

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2574) TO AMEND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 TO RESTORE THE RIGHT TO INDIVIDUAL CIVIL ACTIONS IN CASES INVOLVING DISPARATE IMPACT, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2639) TO ESTABLISH THE STRENGTH IN DIVERSITY PROGRAM, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2694) TO ELIMINATE DISCRIMINATION AND PROMOTE WOMEN'S HEALTH AND ECONOMIC SECURITY BY ENSURING REASONABLE WORKPLACE ACCOMMODATIONS FOR WORKERS WHOSE ABILITY TO PERFORM THE FUNCTIONS OF A JOB ARE LIMITED BY PREGNANCY, CHILDBIRTH, OR A RELATED MEDICAL CONDITION; PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 908) CONDEMNING ALL FORMS OF ANTI-ASIAN SENTIMENT AS RELATED TO COVID-19; AND FOR OTHER PURPOSES

SEPTEMBER 14, 2020.—Referred to the House Calendar and ordered to be printed

Ms. SCANLON, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1107]

The Committee on Rules, having had under consideration House Resolution 1107, by a record vote of 7 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2574, the Equity and Inclusion Enforcement Act, under a closed rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, modified by the amendment printed in part A of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions. The resolution provides for consideration of H.R. 2369, the Strength in Diversity Act of 2020, under a structured rule. The resolution provides one hour of gen-

eral debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–62 shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. Section 3 of the resolution provides that following debate, each further amendment printed in part B of this report not earlier considered as part of amendments en bloc pursuant to section 4 shall be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question. Section 4 of the resolution provides that at any time after debate the chair of the Committee on Education and Labor or his designee may offer amendments en bloc consisting of further amendments printed in part B of this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendments printed in part B of this report and amendments en bloc described in section 4. The resolution provides one motion to recommit with or without instructions. The resolution further provides for consideration of H.R. 2694, the Pregnant Workers Fairness Act, under a closed rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides for one motion to recommit with or without instructions. The resolution provides for consideration of H. Res. 908, Condemning all forms of anti-Asian sentiment as related to COVID–19, under a closed rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the resolution. The resolution provides that H. Res. 908 shall be considered as read. The resolution amends H. Res. 967, agreed to May 15, 2020 (as amended by House Resolution 1053, agreed to July 20, 2020): (1) in section 4, by striking “September 21, 2020” and inserting “November 20, 2020”; (2) in section 11, by striking “calendar day of September 20, 2020” and inserting “legislative day of November 20, 2020”; and (3) in section 12, by striking “September 21, 2020” and inserting “November 20, 2020”.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 2574 includes waivers of the following:

- Clause 12(a)(1) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.
- Clause 12(b) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the text of the bill as proposed to be considered differs from the text of the bill as reported.

Although the resolution waives all points of order against provisions in H.R. 2574, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 2639, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 2639, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report or against amendments en bloc described in Section 4 of the resolution, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 2694 includes a waiver of clause 3(d)(1) of rule XIII, which requires the inclusion of committee cost estimate in a committee report. A CBO cost estimate on H.R. 2694 was not available at the time the Committee on Education and Labor filed its report.

Although the resolution waives all points of order against provisions in H.R. 2694, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H. Res. 908, the Committee is not aware of any points of order against consideration of the resolution. The waiver of all points of order against consideration of the resolution is prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 346

Motion by Mr. Cole to provide an open rule for H.R. 2639, H.R. 2694, and H.R. 2574. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui		

Majority Members	Vote	Minority Members	Vote
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 347

Motion by Ms. Scanlon to report the rule. Adopted: 7–3

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Mr. Cole	Nay
Mrs. Torres	Yea	Mr. Woodall	Nay
Mr. Perlmutter	Yea	Mr. Burgess
Mr. Raskin	Yea	Mrs. Lesko	Nay
Ms. Scanlon	Yea		
Mr. Morelle	Yea		
Ms. Shalala	Yea		
Ms. Matsui		
Mr. McGovern, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 2574 IN PART A CONSIDERED AS ADOPTED

1. Scott, Bobby (VA): Clarifies the role of the Special Assistant position at the Department of Education created in the bill.

