019”**

**TUESDAY, SEPTEMBER 15, 2020**

9

- Thank you, Chairman Nadler and Ranking Member Jordan, for convening this markup hearing on the several bills listed in the notice of markup, all of which I am proud to cosponsor and support.

**H.R. 5309**

**“CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR  
ACT OF 2019” (“CROWN ACT OF 2019”)**

- I am proud to cosponsor H.R. 5309, the “Creating a Respectful and Open World for Natural Hair Act of 2019” or the “CROWN Act of 2019,” introduced by Congressman Richmond, which explicitly prohibits discrimination on the basis of hair texture or hairstyles commonly associated with a particular race or national origin in areas of the law where discrimination on the basis of race or national origin is already prohibited.
- It has long been my position that discrimination based on hair texture and hairstyle is a form of impermissible race discrimination.

- According to a 2019 report, known as the CROWN Study, which was conducted by the JOY Collective (CROWN Act Coalition, Dove/Unilever, National Urban League, Color of Change), Black people are “disproportionately burdened by policies and practices in public places, including the workplace, that target, profile, or single them out for their natural hair styles – referring to the texture of hair that is not permed, dyed, relaxed, or chemically altered.”
- The CROWN Study found that Black women’s hair is “more policed in the workplace, thereby contributing to a climate of group control in the company culture and perceived professional barriers” compared to non-Black women.
- The study also found that “Black women are more likely to have received formal grooming policies in the workplace, and to believe that there is a dissonance from her hair and other race’s hair” and that “Black women’s hairstyles were consistently rated lower or ‘less ready’ for job performance.”
- Among the study’s other findings are that 80 percent of Black women believed that they had to change their hair from its natural state to “fit in at the office,” that they were 83 percent more likely to be judged harshly because of their looks.
- The study indicated that Black women were 1.5 times more likely to be sent home from the workplace because of their hair, and that they were 3.4 times more likely to be perceived as unprofessional compared to non-African-American women.
- Three years ago, the United States Army removed a grooming regulation prohibiting women servicemembers from wearing their hair in dreadlocks, a regulation that had a disproportionately adverse impact on Black women.
- This decision was the result of a 2014 order by then-Secretary of Defense Chuck Hagel to review the military’s policies regarding hairstyles popular with African-American women after complaints

from members of Congress, myself included, that the policies unfairly targeted black women.

- In 2015, the Marine Corps followed suit and issued regulations to permit lock and twist hairstyles.
- The CROWN Study illustrates the prevalence of hair discrimination but numerous stories across the country put names and faces to the people behind those numbers.
- In 2017, a Banana Republic employee was told by a manager that she was violating the company's dress code because her box braids were too "urban" and "unkempt."
- A year later, in 2018, Andrew Johnson, a New Jersey high school student, was forced by a white referee to either have his dreadlocks cut or forfeit a wrestling match, leading him to have his hair cut in public by an athletic trainer immediately before the match.
- That same year, an 11-year-old Black girl in Louisiana was asked to leave class at a private Roman Catholic school near New Orleans because her braided hair extensions violated the school's policies.
- The next year, two African-American men in Texas alleged being denied employment by Six Flags because of their hairstyles—one had long braids and the other had dreadlocks.
- And earlier this year, there were news reports of a Texas student who would not be allowed to walk at graduation because his dreadlocks were too long.
- The CROWN Act prohibits discrimination in federally funded programs and activities based on an individual's hair texture or hairstyle if it is commonly associated with a particular race or national origin, including "a hairstyle in which hair is tightly coiled or tightly curled, locs, cornrows, twists, braids, Bantu knots, and Afros."

- The legislation also provides that the prohibition will be enforced as if it was incorporated into Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in federally-funded programs, and that violations of Section 3(a) will be treated as if they were violations of Section 601 of the Civil Rights Act of 1964.
- I strongly support this legislation.

