

I was grateful to be at the White House for the signing of the landmark agreements brokered by President Donald Trump between the United Arab Emirates, Bahrain, and Israel. Seeing Prime Minister Benjamin Netanyahu alongside UAE Foreign Minister Sheikh Abdullah bin Zayed al Nahyan and Bahraini Foreign Minister Dr. Abdullatif bin Rashid Al-Zayani was inspiring.

Under the leadership of President Trump, the Middle East is a new chapter, an opportunity for peace and prosperity.

Thank you to President Trump, Secretary of State Mike Pompeo, Jared Kushner, and all others who achieved this historic advance for peace.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HONORING THE MEMORY OF CARLTON HASELRIG

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to honor the memory of an amazing Johnstown, Cambria County native, Carlton Haselrig.

An incredibly accomplished athlete, Carlton excelled in both wrestling and football. In high school, he was an undefeated wrestler and State champion.

At the University of Pittsburgh-Johnstown, Haselrig became the most decorated wrestler in NCAA history, with a total of six NCAA national championships.

In 1989, Haselrig was drafted by the Pittsburgh Steelers, despite never having played in a college football game.

Haselrig returned home to coach football and wrestling at Greater Johnstown, his high school. He dedicated his time to the youth in his community, openly talking about his past struggles with addiction and mentoring hundreds.

His wife said: "He never wanted to be the star that he became. He just wanted to be Carlton Haselrig from Johnstown—a family man, a husband, and a dad."

Sadly, Haselrig passed away this summer. Even in death, Haselrig continues to give back, having donated his brain for chronic traumatic encephalopathy research.

May God bless Carlton and his family.

EQUITY AND INCLUSION ENFORCEMENT ACT OF 2019

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous

materials on H.R. 2574, the Equity and Inclusion Enforcement Act of 2019.

The SPEAKER pro tempore (Mrs. DINGELL). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, pursuant to House Resolution 1107, I call up 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1107, the amendment in the nature of a substitute recommended by the Committee on Education and Labor, modified by the amendment printed in part A of House Report 116-502, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equity and Inclusion Enforcement Act of 2019".

SEC. 2. RESTORATION OF RIGHT TO CIVIL ACTION IN DISPARATE IMPACT CASES UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) is amended by adding at the end the following:

"Sec. 607. The violation of any regulation relating to disparate impact issued under section 602 shall give rise to a private civil cause of action for its enforcement to the same extent as does an intentional violation of the prohibition of section 601."

SEC. 3. DESIGNATION OF MONITORS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) is further amended by adding at the end the following:

"Sec. 608. (a) Each recipient shall—
(1) designate at least one employee to coordinate its efforts to comply with requirements adopted pursuant to section 602 and carry out the responsibilities of the recipient under this title, including any investigation of any complaint alleging the noncompliance of the recipient with such requirements or alleging any actions prohibited under this title; and
(2) notify its students and employees of the name, office address, and telephone number of each employee designated under paragraph (1).
"(b) In this section, the term 'recipient' means a recipient referred to in section 602 that operates an education program or activity receiving Federal financial assistance authorized or extended by the Secretary of Education."

SEC. 4. SPECIAL ASSISTANT FOR EQUITY AND INCLUSION.

Section 202(b) of the Department of Education Organization Act (20 U.S.C. 3412(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3), the following:

"(4) There shall be in the Department, a Special Assistant for Equity and Inclusion who shall be appointed by the Secretary. The Special Assistant shall promote, coordinate, and 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, including the dissemination of information, technical assistance, and coordination of research activities, in a manner consistent with such Act. The Special Assistant shall advise both the Secretary and Deputy Secretary on matters relating to compliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.)."

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Equity and Inclusion Enforcement Act. This legislation will restore the right of students and parents to address racial inequities in public schools.

This legislation comes over 66 years after the Supreme Court ruled in 1954, in the *Brown v. Board of Education* case, that in the field of education, the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal.

This comes just 4 years after the General Accountability Office found that racial segregation in public schools is now as bad it was in the 1960s and getting worse.

For almost 40 years, the courts interpreted the Civil Rights Act of 1964, title VI, as granting students and parents the right to bring discrimination claims against public schools and any other entities receiving Federal funds for discriminatory policies and practices.

