

PROVIDING FOR CONSIDERATION OF H.R. 9, FANNIE LOU
HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOT-
ING RIGHTS ACT REAUTHORIZATION AND AMEND-
MENTS ACT OF 2006

JULY 12, 2006.—Referred to the House Calendar and ordered to be printed

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on
Rules, submitted the following

R E P O R T

[To accompany H. Res. 910]

The Committee on Rules, having had under consideration House Resolution 910, by a record vote of 8 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 the consideration of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, under a structured rule. The rule provides 90 minutes of general debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments made in order may be offered 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, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report.

Finally, the rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The Committee on Rules is not aware of any points of order against consideration of the bill or against the amendments. The waivers of all points of order are prophylactic in nature.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII 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. 232

Date: July 12, 2006.

Measure: H.R. 9, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Motion by: Mr. Lincoln Diaz-Balart.

Summary of motion: To report the rule.

Results: Agreed to 8 to 3.

Vote by Members: Diaz-Balart—Yea; Hastings (WA)—Yea; Putnam—Yea; Capito—Yea; Cole—Yea; Bishop—Yea; Gingrey—Yea; McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Dreier—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Norwood (GA): Updates the formula in section 4 of the Voting Rights Act (VRA) that determines which states and jurisdictions will be covered under Section 5 of the VRA. This updated formula would be a rolling test based off of the last three presidential elections. Any state would be subject to Section 5 if it currently has a discriminatory test in place or voter turnout of less than 50% in any of the three most recent presidential elections. (40 minutes)

2. Gohmert (TX): Makes the reauthorization period 10 years, rather than the 25 years proposed in H.R. 9. (40 minutes)

3. King, Steve (IA)/Istook (OK)/Miller, Candice (MI)/Brown-Waite (FL)/Bachus (AL): Strikes sections 7 and 8 of the bill. These sections relate to multilingual ballots and use of American Community Survey census data, and they would automatically expire in 2007. (40 minutes)

4. Westmoreland (GA): Provides for an expedited, proactive procedure to bail out from coverage under the preclearance portions of the Voting Rights Act, by requiring the Department of Justice to assemble a list of all jurisdictions eligible for bailout and to notify the jurisdictions. The Department of Justice is then required to consent to the entry of a declaratory judgment allowing bailout if a jurisdiction appears on the list. Adds a three-year initial time period (and annually thereafter) for assembly of the bailout list by the Department of Justice. (40 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NORWOOD OF GEORGIA, OR HIS DESIGNEE, DEBATABLE FOR 40 MINUTES

Page 11, strike lines 1 through 3.

Page 11, line 4, strike “(2)” and insert “(1)”.

Page 11, line 7, strike “(3)” and insert “(2)”.

Add at the end the following:

SEC. 10. CRITERIA FOR INCLUSION FOR PRECLEARANCE AND OTHER PROVISIONS OF TITLE I.

The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended—

(1) in the first sentence of section 4(a)(1), by striking “the first two sentences of”;

(2) by striking the second sentence of section 4(a)(1);

(3) in section 4(a), by striking “or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)” each place it appears;

(4) so that subsection (b) of section 4 reads as follows:

“(b)(1) Subsection (a) applies in any State or subdivision of a State that the Attorney General determines maintains a test or device, or with respect to which the Director of the Census determines that less than 50 percent of the citizens of voting age residing therein were registered on November 1 of a critical year, or that less than 50 percent of those citizens voted in the presidential election of that critical year. The critical years for the purposes of this Act are the 3 years in which the last preceding presidential elections took place.

“(2) A determination under paragraph (1) is not reviewable in any court and shall take effect upon publication in the Federal Register.”;

(5) in section 4(f)(4), by striking “the second sentence of section 4(a)” and inserting “subsection (a)”; and

(6) in section 5, by striking “Whenever a State or political” and all that follows through “1972” and inserting “Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based on a determination made under section 4(b) enacts or seeks to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on the day before that determination was made”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOHMERT OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 40 MINUTES

Strike section 4 and insert the following:

SEC. 4. EXTENSION OF TITLES I AND II.

Section 4(a) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a)) is amended—

(1) in paragraph (7), by striking “at the end” and all that follows through “1982” and inserting “before August 6, 2016”; and

(2) in paragraph (8), by striking “at the end” and all that follows through “1982” and inserting “on August 6, 2016”.

In section 7, strike “2032” and insert “2016”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING OF IOWA, OR HIS DESIGNEE, DEBATABLE FOR 40 MINUTES

Strike sections 7 and 8.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WEST-MORELAND OF GEORGIA, OR HIS DESIGNEE, DEBATABLE FOR 40 MINUTES

Add at the end the following:

SEC. ____. EXPEDITED DECLARATORY JUDGMENT IN CERTAIN CASES.

Section 5 of the Voting Rights Act of 1965 is amended by adding at the end the following: “The Attorney General shall, not later than 3 years after the date of the enactment of this sentence, and annually thereafter, determine whether each State and political subdivision to which the requirements of this section apply meets the requirements for a declaratory judgment under section 4(a). The Attorney General shall inform the public and each State or political subdivision of the determination with respect to that State or subdivision. The Attorney General shall consent to the entry of judgment in favor of a State or political subdivision that seeks such a declaratory judgment if the Attorney General has determined that State or subdivision currently meets the requirements.”.