

COMMITTEE ON THE BUDGET—Mr. Price of Georgia, to rank immediately after Mr. Cole; Mrs. Black, to rank immediately after Mr. Lankford; and Mr. Duffy.

COMMITTEE ON WAYS AND MEANS—Mr. Renacci.

Mr. SOUTHERLAND (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1610

VOTING RIGHTS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONYERS. Mr. Speaker, I'm pleased to join in this Special Order, a bipartisan one, in which I thank my judiciary colleague and former chairman of the Judiciary Committee, JIM SENSENBRENNER of Wisconsin, for joining me in this discussion, as well as Congressman BOBBY SCOTT of Virginia, also a distinguished member of the Judiciary Committee and former chairman of the Subcommittee on Crime.

Members of the House, just days before the anniversary of the Edmund Pettus Bridge march from Montgomery to Selma—and by the way, our colleague, Congressman JOHN LEWIS, was the only Member of Congress who was in that march—the Supreme Court will review Congress' authority under the Constitution to reauthorize the Voting Rights Act, specifically section 5 of that act. I believe and I am confident the Supreme Court will and should uphold the constitutionality of Congress' authorization of section 5 for three reasons. The first: Protecting minority voting rights is a constitutional imperative that Congress is required to enforce.

When Congress acts under the 15th Amendment to the Constitution, it acts at the zenith of its constitutional authority. The Supreme Court has consistently upheld Congress' authority under the 15th Amendment. The 15th Amendment gives Congress a mandate to eliminate racial discrimination in voting by appropriate legislation. After almost a century of ineffective protection for minorities, and in the long wake of the Civil War, Congress took action to pass the 15th Amendment, and almost a hundred years later passed the Voting Rights Act, which included section 5. Protecting minority voting rights is something Congress can do, and this authority has been repeatedly affirmed by the United States Supreme Court.

For almost 50 years, the Supreme Court consistently affirmed Congress'

authority to protect minority voting rights under section 5 of the Voting Rights Act. Legal challenges to section 5 are nothing new to Congress, and are nothing new to the Court. Legal challenges to section 5 of the Voting Rights Act have routinely been made after Congress has reauthorized temporary provisions.

The Supreme Court first affirmed the constitutionality of section 5 in 1966. In the case of *South Carolina v. Katzenbach*, the Supreme Court upheld the Voting Rights Act, including section 5. The Court in that decision cited Congress' careful study and the voluminous legislative history underlying the Voting Rights Act as the basis for upholding it. During Congress' most recent authorization of section 5 in 2006, both the Senate and the House studied the continued need for section 5 by amassing an extensive record that totaled over 15,000 pages, spanned 20 hearings, and included testimony from a total of 96 witnesses representing interests ranging from Federal and State executive officials to civil rights leaders and others. Those 15,000 pages were amassed by the House Judiciary Committee and the Senate Judiciary Committee as well.

Congress paid careful attention to the Court's decisions throughout the reauthorization process and acted consistent with them to the extent of the law, and only after commencing the evidence, strongly suggested widespread violations of the 15th Amendment, which led to ample justification for congressional action.

The result, on July 13, 2006, was the largest bipartisan vote in Voting Rights Act history, with a vote of 390–33 in the House and unanimous passage in the Senate, 98–0.

Although dicta from the Court's *Namundo* decision in 2009 suggested that the burdens of section 5 may be unnecessary because times have changed, Congress found that the evidence strongly suggests otherwise.

While we have made progress, Congress continues to find that racial discrimination in voting is still present and remains concentrated in those places covered by section 5. Unfortunately, the methods of discrimination have also become more sophisticated. I believe that the Court will recognize what Congress found in 2006—that the work of section 5 is not yet complete.

The protections in section 5 don't solely impact our Federal voting processes, but rather the breadth of section 5 extends to the smallest cities and most centralized local governments. When a voting change discriminates against local citizens even at the local level, section 5 has the ability to halt the impact of discrimination. Without section 5's strength to arrest the discrimination at the outset, the burden of remedying the discrimination would be on these local citizens.