SUMMARY OF THE AMENDMENTS TO H.R. 2639 IN PART B MADE IN ORDER

1. Torres, Norma (CA), Moulton (MA): Adds new criteria for evaluating grant applications, factoring in the impact of the likelihood the grant will lead to a meaningful reduction in racial and economic isolation for children in schools. The amendment also prioritizes entities that coordinate with local housing agencies to integrate schools that serve a disproportionately low number of low-income students. (10 minutes)

2. Allen (GA): Provides school districts flexibility with their funds under the Student Support and Academic Enrichment Grants to carry out integration activities. (10 minutes)

3. Brown (MD): Allows eligible entities to use grant funds to recruit, hire, and train school counselors. (10 minutes)

4. Brown (MD): Includes, in the annual report, a description of how eligible entities will continue to make improvements toward increasing diversity and decreasing racial or socioeconomic isolation in covered schools and sustain inclusion. (10 minutes)

5. Cooper (TN), Lee, Barbara (CA): Gives school districts that had previously submitted an application under the Obama-era program before it was terminated priority to reapply to this new program. (10 minutes)

6. Dean (PA): Ensures that State Education Agencies have procedures in place to assess and prevent the redrawing of school district lines in a manner that increases racial or socioeconomic isolation. (10 minutes)

7. Escobar (TX): Modifies the application section to require information on how eligible entities propose to use grant funds to support interventions to increase student diversity. Additionally, in the case of the consortium agencies, an eligible entity will be required to establish the lead applicant and how grant funds will be divided among school districts to address racial and socioeconomic segregation in schools. (10 minutes)

8. Green, Al (TX): Recommends replacing entrance exams and competitive application procedures with other methods to promote racial and socioeconomic diversity. (10 minutes)

9. Moulton (MA): Expands the allowable uses of implementation grants to include creating or improving a one-stop enrollment process for students with multiple public school options, including making school information and data more accessible and easier to understand. (10 minutes)

10. Moulton (MA): Adds access to mental health resources and social-emotional learning as a performance measure for the grant program. Students attending racially isolated, high-poverty schools have less access to resources, and school integration will help foster equitable access to resources. (10 minutes)

11. Mucarsel-Powell (FL): Ensures that planning grants to address racial and socioeconomic isolation in schools can be used to increase teacher diversity. (10 minutes)

12. Tlaib (MI): Includes a requirement that an eligible entity that receives a grant must include in its annual report information on the progress of regional programs on reducing racial and socioeconomic isolation in covered schools. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 2574 CONSIDERED AS ADOPTED

Page 4, line 22, strike “evaluate equity and inclusion programs” and insert “evaluate efforts to engender program compliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and inform individuals of their rights under such Act”.

Page 4, line 24, insert “, in a manner consistent with such Act” after “activities”.

Page 5, beginning on line 1, strike “all matters relating to equity and inclusion in a manner consistent” and insert “matters relating to compliance”.

PART B—TEXT OF AMENDMENTS TO H.R. 2639 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TORRES OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 2, strike “and” at the end.

Page 3, line 7, strike the period at the end and insert “; and”.

Page 3, after line 7, insert the following:

(C) the likelihood that the grant will lead to a meaningful reduction in racial and economic isolation for children in covered schools.

Page 3, after line 19, insert the following:

(C) Third, to an eligible entity that demonstrates meaningful coordination with local housing agencies to increase access to schools that have a disproportionately low number of low-income students.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ALLEN OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 1 and all that follows through the end of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strength in Diversity Act of 2020”.

SEC. 2. PURPOSE.

The purpose of this Act is to support the development, implementation, and evaluation of comprehensive strategies to address the effects of racial isolation or concentrated poverty by increasing diversity, including racial diversity and socioeconomic diversity, in covered schools.

SEC. 3. ACTIVITIES TO IMPROVE DIVERSITY AND REDUCE OR ELIMINATE RACIAL OR SOCIOECONOMIC ISOLATION.

(a) **LOCAL USES OF FUNDS.**—A local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7115(a)) for a fiscal year may use such funds to develop or implement comprehensive strategies to improve diversity and reduce or eliminate racial or socioeconomic isolation in covered schools.

(b) **LOCAL EDUCATIONAL AGENCY APPLICATIONS.**—A local educational agency, or consortium of such agencies, that intends to use an allocation under section 4105(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7115(a)) for the purposes described in subsection (a) shall include in the application such local educational agency or consortium submits under section 4106 of such Act (20 U.S.C. 7116) a description of—

(1) the comprehensive strategies to be carried out under subsection (a);

(2) the robust parent, student, teacher, school leader, and community engagement that has been conducted, or will be conducted, in the planning and implementation of such comprehensive strategies, such as through—

(A) consultation with appropriate officials of Indian Tribes or Tribal organizations approved by the Tribes located in the area served by such agency or consortium;

(B) consultation with other community entities, which may include local housing or transportation authorities;

(C) public hearings or other open forums to inform the development of such comprehensive strategies; and

(D) outreach to parents and students, in a language that parents and students can understand, and consultation with students and families within such agency or consortium that is designed to ensure participation in the planning and development of such comprehensive strategies; and

(3) how such projects or activities will comply with Federal law.

