



OPENING STATEMENT

House Committee on Education and Labor

Chairman Robert C. "Bobby" Scott

House Committee on Education and Labor Full Committee Markup

H.R. 2119, *Family Violence Prevention and Services Improvement Act of 2021*

H.R. 3992, *Protect Older Job Applicants Act*

H.R. 729, *Strength in Diversity Act of 2021*

H.R. 730, *Equity and Inclusion Enforcement Act of 2021*

Thursday, July 15, 2021 | 12:00 p.m.

Today, the Committee is marking up four bills: H.R. 2119, the *Family Violence Prevention and Services Improvement Act of 2021*, H.R. 3992, the *Protect Older Job Applicants Act*, H.R. 729, the *Strength in Diversity Act of 2021*, and H.R. 730, the *Equity and Inclusion Enforcement Act of 2021*.

The first bill, the *Family Violence Prevention and Services Improvement Act of 2021*, updates our federal efforts to address intimate partner violence. Before I continue, I want to encourage anyone who may be struggling with intimate partner violence to reach out to the National Domestic Violence Hotline at 1-800-799-SAFE or the StrongHearts Native Helpline at 1-844-7NATIVE.

First passed in 1984, the *Family Violence Prevention and Services Act* has been a central pillar in our fight against intimate partner violence. Today, the law authorizes critical services, including shelters, support services for survivors, and 24-hour domestic violence hotlines.

Regrettably, these programs have been expired since the end of 2015, hindering our ability to meet the changing needs in our communities. We know the pandemic has also increased the risk of family violence and exacerbated the gaps in our response.

The bipartisan H.R. 2119 reauthorizes the *Family Violence Prevention and Services Act* to prioritize equity—by authorizing targeted funding to reach communities with disproportionately high rates of intimate partner violence and limited access to services—and invest in *preventing* violence before it happens—so we can avoid the physical danger and emotional trauma that survivors often experience.

The second bill, the *Protect Older Job Applicants Act*, helps protect older job applicants against age discrimination. Last month, Republicans and Democrats came together to pass the *Protecting Older Workers Against Discrimination Act*, which would restore a reasonable burden of proof for older workers who allege age discrimination under the *Age Discrimination in Employment Act*, or A-D-E-A.

The present wording of that bill that we passed applies only to employees. Our efforts to include job applicants—as I assume everybody thought it already did—was blocked by the House parliamentarian who advised us that it was not technically germane.

Since 1967, the A-D-E-A has allowed job applicants to seek recourse when there is statistical evidence of an employer engaging in age discrimination, and the employer cannot show its discriminatory conduct was justified

based on a reasonable factor other than age. Unfortunately, recent court decisions in some parts of the country have cut off A-D-E-A protections for job applicants bringing these disparate impact claims.

Older workers should have equal access to civil rights protections, regardless of where they live or whether they are looking for a job or already have one.

The *Protect Older Job Applicants Act* amends the disparate impact provisions of the A-D-E-A to ensure that we protect *both* older job applicants as well as older Americans who are already employed.

The third bill—the *Strength in Diversity Act*—provides public school districts with the tools to develop voluntary, community-driven strategies for promoting diversity.

Recognizing the long-lasting effects of school diversity for students, many school districts have developed innovative strategies to address segregation.

This initiative is timely because a GAO study just a couple of years ago found that public schools in America today are as segregated now as they were in the 1960s, and it's getting worse.

Unfortunately, schools can face steep obstacles to developing these strategies. For example, in 2007, the Supreme Court struck down voluntary school desegregation plans in both Kentucky and Washington. But the Court did say that desegregation efforts were legal if done correctly.

This program provides technical assistance to make sure they can be done right.

The final proposal, the *Equity and Inclusion Enforcement Act*, secures the right of students and parents to address racial inequities in public education.

Under the *Civil Rights Act of 1964*, individuals had the right to challenge discriminatory school practices and policies if they disproportionately hurt students on the basis of race, color, or national origin.

However, in its 2001 decision in *Alexander v. Sandoval*—usually referred to as the *Sandoval* decision—the Supreme Court stripped individuals of their right to challenge these practices and policies under Title VI of the law. This decision barred students from pursuing justice from federally funded entities that maintained practices which have a disparate impact on racial groups.

Now, only the Department of Education can initiate these challenges, meaning that—under some administrations—these cases are not pursued at all.

In response, the *Equity and Inclusion Enforcement Act* restores the private right of action of students and parents to bring Title VI discrimination claims based on disparate impact. For the purpose of the Committee's markup, we are focused on two provisions of the bill. These provisions establish a Special Assistant position at the Department of Education to coordinate and promote Title VI enforcement in education and create Title VI monitors—similar to Title IX monitors already on college campuses—so that each school has at least one employee dedicated to investigating complaints of discrimination based on race, color, or national origin. Other parts of the bill are within the jurisdiction of the Committee on the Judiciary.

I urge all Members of the Committee to support the proposals before us today. I yield now to the Ranking Member, Dr. Foxx, for the purposes of making her opening statement.