The facts in *Shelby County v. Holder* further magnify the importance of section 5 to protect the voting rights of

minorities. In the *Shelby* case, the Justice Department rejected an electoral map drawn by a city in Shelby County which would have decreased the number of black voters from 70.9 percent to 29.5 percent. In this instance, section 5 preserved the ability of the African American community in the city to elect their candidate of choice to the city council. Shelby County, along with many examples examined by Congress in 2006, highlights the importance of reauthorization of section 5 of the Voting Rights Act.

The constitutionality of the Voting Rights Act is an important matter for the Court to consider and continue to review, and is important to the democratic ideals of this country.

We believe the Supreme Court owes much deference to the considered judgment of the people's elected representatives since Congress continues to find that racial discrimination in voting is present and remains concentrated in many of the places covered by section 5. We expect the United States Supreme Court to continue to declare that section 5 of the Voting Rights Act is critical to protecting minority voting rights—all voting rights—well into the 21st century.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Michigan for yielding.

I was the principal author of the Voting Rights Act extension in 2006, which did pass this House 390–33, and unanimously was passed by the Senate.

□ 1620

The *Shelby* County case concentrates on the constitutionality of section 5 of the Voting Rights Act, and that is the section that requires pre-clearance of electoral changes in covered jurisdictions. The plaintiffs in the *Shelby* County case allege that since things have changed since 1965, section 5 is no longer applicable. They're wrong.

When Congress considered, in 2006, the extension of the Voting Rights Act, including section 5, the Constitution Subcommittee of the House Judiciary Committee had probably the most extensive legislative record in the history of this Congress compiled, 12,000 pages on this side of the Capitol, numerous hearings, numerous witnesses, including those who were opposed to section 5, and even those who were opposed to the entire concept of the Voting Rights Act. So every viewpoint was heard; and the mountain of testimony, I don't think, can be equaled by any other issue that Congress has discussed, in my memory, and maybe in the history of the Republic.

I want to make two points. The first point is that all of that testimony very clearly shows that, even in the years immediately prior to 2006, there were attempts at discrimination made, mainly by local governments, to attempt to disenfranchise minority voters. And, in fact, over 700 requests for

pre-clearance were denied, I believe, in the 10-year period prior to the hearings being held. So there still are attempts being made to disenfranchise minority voters, and the Congress found that; and that legislative record should be enough to persuade the Court that those of us who are elected representatives of the people had ample evidence to make a considered judgment on this issue.

The second point that needs to be made is that, right from the beginning of the Voting Rights Act in 1965, there was a procedure that would allow a covered jurisdiction to bail out of section 5 coverage, and that can be done by showing that there are no attempts to disenfranchise minority voters to the satisfaction of the Justice Department. A few jurisdictions have availed themselves of the bailout provision and have succeeded and thus are no longer under section 5.

What the plaintiffs in the Shelby County case want to do is, rather than going and presenting evidence that they are not discriminating anymore and saying that they qualify for the bailout, they want to go to court to throw the whole of section 5 out. It is like dealing with this issue with a blunderbuss rather than with a rifle shot or a surgical strike.

Now, if any of the plaintiffs in this case are clean, I believe that they ought to tell the Court why they're going to court, rather than using the provisions that have been in the law for close to 50 years to bail out, because they are clean.

When I was in law school, I was always taught that when you wanted to get equity, you ought to come in with clean hands. Well, if you have clean hands, the bailout is made for you. And if you don't have clean hands, then the Supreme Court should tell you to go wash up.

The Court should uphold the Voting Rights Act, should uphold section 5, as extensively considered by Congress and reauthorized, and rule in favor of the government.

Mr. CONYERS. I thank the gentleman from Wisconsin for his observations and his continuing support of this very important act from the beginning. He was there when it started, and he's still with it. I congratulate you, sir.

Mr. SENSENBRENNER. I thank the gentleman.

Mr. CONYERS. Mr. Speaker, I am very pleased now to yield as much time as he may consume to the distinguished gentleman from Virginia, BOBBY SCOTT, a senior member of the House Judiciary Committee.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

I'm proud to join the gentleman from Wisconsin and the gentleman from Michigan, who were leaders in the reauthorization of the Voting Rights Act in 2006. They were there and have been fighting the battle for voting rights for a long time. The leadership in reauthorization was obviously the gen-

tleman from Wisconsin and the gentleman from Michigan and the gentleman from North Carolina (Mr. WATT).