Victims of federally funded discrimination could use title VI to challenge both discriminatory policies and practices that were created with the intent to discriminate and policies and practices that, while neutral on their face, had the effect of discrimination on the basis of race, color, or national origin.

To be clear, the mere presence of the policy's disproportionate impact does not alone constitute a violation of title VI, but allowing communities to use disparate impact analysis equipped them with an important tool to combat systemic inequities for decades.

Unfortunately, in its 2001 decision in the case of *Alexander v. Sandoval*, the Supreme Court stripped private citizens, including students and parents, of their right to bring disparate impact claims against schools and other federally funded programs. While this ruling did not invalidate the use of disparate impact analysis to prove discrimination, it reserved that power to pursue such claims to the Federal Government through administrative enforcement of

title VI. In other words, this longstanding protection against discrimination in federally funded programs, including education, can now only be enforced if the administration in power so chooses.

The effect of this ruling on anti-discrimination enforcement has been particularly acute in education. Since 2001, we have seen an increase in racial isolation in public schools and a decrease in resource equity. As a result, African-American and Hispanic children disproportionately attend schools that are both majority minority and underresourced.

Whether this trend has been intentional or not is immaterial, but we do know that discrimination in 2020 is not the same as it was in 1964. Discrimination increasingly comes in the form of coded terminology, structural inequality, and implicit bias rather than explicit bigotry. So students and parents must be empowered to hold schools accountable for policies and practices that deny students access to quality education based on their race, color, or national origin whether or not they can prove the discriminatory policies were intentionally imposed.

Understandably, parents and students have been expressing confusion and frustration because they can no longer use the Civil Rights Act to challenge discriminatory policies and practices in their schools.

□ 1030

By ceding this right to the Federal Government, the Supreme Court majority in *Sandoval* opened the door to civil rights enforcement becoming a political issue instead of a right. While the Office of Civil Rights, the OCR, at the Department of Education is staffed with career attorneys, it is led by a political appointee. This department has repeatedly shown its reluctance to enforce and defend the civil rights of all students.

Our core civil rights protections should not be up for a vote every 4 years. To that end, the Equity and Inclusion Enforcement Act would restore the private right of action of students and parents to bring a title VI discrimination claim based on disparate impact and hold schools accountable for providing equal access to quality education for all students.

The legislation also requires school districts and institutions of higher learning to appoint a title VI monitor to ensure that at least one employee is responsible for ensuring compliance with the law. This includes, at a minimum, investigating complaints of discrimination based on race, color, or national origin. This provision in the bill is modeled after title IX officers in school settings. The legislation's aim is for title VI monitors to foster a culture of compliance, similar to what we now have under title IX.

Finally, the bill creates an assistant secretary in the Department of Education to coordinate and promote title

VI compliance. History has shown that we cannot support historically disadvantaged students or close persistent achievement gaps without robust civil rights enforcement. This is particularly true as public schools become more segregated, more segregated than they were in the 1960s and as the COVID-19 pandemic exacerbates inequitable access to quality education for underserved students.

Today, we have the opportunity to restore and strengthen critical civil rights protections by passing the Equity and Inclusion Enforcement Act.

Nearly seven decades after the Supreme Court's landmark decision in *Brown v. Board of Education* which struck down school segregation, this bill would bring us one step closer to delivering on its promise of equity in education.

Madam Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in opposition to H.R. 2574, the Equity and Inclusion Enforcement Act.

My Republican and Democrat colleagues agree that separate is not and never was equal; racism is wrong; segregation is wrong. I am going to repeat that. My Republican and Democrat colleagues agree that separation is not and never was equal; racism is wrong; segregation is wrong. Although this body has taken measures to ensure racism and segregation are not to be tolerated, its lingering effects still persist.

We continue to strive toward a future where all students, regardless of race or color, have the chance to succeed. While there is more work to be done, the bill before us takes the wrong approach. This bill seeks to create a private right of action for disparate impact claims under section 602 of title VI of the Civil Rights Act of 1964. Title VI protects federally funded programs and entities from discriminating on the basis of race, color, or national origin.

While the Democrats will falsely characterize this bill as restoring a right—and, indeed, my colleague has just done that—in reality this bill radically alters civil rights law without giving any consideration to its potential ramifications.

