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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we place our trust in You. During this season, when we sing about good will toward humanity, many forces seek to turn that dream into a nightmare.

Make our lawmakers instruments of Your peace. Where there is discord, may they bring harmony. Where there is cynicism, may they bring faith. Where there is sadness, may they bring joy. And where there is despair, may they bring hope. Use these stewards of liberty to make the rough places smooth and the crooked places straight.

Lord, thank You for bringing hope to the helpless and for hearing and comforting the oppressed.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HELLER). Under the previous order, the leadership time is reserved.

NOTICE

If the 114th Congress, 1st Session, adjourns sine die on or before December 24, 2015, a final issue of the *Congressional Record* for the 114th Congress, 1st Session, will be published on Thursday, December 31, 2015, to permit Members to insert statements.

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By order of the Joint Committee on Printing.

GREGG HARPER, *Chairman*.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 3

p.m., with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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DISCRIMINATION

Mr. REID. Mr. President, yesterday the Supreme Court heard oral arguments in the case of *Fisher v. University of Texas*. In that case the plaintiff was challenging the affirmative action program the University of Texas has.

During those oral arguments, conservative Justice Scalia asked whether affirmative action harms minority students by placing them in environments that are too academically challenging for them. Justice Scalia said the following about African-American students: “There are those who contend that it does not benefit African Americans to get them into the University of Texas where they do not do well, as opposed to having them go to a less advanced school, a slower-track school where they do well.”

Justice Scalia further argued that African-American students “come from lesser schools where they do not feel that they’re . . . being pushed ahead in . . . classes that are too . . . fast for them” and that the University of Texas should not take really qualified African-American students because that means “the number of . . . really competent blacks admitted to lesser schools turns out to be less.”

But that wasn’t enough. This is what else he said: “I don’t think it stands to reason that it’s a good thing for the University of Texas to admit as many blacks as possible.”

It is stunning that a man of his intellect—and I have always acknowledged his intellect, but these ideas that he pronounced yesterday are racist in application if not intent. I don’t know about his intent, but it is deeply disturbing to hear a Supreme Court Justice endorse racist ideas from the bench of the Nation’s highest Court. His endorsement of racist theories has frightening ramifications, not the least of which is to undermine the academic achievements of Americans, African Americans especially.

Earlier this week I spoke about the Republican platform, which has a lot of hate in it. As we speak, Donald Trump is proposing to ban Muslim immigration. Other leading candidates are proposing religious tests, tossing around slurs on a daily basis.

The top two Republican leaders in the United States have said they will support Donald Trump if he is nominated. And now a Republican-appointed Justice is endorsing racist ideas from the Supreme Court bench. The only difference between the ideas endorsed by Trump and Scalia is that Scalia has a robe and a lifetime appointment. Ideas such as these don’t belong on the Internet, let alone the mouths of the Nation’s leaders.

The idea that African-American students are somehow inherently intellectually inferior to other students is despicable. It is a throwback to a time that America left behind half a century ago. The idea that we should be pushing well-qualified African-American students out of the top universities

into lesser schools is unacceptable. That Justice Scalia could raise such an uninformed idea shows just how out of touch he is with the values of this Nation. It goes without saying that an African-American student has the same potential to succeed in an academically challenging environment as any other student.

I firmly continue to believe the United States of America is the greatest Nation in the world because of our ability to embrace men and women of diverse backgrounds and provide them with the opportunity to succeed. Colleges and universities that welcome diversity provide their students with an opportunity many in the world can never hope to obtain. Learning with people from different backgrounds spurs creativity and innovation. Research has shown that increased racial diversity on campuses produces higher levels of academic achievement for all students, and Fortune 500 companies agree that embracing diversity is good for the bottom line.

The Supreme Court previously has acknowledged that diversity provides a substantial and compelling contribution to our educational system. Yet Justice Scalia’s comments paint a picture of two disturbing realities.

Despite the progress our Nation has made on diversity and inclusion, there is still much work to do to ensure we are giving every American a fair shot regardless of race, ethnicity, or religion. As a nation, we still have the responsibility to direct adequate resources to our educational system to prepare all students for higher education.

Generations of discrimination and legally sanctioned inequality have produced racial disparities in our educational system—sad but true. These disparities must be addressed by embracing diversity in our schools, workplaces, markets, and neighborhoods while investing in adequate resources for all students, from pre-K to higher education.

Our Nation was founded on the values of liberty, justice, and equality. Justice Scalia’s distressing comments are a reminder that we must remain vigilant to safeguard opportunity for all Americans. Embracing diversity is not only the right thing to do, it is the American way.

Lyndon Johnson said:

It is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.

It is our responsibility as a nation to open the gates of opportunity for all Americans, in spite of what Justice Scalia said yesterday.

Mr. President, has the Chair announced the business of the day?

The PRESIDING OFFICER. It has been announced.

Mr. REID. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

ACCOMPLISHMENTS OF THE NEW SENATE

Mr. McCONNELL. Mr. President, what a difference a new Senate can make—what a difference.

Some may have thought Washington would never agree on a replacement for No Child Left Behind. Years of inaction on the Senate floor gave ample cause for doubt. Some may have been skeptical when a new Senate with a new approach resolved to finally solve the problem—but no longer.

Yesterday, the new Senate voted overwhelmingly to deliver the most significant K-12 education reform in well over a decade. The President will sign the bipartisan Every Student Succeeds Act later this morning.

Here is what this bipartisan law will do: replace a broken law with conservative reform that will help students succeed instead of helping Washington grow. That means swapping one-size-fits-all Federal mandates for greater State and local flexibility. That means bringing an end to the ability of faraway bureaucrats to impose common core. That means strengthening charter schools. That means putting education back in the hands of those who know students’ needs best—parents, teachers, States, and school boards.

The Every Student Succeeds Act is conservative reform passed on a bipartisan basis. The Wall Street Journal calls it “the largest devolution of federal control to the states in a quarter-century,” and it is an important achievement for our kids and for our country.

So I want to thank again the Senators who worked together to make this possible—Senator ALEXANDER, a Republican from Tennessee, and Senator MURRAY, a Democrat from Washington. They took advantage of the opportunities a new and more open Senate provided. They put good legislation together and then placed personal stakes in its success. They worked hard. They labored over many months, and they didn’t lose sight of what a legislative exercise like this one should really be about: good policy, better outcomes for our country, and, with the bill we passed yesterday—the bill the President will sign today—greater opportunities for every student to succeed.

Senator ALEXANDER was right when he said that “this bill is just one more example that Congress is back to work.” It is worth noting a point he made the other day as well: “This has