Mr. Speaker, a right to vote is the very foundation of our democracy. The Supreme Court noted in *Wesberry v. Sanders* in 1964 that no right is more precious in a free country than that of having a voice in the election of those who make laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.

From its initial passage of the Voting Rights Act, Congress has relied on an extensive record of discrimination in voting to justify the continued need for remedies imposed by the expiring provisions. In the original enactment of the Voting Rights Act and its subsequent reauthorization, Congress has made sure that voting rights remedies are proportionate to the problems Congress sought to secure.

In the reauthorization process in 2006, the gentleman from Wisconsin and the gentleman from Michigan made sure that we listened to each and every witness. They had long hearings and heard all kinds of different schemes to undermine the right to vote; and in the end, we reauthorized the Voting Rights Act.

As a result of the Voting Rights Act, since 1964—it was passed in 1965, but since 1964, the number of Black elected officials has increased from a nationwide total of 300 in 1964 to over 9,000 today. The Congressional Black Caucus grew from three prior to the Voting Rights Act to 43 today.

In the Commonwealth of Virginia, my home State, there were no African Americans in the General Assembly in 1965. Now there are 18 members of the Virginia Legislative Black Caucus. Clearly, these numbers show that many of the provisions of the Voting Rights Act have made a difference.

Section 5 is one of the Voting Rights Act's most important provisions. It requires covered jurisdictions to submit planned changes in their election laws to Federal officials for prior approval. They have to show that the change does not have a discriminatory effect or intent.

The jurisdictions covered by section 5 were selected the old fashioned way: they earned it, by implementing poll taxes, literacy tests, gerrymandered election districts and other schemes.

Tomorrow the Supreme Court will hear a challenge to section 5. In *Shelby County v. Holder*, the challenge will be to try to eliminate the requirement for covered jurisdictions to secure that pre-clearance from the Department of Justice or a Federal Court in Washington, D.C. They are arguing that the current evidence of racial discriminatory practices in covered jurisdictions is inadequate to support section 5; but the record of section 5-based objections has shown that section 5 is needed.

Since 2006, when we reauthorized the Voting Rights Act, more than 750 ob-

jections have been lodged by the Department of Justice to changes in election procedures through the pre-clearance provision in section 5, finding that those 750 changes violated the Voting Rights Act. Those are changes in election laws that the jurisdictions knew they had to submit to Justice.

Now, just exactly what kind of changes would they have enacted if they hadn't been required to pre-clear their new laws?

Their bipartisan congressional report in 1982 warned that without this section discrimination would reappear overnight. That's because without this section there would be no effective deterrent in passing discriminatory laws.

Section 5 offers a type of relief that is not available in any other provision of the act. Without section 5's relief, jurisdictions with a history of discrimination could pass discriminatory changes in their election laws, and then the victim of the discrimination would bear the costs of litigation and bear the burden of proof to overturn the law.

□ 1630

If overturned, finally, then they could do another scheme and the process would start all over. If those impacted negatively by the discriminatory laws could not raise the money, then they're just stuck with the discriminatory plan.

Now, a lot of these plans are inflicted on small counties where people just do not have the resources to launch expensive, complex litigation. And so it is unfair to impose on them the burden of protecting their voting rights when you know from history that the covered jurisdictions have a history of discrimination.

Now, one of the problems with the elimination of section 5 is that once the small counties raise all the money, get to litigation, finally get a final judgment, and overturn it, the perpetrators of the scheme already would have achieved their goal. They got elected. They were able to represent the area and cast all the votes. And then in the end, when they're finally caught discriminating, they get to run as incumbents, with all the advantages of incumbency. The magic of section 5 is that the illegal scheme never goes into effect to begin with.

Now, there is a provision, as the gentleman from Wisconsin pointed out, for covered jurisdictions to bail out if they feel they have stopped discriminating. But all they have to do to bail out is first prove that they haven't gotten caught discriminating in 10 years.