The leftist Center for American Progress called title VI and disparate income impact claims the “sleeping giant of civil rights laws” that are a “potentially powerful tool” to advance liberal goals through activist litigation.

While title VI is most used in the context of education, the law itself is not confined to that issue. Title VI applies to any program or entity that receives Federal funding, which would include education, policing, employment, and healthcare, the list goes on and on.

This is more than an education bill. Despite its far-reaching implications, Democrats deprived the committee of

primary jurisdiction any opportunity to debate or consider this bill. That is a really important point to consider, Madam Speaker.

As the Republican leader of the Education and Labor Committee, the consequences of this legislation within the education community are very clear. The creation of a private right of action would lead to additional burdens on already taxed State and local agencies, especially school systems who would have to defend themselves against tenuous allegations advanced by parents and activists. Through such lawsuits, these activists could require State and local governments to adopt a myriad of policies that Congress and State and local lawmakers never authorized or intended and cost those entities a lot of money paid to trial lawyers.

H.R. 2574 also creates a new special assistant for equity and inclusion at the Department of Education. Rather than create multiple siloed positions competing for resources and attention, committee Republicans believe an integrated approach to the Education Department's equity and inclusion efforts would lead to better results.

Republicans and Democrats largely agree on the importance of equality and integrated schools. Unfortunately, instead of working toward a bipartisan solution, H.R. 2574 is the result of Democrats' choosing a partisan path.

The question is whether in the long run these ideas will have helped or hurt the ongoing effort to achieve greater equality for children. H.R. 2574 fails on this front. Committee Republicans believe no effort to erase the evil legacy of segregation and discrimination can be complete without eliminating the State's ability to trap students in low-performing schools.

Instead of debating this bill, we should look at bipartisan solutions that help expand educational freedom for all families. We know that school choice gives parents and families the opportunity to break the cycle of poverty and enroll their child in an institution that challenges them, develops their skills and intellect, and encourages them to reach higher.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

The gentlewoman is exactly right. This will have ramifications that school districts will have to defend longstanding policies where they have a clear, provable disparate impact against minority children but the parents can't prove that it was imposed with discriminatory intent, and this administration won't do anything about it until they are just stuck.

Yes, if this bill passes, the parents will be able to come forth and say that the Black children are stuck in woefully inadequate schools while the White children are not. Yes, they should have to defend themselves if

you can prove it. They ought to have their day in court. They can prove that the policy is having a disparate impact on their children, and according to the Sandoval decision they have to wait for this Department of Education to do something about it.

On school choice, the recent studies have shown that when you don't very carefully regulate it, you can actually have more school segregation in school choice than you have now.

The question on achievement is mixed. There are some studies a few years ago that said on average school choice produced results that were average. More recent studies have shown that on average school choice produces achievement numbers that are worse than average. So that is not a road we should be going down. We should make sure that people, if they prove discrimination, have their day in court.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, our colleagues say that this administration is doing nothing to help minority students. One of the biggest things that we could do to help minority students is to give them a choice about where to go to school. We talked about this yesterday, and we are talking about it again today. Minority students thrive in charter schools. Recent test scores show these students doing much better.

Our colleagues are saying that choice creates segregation. I don't believe that, Madam Speaker. Choice creates the opportunity for success, and we know that. The research shows that over and over again. We can look at New York City and the results that Success Academy is getting for the students there. They are primarily minority students—but it is because minority parents are choosing to send their children there—and they are succeeding. They are graduating at a very high rate; they are going to college at a very high rate. So giving choice to children of all races and all economic groups results in better achievement. That cannot be denied.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the question of segregation of school choice is not what the Democrats are saying; it is what the studies have shown, that there is more likely to be segregation when you give people the choice. That is why freedom of choice was thrown out by the Supreme Court as an answer to Brown v. Board of Education many years ago.

You have Whites choosing the White schools, Blacks choosing the White schools, social isolation taking place, and nature taking its course. That is why you need the right to integrate the schools, and you can't do it with school choice.

Madam Speaker, I think the question is clear. We have a lot of schools where the distribution of resources is done clearly along racial lines, and because you can't prove that it is with discriminatory intent, you can't do anything about it. So that is why you need the bill, and I would hope that we would pass the bill to let those who can prove that they are being discriminated against have their day in court.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have before me some very, very excellent results in terms of freedom of choice programs, and I would like to share those with the body.