(c) **SPECIAL RULES.**—

(1) **ASSURANCES.**—A local educational agency, or consortium of such agencies, that intends to use an allocation under section 4105(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7115(a)) for the purposes described in subsection (a) shall be required to provide only one of the assurances described in subparagraphs (C), (D), and (E) of section 4106(e)(2) of such Act (20 U.S.C. 7116(e)(2)).

(2) **TRANSPORTATION.**—Notwithstanding section 426 of the General Education Provisions Act (20 U.S.C. 1228), activities

carried out to meet the purposes of subsection (a) may include transportation if such transportation—

(A) is sustainable after the allocation received under section 4105(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7115(a)) expires; and

(B) does not represent a significant portion of such allocation.

(d) DEFINITIONS.—In this Act:

(1) COVERED SCHOOL.—The term “covered school” means—

(A) a publicly-funded early childhood education program;

(B) a public elementary school; or

(C) a public secondary school.

(2) ESEA TERMS.—The terms “elementary school”, “local educational agency”, “school leader”, and “secondary school” have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) PUBLICLY-FUNDED EARLY CHILDHOOD EDUCATION PROGRAM.—The term “publicly-funded early childhood education program” means an early childhood education program (as defined in section 103(8) of the Higher Education Act of 1965 (20 U.S.C. 1003(8)) that receives State or Federal funds.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 10, line 11, insert “school counselors,” after “administrators,”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, line 17, strike “and” at the end.

Page 12, line 18, strike the period at the end and insert “; and”.

Page 12, after line 18, insert the following:

(4) a description of how the eligible entity will continue to make improvements toward increasing diversity and decreasing racial or socioeconomic isolation in covered schools and sustaining inclusion.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COOPER OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 11, strike “(A) First” and insert “(B) Second”.

Page 3, after line 10, insert the following:

(A) First, to an eligible entity that submitted an application for a grant under the Opening Doors, Expanding Opportunities program described in the notice published by the Department of Education in the Federal Register on December 14, 2016 (81 Fed. Reg. 90343 et seq.).

Page 3, line 15, strike “(B) Second” and insert “(C) Third”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEAN OF PENNSYLVANIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1, line 10, insert “AND STATE” after “NATIONAL”.

Page 1, line 11, strike “The Secretary” and insert the following:

(a) NATIONAL ACTIVITIES.—The Secretary

Page 2, after line 3, insert the following:

(b) STATE ACTIVITIES.—The Secretary may reserve not more than 10 percent of the amounts made available under section 10 for a fiscal year for planning grants and implementation grants made to State educational agencies under section 4.

Page 7, line 9, strike “and” at the end.

Page 7, line 20, strike the period at the end and insert “; and”.

Page 7, after line 20, insert the following:

(11) in the case of an application by a State education agency, a demonstration that the agency has procedures in place—

(A) to assess and prevent the redrawing of school district lines in a manner that increases racial or socioeconomic isolation;

(B) to assess the segregation impacts of new school construction proposals and to prioritize school construction funding that will foreseeably increase racial and economic integration; and

(C) to include progress toward reduction of racial and economic isolation as a factor in its State plan under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311).

Page 13, line 14, insert “a State educational agency,” after “means”.

Page 13, beginning on line 23, strike “and ‘Secretary’” and insert “‘Secretary’, and ‘State educational agency’”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ESCOBAR OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 19, after “diversity” insert “for students”.

Page 7, line 9, strike “and” at the end.

Page 7, line 20, strike the period at the end and insert “; and”.

Page 7, after line 20, insert the following:

(11) in the case of an application by a consortium of local educational agencies, a specification of which agency is the lead applicant, and how the grant funds will be divided among the school districts served by such consortium.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GREEN OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 9, after line 7, insert the following:

(8) If applicable, developing an implementation plan to replace entrance exams or other competitive application procedures with methods of student assignment to promote racial and socioeconomic diversity.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOULTON OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 11, after line 7, insert the following:

(F) Creating or improving systems and partnerships to create a one-stop enrollment process for students with multiple public school options, including making school information and data more accessible and easy to understand, in order to ensure access to low poverty or high-performing schools for low-income children and to promote racial and socioeconomic diversity.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOULTON OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, line 3, strike “(E)” and insert “(F)”.

Page 12, after line 2, insert the following:

(E) improving access to mental health and social-emotional learning;

Page 12, line 4, strike “(F)” and insert “(G)”.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MUCARSEL-POWELL OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 8, line 6, strike “and” at the end.

Page 8, line 10, strike the period at the end and insert “; and”.

Page 8, after line 10, insert the following:

(C) teacher diversity in covered schools, and plans for expanding teacher diversity.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TLAIB OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, line 17, strike “and”.

Page 12, line 18, strike the period at the end and insert “; and”.

Page 12, after line 18, insert the following:

(4) information on the progress of regional programs on reducing racial and socioeconomic isolation in covered schools, if applicable.