Now, the process is simple. For those who have attempted to bail out, they've been able to bail out. There is no barrier, essentially no barrier, to bailing out from under the provisions of section 5, other than the fact that you couldn't have been caught discriminating in the previous 10 years.

Striking section 5 will essentially turn our country to a pre-1965 election

system. Mr. Speaker, at a time when America has staked so much of its international reputation on the need to spread democracy around the world, we must ensure its vitality here at home and preserve section 5 of the Voting Rights Act.

I thank the gentleman from Michigan for yielding and for all of his leadership in voting rights and civil rights over the years.

Mr. CONYERS. I thank the gentleman from Virginia for his very astute and precise evaluation of the continuing importance of section 5 to the Voting Rights Act.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 37 minutes remaining.

Mr. CONYERS. I would now be pleased to yield to the gentlelady from Texas, Ms. SHEILA JACKSON LEE, as much time as she may consume.

Ms. JACKSON LEE. Let me thank the gentleman very much, and thank him for convening this historic special order. It's historic because it is led by the Honorable JOHN CONYERS, who has actually walked the historic steps that generated the actual passing of the Voting Rights Act of 1965.

I think it is appropriate to put on the record again, as we've done often, that Mr. CONYERS is the only elected official, certainly Member of the United States Congress, that can claim that they were endorsed by Dr. Martin Luther King, Jr. I know that the Honorable BOBBY SCOTT and myself admire that and have benefited from the deep knowledge that JOHN CONYERS has on these important issues.

And I would offer, in my brief commentary this afternoon, to try to track the vitality of the Voting Rights Act in its series of reauthorizations so that people can actually see that this is not legislation of whiners, this is not a legislation that is not in love with America, does not believe in the freedom of America's values and choice and being able to vote unencumbered, or not view the integrity of State election officials throughout the country. But it really is, if you will, a testament to the fact that laws can make things better.

In actuality, the Voting Rights Act is a codification of the 15th Amendment that no one shall be denied the right to vote on account of race or color. That was a necessary amendment and followed in the tradition of the 13th and 14th Amendments, which provide for due process and equal treatment under the law.

Then, of course, the 15th Amendment, which says that the vote is precious. It's so precious, and sometimes we forget that it was actually embodied in the Bill of Rights or in the context of the Constitution, that the 15th Amendment was, in fact, protecting the right to vote.

So the Voting Rights Act came as the leaders of this Nation watched the deterioration of the right to vote in

certain parts of this Nation. And I would argue that that is true even today.

We heard on the floor that there is a way to, in essence, move yourself out of the Voting Rights Act by showing 10 years of, might I say with all due respect, good behavior.

But as we have watched over the last few years, let me recount for you, Mr. Speaker, that we have had incidences that impact school boards to governorships, if you will, or school boards to statehouses, and school boards to congressional seats, where there have been instances that have required the intervention of preclearance under the Voting Rights Act of section 5.

I would venture to say that no one has been hurt by that, that it has only enhanced the opportunity to vote. In the State of Texas, for example, in the last 2 years, there was an issue of purging voters. It so happened that those who were being purged were predominantly Hispanic and African American. In the last election of 2012, the State of Florida was poised to purge some 1 million voters, and through oversight of the Department of Justice that was, in essence, stopped.

In addition, we've had a series of what we've called voter ID laws, which came about and were born post, if you will, the election of 2010. Those voter ID laws were determined through preclearance to have a deteriorating effect on the vote of those who were needed to carry forth a vote.

And so I would make the argument that the voter ID laws were, in essence, prevented from taking the vote away under the 15th Amendment, the Voting Rights Act, because we had section 5. And so the Texas voter ID law was declared to not meet the standards under section 5 preclearance, that it would hamper people from voting. And, in essence, it hampered people from voting because it did not have the process to get your voter ID in all the counties in the State of Texas.

So if you were in a county without a place to get your voter ID, if you didn't have the money, you clearly were prevented from voting. And that covered voters from all different races—voter ID laws that happened in Mississippi, voter ID laws that happened in Ohio. Some of them were undone through election processes, but the preclearance truly impacts real lives.

I remember as a junior member of the Southern Christian Leadership Conference, which I work for, doing registration in the Deep South, as it was defined in those years, in South Carolina, going onto plantations where sharecroppers worked and the intimidation of the process of not only registering, but voting. We were there to register to vote.