The largest private school choice program in America got more solid evidence of its effectiveness Monday. The lower-income, mostly minority students using the Florida tax credit scholarship to attend private schools are up to 43 percent more likely to enroll in 4-year colleges than White students in public schools and up to 20 percent more likely to earn bachelor's degrees according to a new study released Monday by the Urban Institute.

I don't think the Urban Institute is a conservative group.

The outcomes are even stronger for students who use the scholarship 4 or more years. Those students are up to 99 percent more likely to attend a 4-year college than their public-school peers and up to 45 percent more likely to earn bachelor's degrees. The new findings build on a 2017 study that was the first of its kind, but also more limited.

The previous study found scholarship students were more likely to enroll in college and earn associate's degrees, but not significantly more likely to earn 4-year degrees. However, the 2017 study included only data from public colleges in Florida, and the researchers cautioned that as a result our results may understate the true impact of FTC participation on college enrollment and degree attainment.

Madam Speaker, this is solid evidence that having programs like the Florida Student Scholarship Program is working for minority and low-income students. And I find it incredible that our colleagues continually come out on the side of teacher unions, trial lawyers, and others who want to see gains for themselves but no gains for the children they should be serving.

Madam Speaker, I reserve the balance of my time.

□ 1045

Mr. SCOTT of Virginia. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Madam Speaker, let me thank Chairman SCOTT for his tremendous leadership in putting forth this legislation. But also, just for his staying very vigilant as it

relates to the issues of Black and Brown students in our country, and the power that we need to push back against systemic racism and really what it is, is creeping school segregation.

Madam Speaker, I rise in total support of H.R. 2574, the Equity and Inclusion Enforcement Act.

Just a little bit of history of myself. I was born and raised in El Paso, Texas, and schools were segregated when I started school. My family fought with the NAACP, and I believe El Paso was the first city in Texas to desegregate public schools.

Fast forward, my mother, Mildred Parish Massey, she was one of the first 12 students to integrate into the University of Texas at El Paso. I know from personal experience the struggles and the fights that all of us mounted just so we could have access to public education.

And now, fast forward to 2020, segregation in our Nation's schools is growing.

We have turned the clock back immeasurably. It can no longer be ignored. Over the last three decades, African-American students have increasingly found themselves in intensely segregated schools, and we knew unraveling segregation in schools was going to be a long struggle. This segregation, though, is a product of a number of factors, including housing segregation, economic inequality, all tied to structural racism in our country.

But while structural racism pervades so many elements of our society, it is really especially appalling in education, because we know that integrated schools help reduce racial prejudice and tension over the years.

Public education is supposed to be the great leveler in our society. Schools are supposed to be the pathway where hard work and knowledge provide new pathways of opportunity. Instead, this growing segregation fuels the perpetual worsening systemic racial and ethnic wealth gap that exists in our Nation. It robs students of their future, and it makes a mockery, really, of the values of opportunity and the hard work that we hold dear.

And what I think many of us weren't prepared for was the idea that we were going to have to fight tooth and nail now, which was a battle we fought in the 1950s and 1960s. We are fighting those battles again to make our own Federal Department of Education take this issue seriously. My God.

Madam Speaker, for three-and-a-half years, from my seat on the Committee on Appropriations, I have asked Secretary DeVos over and over and over again to take this issue seriously. But after years of dissembling and delay from the Secretary, I have begun to question her commitment to ensuring the rights of equal education for kids in America—that includes Black and Brown kids. And I asked her, does she really care about the civil rights of these young people?

And it is really the refusal by Secretary DeVos to acknowledge the clear evidence of increasing segregation. This is part of the reason why this bill is so important, and we need to act today.

The Equity and Inclusion Enforcement Act is one piece of the puzzle to start pushing back on segregation in schools. It allows parents of children most adversely affected by this growing racial and ethnic segregation to pursue legal action against a local jurisdiction to fix the problem.

Without a private right of action, students of color face countless forms of irreparable damage without any remedy that they can use to seek justice.

The bill would further provide that education programs that receive Federal financial assistance must designate at least one compliance coordinator to focus on reducing segregation and investigate complaints.