### **H.R. 7718**

#### **“PROTECTING THE HEALTH AND WELLNESS OF BABIES AND PREGNANT WOMEN IN CUSTODY ACT”**

- I strongly support H.R. 7718, the *“Protecting the Health and Wellness of Babies and Pregnant Women in Custody Act,”* introduced by our colleague Congresswoman Bass of California.
- This legislation requires the Bureau of Justice Statistics to collect and report data relating to the demographics and physical and mental health needs of incarcerated women who are pregnant, in labor, or in post-partum recovery, at the Federal, State, tribal, and local levels.
- In addition, the bill will help ensure that appropriate medical services and programs related to pregnancy and childbirth are provided in the Bureau of Prisons (BOP) and made available to women in custody.
- The bill also prohibits the use of restraints or restrictive housing, while in BOP or U.S. Marshals Service custody, during the period of pregnancy, labor, and postpartum recovery, unless these measures are necessary.
- The bill provides education and technical assistance by the National Institute of Corrections to state and local corrections facilities on appropriate medical care for pregnant women and to ensure training of BOP correctional officers at facilities housing women and of deputy U.S. Marshals, on the requirements of the bill.

- Finally, the legislation directs GAO to study and report to Congress the services and protections provided for pregnant incarcerated women in local and State correctional settings and in Federal pretrial detention facilities and authorizes the Attorney General to make grants to State, tribal, and local governments, to promote and support the health needs of incarcerated pregnant women.
- This bill complements and expands on the SIMARRA Act I introduced in the 114<sup>th</sup> and 115<sup>th</sup> Congress (i.e., H.R. 5130, H.R. 3410), legislation which directs the Bureau of Prisons to establish a pilot program to allow incarcerated women who give birth and children born during such incarceration to reside together in a separate prison housing unit.
- I strongly support this legislation.

**H.R. 8161, “ONE STOP SHOP COMMUNITY REENTRY PROGRAM ACT”**

- H.R. 8161, the “*One Stop Shop Community Reentry Program Act of 2020*,” create a new grant program that will provide money to States, Tribes, local governments, and community-based non-profits to create one-stop reentry centers to assist people who were recently released from jail or prison.
- The bill would also create a grant program for a toll-free hotline for returning individuals to access reentry services.
- As one who has worked on community reentry and recidivism reduction for most of tenure on this Committee, I am proud to join Crime Subcommittee Chair Karen Bass (D-CA) as a cosponsor of this legislation.
- There are currently over 2.1 million people incarcerated in local, state, and federal correctional facilities, a number that represents a more than 500% increase in the incarcerated population over the last 40 years.

- Over 95% of people currently incarcerated will eventually be released back to their communities.
- In fact, approximately 600,000 people are released from custody every year and at the end of 2016, an estimated 4.5 million adults were under community supervision, which includes probation or parole.
- Reentry services are essential for this population, to ensure that these individuals transition smoothly out of jail and prison and to keep recidivism to a minimum.
- The recidivism rates for individuals leaving prisons remain high, and a large number of those released from prison will ultimately find themselves back in the criminal legal system.
- A 2018 study found that 83% of people released from prisons in 2005 were arrested at least once during the nine years following their release, and of those released from state prisons, 44% were arrested at least once in the year immediately following their release.
- Lack of access to resources upon release leads to a cycle of rearrest and reincarceration that some scholars call the “revolving door” to prison.
- This cycle of recidivism has tremendous financial consequences—the United States spends over \$80 billion dollars a year on incarceration—not to mention the human toll it takes on families and communities.
- The cycle of release, rearrest, and reincarceration, also costs state and local communities over \$100 million in policing and judicial administration costs.
- While some returning individuals have a release plan, many people are released from custody with only their personal property, little money, and no place to go.

- The result of not having a reentry plan can be ruinous.
- In the last decade, policymakers have begun to measure the effects of reentry on returning individuals, their families, and their communities.
- Studies show that most people enter the prison system with low levels of education, limited work experience, substance abuse issues, and mental health infirmities, and that these same issues are still present when a person is released from prison.
- Without appropriate reentry services to assist them, many returning citizens find themselves back in the criminal justice system.
- H.R. 8161 provides grants to community-based organizations for the creation of one-stop reentry centers, which would combine the provision of various reentry services in one location, thus making it easier for returning citizens to access them.
- The one-stop shop model that this legislation promotes would aim to provide complete reentry services to address the critical elements of the reentry process that promote long-term reentry success.
- The one-stop centers would include support personnel, who themselves are formerly incarcerated individuals, to provide direct support for recently released individuals.
- In addition, where reentry services may not logistically be able to be placed in a single geographic location, this legislation authorizes the Attorney General to fund States and local jurisdictions to establish 24/7 reentry service assistance hotlines that direct recently released individuals to appropriate reentry resources.