The reason why I know there was intimidation is because as I was approaching a voting station, which was a tattered area—when I say tattered, the voting booth was a tattered cloth from an old general store. My com-

mentary is not to speak of that particular era of voting, but it was to say to you that I was promptly shot at for approaching. I was a stranger. And the next thing I knew we were running for cover. But all I was coming to do was to check the voting process out to ensure that the employees of that plantation, sharecroppers, were coming and could vote unencumbered.

So the Voting Rights Act is about unencumbered voting. What person would want to deny that?

Tomorrow, we will have a hearing before the United States Supreme Court in the Shelby case. And my argument—I'm not making the argument before the Supreme Court as we speak today—but my argument is that facts will speak for themselves. The courts will address the question of law, and they will listen to the proponents and the opponents.

I hope and pray that the Justices will understand that the underpinnings of the argument are based upon fact. And in the last election of 2012, there was an enormous mountain of facts that showed that in the nooks and crannies of America there were voters who were denied the right to vote. In 2008, voters were denied the right to vote—issues such as moving various polling places that were in minority neighborhoods, the misrepresentation of the message going out about felons would be arrested at the polls, as if the felons who could not vote would be showing up at the polls, or others being determined to be a felon and not be a felon, the misidentification of voters, sending them away.

□ 1640

I would just make the argument that this is a factual basis for which we need this. The fact that we have had these kinds of incidences shows the value of the Voting Rights Act section 5 preclearance. We show the value through 15,000 pages of documentation in the 2006 reauthorization, which was led by this Judiciary Committee, of which those of us on the floor today are members, led by JOHN CONYERS and, of course, Mr. SENSENBRENNER.

So let me conclude by thanking the chairman for his very kind yielding. I'll indicate that we can speak about the four corners of section 5, Supreme Court case that has reaffirmed it, but this is a question of fact. Until we eliminate the facts across America that people are denied the right to vote on the basis of their color and/or their race, then we have a reason for section 5 preclearance.

With that, I yield back in the name of freedom, in the name of justice, and in the name of those who lost their lives fighting for such and fighting for America.

Mr. Speaker, I rise today to speak about the need to protect democracy, to protect the voice of the American people, and to ensure the right to vote continues to be treated as a right under the Constitution rather than being treated as though it is privilege.

If you are a Constitutional Scholar this is an exciting time because the United States Supreme Court has a very active docket this term, deciding on matters which have great import to every American.

And pursuant to that, in less than two days the Supreme Court will hear the case of *Shelby County Alabama v. Holder*. The issue in this case is whether Congress' decision in 2006 to reauthorize Section 5 of the Voting Rights Act under the pre-existing coverage formula of Section 4(b) of the Voting Rights Act exceeded its authority under the Fourteenth and Fifteenth Amendments and thus violated the Tenth Amendment and Article IV of the United States Constitution.

The challenge to the constitutionality of Section 5 in this case was brought by Shelby County, Ala., which is a majority white suburb of Birmingham.

In rejecting the County's arguments Judge Bates agreed with an earlier unanimous decision, by a three-judge panel of the D.C. District Court, which likewise upheld the constitutionality of Section 5, in a case brought by a local Texas utility district, which is my home state.

That earlier decision, however, was vacated in 2009 when the Supreme Court decided that the utility district could pursue a statutory "bailout" from Section 5 coverage.

Unlike the Texas utility district, Shelby County freely admitted that it has a recent history of voting discrimination that disqualified it from "bailing out."

I am joined by my colleagues here today to call on all Americans to reject and denounce tactics and measures that have absolutely no place in our democracy. I call on African-Americans, Hispanic and Latino Americans, as well as Asian-American voters to band together to fight for their right to vote and to work together to understand their voting rights which are granted to citizens of our nation by our laws and our Constitution.

I call on these citizens to stand against harassment and intimidation, to vote in the face of such adversity. The most effective way to curb tactics of intimidation and harassment is to vote. Is to stand together to fight against any measures that would have the effect of preventing every eligible citizen from being able to vote. Voting ensures active participation in democracy.