And so if we truly want to turn the corner, turn the corner on the legacy of school segregation and unequal opportunity, we have a responsibility to put power back into the hands of parents and students to fight injustice and claim their right to a quality public education.

Madam Speaker, I hope my colleagues will vote for H.R. 2574, and I thank the chairman for bringing forth this very important bill. I am so sorry that we have to do this once again.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume. I stated in my opening comments, Republicans do not believe in segregation. Segregation was not good for this country. But segregation was settled, we believe, despite what has been said by our colleagues, by *Brown v. Board of Education*.

I find it very interesting that this bill is about a private right of action and, yet, it has become the discussion about segregation and about, again, Secretary DeVos and what she has or has not done. My knowledge of the Secretary is that she has worked all her life to expand opportunities for low-income and minority students. That is what giving choice to those students and those parents is all about—expanding opportunities for them to choose where to go to school. And we even know that when we expand opportunities and we have school choice, that even the public schools get better.

I just read statistics about what is happening in Florida, the largest place for school choice and for scholarships for low income and minority students to choose where they want to go to school. It shows what a great gift that has been to them, and how poorly, unfortunately, the students in the public schools are doing.

Consigning students to public schools and not giving them a choice is not a good thing. It is totally unfair. But this bill is about a private right of action, which the Supreme Court has said does not exist in this legislation—the legislation that already exists.

What it is is a gift to trial lawyers. And the implication is, from what we are hearing, is to go back to unequal opportunity. That is not what we want for low-income and minority children, or any children in this country.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Democrats have made a habit of letting bipartisan solutions fall by the wayside in lieu of partisan politics in an attempt to help those who help them. The Equity and Inclusion Enforcement Act is no exception. Republicans and Democrats agree on the importance of equality and integrated schools. I am going to repeat that again. Republicans and Democrats agree on the importance of equality and integrated schools. Unfortunately, instead of working toward a bipartisan solution, H.R. 2574 is the result of Democrats choosing a partisan path.

The creation of a private right of action could lead to additional burdens on school systems who would have to defend themselves against tenuous allegations advanced by activist lawyers and does nothing to eliminate the State's ability to track students in low-performing schools.

This bill is designed to score political points rather than build on a history of bipartisan and bicameral solutions to racial inequality and discrimination.

For these reasons, I urge a “no” vote on H.R. 2574, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mrs. TORRES of California). The gentleman from Virginia has 16½ minutes remaining.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to say a few words about what the U.S. Commission on Civil Rights found, since the ranking member mentioned the Secretary of Education, Betsy DeVos, by name.

It found that the Secretary of Education, Betsy DeVos, has rescinded critical guidance to protect students' civil rights, narrow the scope, and reduced the number of investigations conducted, and decreased the budget and staffing capacity of the Office of Civil Rights at the department.

The Commission's report indicated that OCR issued 38 guidance documents to improve program understanding of and compliance with civil rights statutes under the Obama administration. By comparison, the OCR under the Trump administration has issued few guidance documents and has instead rescinded critical guidance documents.

Specifically, in 2018 Secretary DeVos rescinded guidance documents in sup-

port of the constitutionally protected use of race in admission or assignments to improve diversity and higher education and K-12.

Also, in 2018, Secretary DeVos rescinded 2014 school discipline guidance packages, which provided local educational agencies with technical assistance through reform, discipline policies, and practices that, although racially neutral, disproportionately impacted students of color in violation of title IV. And it goes on and on to talk about what has been going on in this administration.

Madam Speaker, the ranking member talked about school segregation yesterday. We had the opportunity to do something to help those localities that wanted to voluntarily desegregate their schools. And it was a bipartisan result—21 Republicans joined Democrats in providing resources to localities that wanted technical assistance in how to voluntarily desegregate their schools.

That can be complicated, because in the Supreme Court case involving two localities, Louisville, Kentucky, and Seattle, Washington, voluntary school desegregation initiatives were found unconstitutional. The Court said you can do it, but in this case, you didn't do it right. So technical assistance, legal advice, is necessary to make sure that you can have an effective policy that can withstand constitutional challenge.

Regrettably, 160 Republicans voted “no” to give those resources to those localities that want to voluntarily desegregate their schools.

I mentioned the research on school choice. This is a very simple bill. It just gives the right of those who can prove discriminatory impact on their school systems—they can prove it, it just gives them the right to come to court to prove that they have been discriminated against to vindicate their rights.