## **H.R 8169**

### **“ELDER ABUSE PROTECTION ACT OF 2020”**



- I support H.R. 8169, the “*Elder Abuse Protection Act of 2020*,” which would make permanent the Department of Justice’s (DOJ) Elder Justice Initiative and would require that materials posted by the Initiative be translated into Spanish.
- Under the bill, the Elder Justice Initiative would be headed by DOJ’s Elder Justice Coordinator, and the Initiative would provide support to Elder Justice Coordinators, who are currently already in place at each United States Attorney’s Office around the country.
- The number of elderly Americans abused annually is difficult to determine or even to estimate.
- One comprehensive study often cited estimates that approximately one in ten elderly Americans are abused annually, but only one in 23 cases of elder abuse are reported to authorities each year.
- A study in New York State estimated that one in 13 elderly individuals had been victims of at least one form of elder abuse in the previous year.
- The New York study found that, of those who had been abused, 41 of 1,000 seniors surveyed reported that they believed they had suffered financial exploitation.
- Elderly individuals are particularly vulnerable to abuse on account of a myriad of factors, with social isolation and mental impairment (such as dementia or Alzheimer’s disease) playing outsized roles.
- The impact of elder abuse can be catastrophic both to the individual involved and their loved ones and to the American economy.
- Elderly Americans lose at least \$2.9 billion each year due to financial abuse and exploitation and according to one study, strangers perpetrated 51% of elder abuse fraud, while financial abuse by family, friends, and neighbors constituted 34% of instances of elder abuse crime.

- Elder Americans suffered annually an average loss of \$34,200 due to fraud, according to an analysis by the U.S. Consumer Financial Protection Bureau.
- DOJ established the Elder Justice Initiative to support and coordinate the DOJ's enforcement and programmatic efforts to combat elder abuse, neglect and financial fraud targeting elderly Americans.
- DOJ also operates 10 regional Elder Justice Task Forces that include federal, state and local prosecutors, law enforcement, and local agencies that provide services to the elderly.
- These teams coordinate and enhance efforts to pursue lawsuits against nursing homes that provide grossly substandard care to their residents and are comprised of representatives from the U.S. Attorneys' Offices, state Medicaid Fraud Control Units, and state and local prosecutors' offices, along with representatives from the Department of Health and Human Services (HHS), state adult protective services agencies, and local law enforcement agencies.
- H.R. 8169 would make the Elder Justice Initiative a permanent office within the DOJ's Criminal Division. This section requires that the Elder Justice Initiative coordinate criminal enforcement and public engagement to combat elder abuse, neglect, and financial fraud. Under this section, the Elder Justice Initiative would also be responsible for overseeing the Elder Justice Coordinators, who are assigned to each United States Attorney's Office.
- In addition, the legislations makes a salutary improvement by adding to the Elder Justice Coordinator's responsibilities a duty to serve as the head of the Elder Justice Initiative as well as carrying out other duties assigned by the Attorney General to enhance the understanding, prevention, and detection of, and response to, elder abuse.

- Finally, the legislation requires the Elder Justice Initiative to maintain and publish on the Internet, in both English and Spanish, information aimed at protecting elders from fraudulent schemes and include resources aimed at preventing elder abuse.
- Finally, I close by stating that I also support the favorable reporting of H.R. 6813, the “*Promoting Alzheimer’s Awareness to Prevent Elder Abuse Act*”; H.R. 8225, the “*Fight Notario Fraud Act of 2020*”; H.R. 8235, the “*Open Courts Act of 2020*”; H.R. 7370, the “*Protecting Employees and Retirees in Business Bankruptcies Act of 2020*”; and H.R. 2648, the “*Student Borrower Bankruptcy Relief Act of 2019*”.
- Thank you, Mr. Chairman; I yield back the remainder of my time.