As a Member of this body and of the House Judiciary Committee which has primary jurisdiction over voting matters, I firmly believe that we must protect the rights of all eligible citizens to vote. Over the past few decades, minorities in this country have witnessed a pattern of efforts to intimidate and harass minority voters through so-called "Voter Id" requirements. I am sad to report that as we head into the 21st century, these efforts continue.

Never in the history of our nation, has the effect of one person, one vote, been more important. A great Spanish Philosopher, George Santayana once said "Those who cannot learn from history are doomed to repeat it." Our history has taught us that denying the right to vote based on race, gender or class is a stain on the democratic principles that we all value. The Voting Rights Act was a reaction to the actions of our passed and a way to pave the road to a new future.

The Voting Rights Act (VRA) was adopted in 1965 and was extended in 1970, 1975, and 1982. This legislation is considered the most

successful piece of civil rights legislation ever adopted by the United States Congress. Contrary to the prevailing rumor that the Act is due to expire, leaving minorities with no rights, the Act is actually due for reauthorization in the 2nd session of the 108th Congress—there is no doubt about whether it will continue to protect our rights in the future.

The VRA codifies and effectuates the 15th Amendment's permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color. Adopted at a time when African Americans were substantially disfranchised in many Southern states, the Act employed measures to restore the right to vote to citizens of all U.S. states.

By 1965, proponents of disenfranchisement made violent attempts to thwart the efforts of civil rights activists. The murder of voting-rights activists in Philadelphia and Mississippi gained national attention, along with numerous other acts of violence and terrorism.

Finally, the unprovoked attack on March 7, 1965, by state troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, en route to the state capitol in Montgomery, persuaded the President and Congress to overcome Southern legislators' resistance to effective voting rights legislation. President Johnson issued a call for a strong voting rights law and hearings began soon thereafter on the bill that would become the Voting Rights Act.

Congress adopted this far-reaching statute in response to a rash of instances of interference with attempts by African American citizens to exercise their right to vote—a rash that appears to be manifesting itself again in this nation. Perhaps a legislative measure is needed to respond in a way that the VRA did.

The Supreme Court upheld the constitutionality of the VRA in 1966 in a landmark decision—*South Carolina v. Katzenbach*, 383 U.S. 301, 327–28:

Congress had found that case-by-case litigation was inadequate to combat widespread and persistent discrimination in voting, because of the inordinate amount of time and energy required to overcome the obstructionist tactics invariably encountered in these lawsuits. After enduring nearly a century of systematic resistance to the Fifteenth Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil to its victims.

It seems that the "obstructionist tactics" that threatened the aggrieved parties in *Katzenbach* have returned. The advantages of "time and inertia" that were shifted from bigoted bureaucrats to minority victims are slowly shifting back against their favor when educators, government leaders, and agencies are allowed to contravene the policy and legal conclusions given by the highest court in the country.

Several factors influenced the initiation of this civil rights legislation. The first was a large shift in the number of African Americans away from the Republican Party. Second, many Democrats felt that it was a mistake of its Southern members to oppose civil rights legislation because they could lose more of the African American and liberal votes.

No right is more fundamental than the right to vote. It is protected by more constitutional amendments—the 1st, 14th, 15th, 19th, 24th and 26th—than any other right we enjoy as Americans. Broad political participation en-

sures the preservation of all our other rights and freedoms. Third, State laws that impose new restrictions on voting, however, undermine our strong democracy by impeding access to the polls and reducing the number of Americans who vote and whose votes are counted.

VOTER IDENTIFICATION

There have been several restrictive voting bills considered and approved by states in the past several years. The most commonly advanced initiatives are laws that require voters to present photo identification when voting in person. Additionally, states have proposed or passed laws to require proof of citizenship when registering to vote; to eliminate the right to register to vote and to submit a change of address within the same state on Election Day; to shorten the time allowed for early voting; to make it more difficult for third-party organizations to conduct voter registration; and even to eliminate a mandate on poll workers to direct voters who go to the wrong precinct.

These recent changes are on top of the disfranchisement laws in 48 states that deprive an estimated 5.3 million people with criminal convictions—disproportionately African Americans and Latinos—of their political voice.