It is a very simple bill, and I hope that the House will pass it so their civil rights will be protected.

Madam Speaker, I yield back the balance of my time.

Ms. JOHNSON of Texas. Madam Speaker, today I rise in support of H.R. 2574, the Equity and Inclusion Enforcement Act of 2019. This bill will take a meaningful step forward to ensure that programs receiving federal funding are upholding a high standard of equality and inclusion—similar to that which our country strives for.

In 2001, the Supreme Court, in its ruling in *Alexander v. Sandoval*, stated that only the Department of Education can challenge schools and other programs over discriminatory practices. In the majority opinion written by Justice Antonin Scalia, supported by the court's conservative bloc, he claimed that students and parents did not own the right to challenge schools and other programs on their practices and policies. Let me repeat that—the Supreme Court ruled that instead of allowing those directly and adversely affected by discriminatory practices and policies to initiate legal proceedings, the responsibility would be

placed on government bureaucrats. Now, at a time when the Department of Education lacks competent leadership, it is more important than ever before to reverse the Supreme Court's decision.

H.R. 2574 rectifies the Court's ruling and would allow students and parents to hold federally funded programs, like schools, accountable for any discriminatory practices and policies that impact people of color through a private right to action within the Civil Rights Act of 1964. It also creates an Assistant for Equity and Inclusion position in the Department of Education, tasked with guiding and advising the agency as to the best practices and policies for students in every classroom across the country.

Madam Speaker, I urge my colleagues to support this important legislation and ask for its immediate in consideration in the Senate.

Ms. JACKSON LEE. Madam Speaker, as a senior member of the Judiciary and Homeland Committees, I rise in strong support of H.R. 2574, the "Equity and Inclusion Enforcement Act of 2019," which restores the power of students and parents to challenge discriminatory policies and practices in schools and other federally funded programs.

In 2001, the Supreme Court decided in *Alexander v. Sandoval* to overturn four decades of statutory protections against discrimination by stripping victims of discrimination of the right to bring disparate impact claims under Title VI.

However, this bill ensures that victims of discrimination no longer have to rely on the Department of Education to take legal action in order to challenge discriminatory practices in their schools.

Instead, individuals will once again have the ability to address instances of racial inequities themselves.

The Equity and Inclusion Enforcement Act further protects students by making positive and substantive changes to Title VI, which prohibits discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance.

For example, the bill creates Title VI monitors to ensure that every school district and institution of higher education has at least one employee who is specifically responsible for investigating any complaints of discrimination based on race, color, or national origin.

It also establishes an Assistant Secretary in the Department of Education to coordinate and promote Title VI enforcement in education.

In 1954, the Supreme Court's landmark decision in *Brown v. Board of Education* struck down the "separate but equal" premise that had allowed segregation in our public-school system.

It has been 66 years since that monumental ruling, yet we still have not been able to fulfill the promise of equity in education for our children.

Over the past few months, the United States has experienced seismic shifts in social consciousness regarding racial inequities that have permeated every aspect of American society.

As the names of George Floyd, Breonna Taylor, Tamir Rice, Philando Castile, and so many others, become synonymous with today's civil rights movement, I believe this bill marks a step forward in the fight for equal rights.

We cannot achieve true racial equality without addressing the systematic discrimination in our education system.

For example, in December of 2018, Andrew Johnson, a Black high school wrestler, in New Jersey was forced to make an impossible choice when a referee told him to either cut his dreadlocks or forfeit the wrestling match.

Although Johnson wore a hair covering for the match, as dictated by wrestling guidelines, the referee rejected the covering and gave the student 90 seconds to cut off his dreadlocks.

In 2016, a Black teenager was escorted out of his high school graduation ceremony in Sacramento, California by three deputies after refusing to remove his kente cloth, a traditional Ghanaian silk and cotton fabric that symbolizes national cultural identity.

Earlier this year, the Barbers Hill Independent School District in Texas refused to change its grooming policy that led to the suspension of two Black students.

Despite public backlash against the policy, which forbids male students from keeping their hair at "a length below the top of a t-shirt collar, below the eyebrows, or below the ear lobes", the school board voted unanimously to keep the policy in place.

These instances of continued discrimination against minority students in our public-school system create a learning environment that is far from equal.

It is imperative to recognize that the existence of these Eurocentric policies in our educational system have a disparate effect on Black students, who are either forced to suppress their cultural heritage and Black identity or forfeit their right to equal educational and extracurricular opportunities.

While on the surface, such policies do not seem directed at specific races or ethnicities, in practice, they often discriminate against a Black person or person of color based on characteristics associated with them.

It is also well known that Black students are more often over-disciplined at school than their white counterparts.

Between 2015 and 2016, Black children accounted for 15 percent of all students, yet they made up 31 percent of referrals to law enforcement and school-based arrests, perpetuating the school-to-prison pipeline.

In Texas, black students in the Houston Independent School District (HISD) were four times more likely to receive a law enforcement referral, which includes citations, tickets, court referrals, and school-related arrests, than their white peers.

According to the Texas Education Agency, HISD is also known for its stark disparities between black and white students in school discipline, with black students being seven times more likely to get an out-of-school suspension.

These instances create a culture of inequality and reinforce barriers to education for students of color.

Without a private right of action to challenge these patterns and policies, students of color face countless forms of irreparable harm, including missing countless hours of instruction, educational opportunities, and relationship development that promotes pro-social growth and positive life outcomes.

Madam Speaker, by creating measures that give agency to individuals to identify, challenge, and change discriminatory practices in their own communities, we are creating an environment where all kids, regardless of race,

color, or national origin, are given an equal chance to learn and excel.

I urge my colleagues on both sides of the aisle to recognize the opportunity we have here today to rectify some of the inequities in our schools and, more importantly, positively change the educational experience for students of color across the country.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1107, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1100

MOTION TO RECOMMIT

Ms. FOXX of North Carolina. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. FOXX of North Carolina. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Foxx of North Carolina moves to recommit the bill, H.R. 2574, to the Committee on Education and Labor with instructions to report the same back to the House forthwith, with the following amendment:

Page 4, line 11, strike the quotation mark and period at the end.

Page 4, after line 11, insert the following: "(c) ANTISEMITISM CONSIDERED DISCRIMINATION.—In carrying out the responsibilities of the recipient under this title, the employee or employees designated under this section shall consider antisemitism to be discrimination on the basis of race, color, or national origin as prohibited by this title."

Ms. FOXX of North Carolina (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina is recognized for 5 minutes in support of her motion.

Ms. FOXX of North Carolina. Madam Speaker, as you have heard throughout this debate, Republicans agree that discrimination and segregation are repugnant and immoral.

Unfortunately, this bill does nothing to address these problems. Instead, Democrats are trying to sneak in a radical partisan rewrite of civil rights law under the guise of an education bill. However, before the House takes action on this legislation, we have one final opportunity to address one particular flaw in this bill.

On September 11, 2019, President Trump issued an executive order establishing the policy of the executive branch to consider discrimination against Jews to be illegal discrimination under title VI when such discrimination is based on an individual's race, color, or national origin.

If this House is going to radically rewrite title VI, as this bill does, we should use this opportunity to show commitment to combating anti-Semitism.

With anti-Semitism on the rise around the world, the need for this amendment is clear. In fact, here in the United States, we have seen horrific acts of violence against our Jewish friends over the last few years.

In October 2018, 11 congregants lost their lives at a synagogue in Pittsburgh, the worst killing of Jews in American history. In December of last year, a gunman targeted a Jewish kosher deli, leaving six dead.

This motion does one simple thing. The underlying bill requires recipients of funding from the Department of Education to designate title VI compliance coordinators. My motion inserts language into this provision directing such compliance coordinators to consider anti-Semitism to be illegal discrimination on the basis of race, color, or national origin under title VI.

Madam Speaker, we have an opportunity with this amendment to achieve an important goal. We can ensure that recipients of Federal education funding are doing all they can to protect members of our communities from horrific anti-Semitism.

I urge a "yes" vote on my amendment, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT of Virginia. Madam Speaker, anti-Semitism is religious discrimination. As the motion reflects, religion is not covered by title VI. It covers discrimination based on race, color, or national origin. It doesn't cover religion.

While we are picking just one religious kind of discrimination, anti-Semitism, what about the other religions? Wouldn't they deserve attention, too?

This is just a political attempt to insert religion into title VI. That is controversial. Might get support for that, but that is not part of this bill.

This motion just diverts attention from the core provision of the bill, and that is to open the courts so that those who can prove discrimination can have their day in court if their proof is based on disparate impact.

Now, let's not divert attention away from that core idea that people who have been discriminated against ought to be able to get into court. Let's let them have their day in court. Defeat this motion and pass the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. FOXX of North Carolina. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and the nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

ENSURING CHILDREN AND CHILD CARE WORKERS ARE SAFE ACT OF 2020

Ms. BONAMICI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 7909) to facilitate access to child care services safely and securely during the COVID-19 pandemic, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Children and Child Care Workers Are Safe Act of 2020".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Child care is an essential service that supports children's early development and allows parents to work.

(2) At least 1 out of 2 child care providers closed at some point during the COVID-19 pandemic, and 2 out of 5 face the possibility of permanent closure.

(3) The lack of access to child care services can prevent parents from returning to work and can prevent children from accessing critical services, including meals.

(4) Ensuring the safe re-opening and operation of child care service settings during periods of community transmission of COVID-19 will require child care providers to adopt new measures and practices in order to reduce the likelihood of COVID-19 transmission.

(5) Such measures and practices must ensure the safety of children as well as child care workers, who may be at high risk of infection.

(6) Ensuring that working families have access to safe child care service options is critical to supporting young children's development and to returning the economy back to its pre-pandemic levels.

SEC. 3. TECHNICAL ASSISTANCE ON THE SAFE PROVISION OF CHILD CARE SERVICES.

(a) TECHNICAL ASSISTANCE TO STATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this Act referred to as the Secretary), in consultation with the Director of the Centers for Disease Control and Prevention, shall provide technical assistance to States, Indian Tribes, and tribal organizations related to the safe provision of

child care services while there is community transmission of COVID-19. Such technical assistance shall include information about—

(A) the prevention of COVID-19 transmission in child care provider settings, including the use of face masks and other personal protective equipment in such settings,

(B) training and professional development on health and safety practices related to the prevention of COVID-19 transmission in child care provider settings,

(C) the acquisition and use of personal protective equipment, and

(D) modifications of child care provider settings and services to prevent COVID-19 transmission, such as optimal staff-to-child ratios across such settings and the use of mental health supports.

(2) MATERIALS.—As part of such technical assistance efforts, the Secretary shall—

(A) publish educational materials related to the prevention of COVID-19 transmission in child care provider settings, including by posting such materials on a website,

(B) update any such materials as necessary to reflect advancements in the science of COVID-19, and

(C) provide a mechanism through which States may exchange best practices relating to the safe operation of child care providers.

(b) TECHNICAL ASSISTANCE TO CHILD CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary may make grants to lead agencies designated under section 658D(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(a)) to provide guidance, technical assistance, and support to child care providers, either directly or through resource and referral agencies or staffed family child care networks, regarding the safe operation of child care providers while there is community transmission of COVID-19.

(2) RESERVATION.—The Secretary shall reserve 2.75 percent of funds appropriated to carry out this section to make payments to Indian Tribes, Tribal organizations, or consortia of Indian Tribes and Tribal organizations.

(3) ALLOTMENTS.—From amounts appropriated to carry out this section and not reserved under paragraph (2), the Secretary shall allot to Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands and to the remaining States amounts in accordance with subsections (a)(1) and subsection (b) of section 658D of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m), except that none of such remaining States shall receive an allotment of less than \$10,000.

(4) REQUIREMENTS.—Each lead agency that receives a grant under this section shall ensure that—

(A) guidance, technical assistance, and support are available to child care providers regardless of such providers' settings, sizes, or administrative capacities, and

(B) guidance, technical assistance, and support are available in the languages most commonly spoken in the State, Indian Tribe, or Tribal organization.

(c) REPORT TO CONGRESS.—Not later than 60 days after funds are appropriated to carry out this Act, the Secretary shall provide to the Committee on Education and Labor of the House of Representatives and to the Committee on Health, Education, Labor, and Pensions of the Senate a report that includes—

(1) recommendations for how to ensure the safe provision of child care services while there is community transmission of COVID-19, including recommendations that address each of the issues described in subparagraphs (A) through (D) of subsection (a)(1),