Voter ID laws are becoming increasingly common across the country. Today, 31 states have laws requiring voters to present some form of identification to vote in federal, state and local elections, although some laws or initiatives passed in 2011 have not yet gone into effect. Some must also be pre-cleared under the Voting Rights Act prior to implementation. In 16 of those 31 States, voters must (or will soon be required to) present a photo ID—that in many states must be government-issued—in order to cast a ballot.

Voter ID laws deny the right to vote to thousands of registered voters who do not have, and, in many instances, cannot obtain the limited identification states accept for voting. Many of these Americans cannot afford to pay for the required documents needed to secure a government issued photo ID. As such, these laws impede access to the polls and are at odds with the fundamental right to vote.

In total, more than 21 million Americans of voting age lack documentation that would satisfy photo ID laws, and a disproportionate number of these Americans are low-income, racial and ethnic minorities, and elderly. As many as 25% of African Americans of voting age lack government-issued photo ID, compared to only 8% of their white counterparts. Eighteen percent of Americans over the age of 65 do not have government-issued photo ID.

Laws requiring photo identification to vote are a "solution" in search of a problem. There is no credible evidence that in-person impersonation voter fraud—the only type of fraud that photo IDs could prevent—is even a minor problem. Multiple studies have found that almost all cases of alleged in-person impersonation voter "fraud" are actually the result of a voter making an inadvertent mistake about their eligibility to vote, and that even these mistakes are extremely infrequent.

It is important, instead, to focus on both expanding the franchise and ending practices which actually threaten the integrity of the elections, such as improper purges of voters, voter harassment, and distribution of false information about when and where to vote. None of these issues, however, are addressed

or can be resolved with a photo ID requirement.

Furthermore, requiring voters to pay for an ID, as well as the background documents necessary to obtain an ID in order to vote, is tantamount to a poll tax. Although some states issue IDs for free, the birth certificates, passports, or other documents required to secure a government-issued ID cost money, and many Americans simply cannot afford to pay for them. In addition, obtaining a government-issued photo ID is not an easy task for all members of the electorate. Low-income individuals who lack the funds to pay for documentation, people with disabilities with limited access to transportation, and elderly.

Americans who never had a birth certificate and cannot obtain alternate proof of their birth in the U.S., are among those who face significant or insurmountable obstacles to getting the photo ID needed to exercise their right to vote. For example, because of Texas' recently passed voter ID law, an estimated 36,000 people in West Texas's District 19 are 137 miles from the nearest full service Department of Public Safety office, where those without IDs must travel to preserve their right to vote under the state's new law.

In addition, women who have changed their names due to marriage or divorce often experience difficulties with identity documentation, as did Andrea, who recently moved from Massachusetts to South Carolina and who, in the span of a month, spent more than 17 hours online and in person trying without success to get a South Carolina driver's license.

Voter ID laws send not-so-subtle messages about who is and is not encouraged to vote. As states approve laws requiring photo ID to vote, each formulates its own list of acceptable forms of documentation. Another common thread emerging from disparate state approaches is a bias against robust student electoral participation.

Henceforth, students at Wisconsin colleges and universities will not be able to vote using their student ID cards, unless those cards have issuance dates, expiration dates, and signatures.

Currently, only a handful of Wisconsin colleges and universities are issuing compliant IDs. Nor will South Carolina, Texas, or Tennessee accept student identification at the polls.

Policies that limit students' electoral participation are particularly suspect, appearing on the heels of unprecedented youth turnout in the 2008 election.

Four states with new voter identification mandates, including my home state of Texas, South Carolina, Mississippi, and Alabama, are required under the Voting Rights Act to have these voting changes pre-cleared by either the Department of Justice (DOJ) or a panel of federal judges. Before they may be implemented, DOJ must certify that these laws do not have the purpose or effect of restricting voting by racial or language minority groups.

Thus far, South Carolina and Texas both have submitted applications to DOJ that have been formally opposed in written submissions. DOJ has requested further information from both states, and the applications are on hold. Alabama's ID requirements do not take effect until 2014, so the state has not yet applied to DOJ for preclearance. Mississippi's voter ID requirement was approved by voters on November 8, 2011, so a preclearance request has not yet been submitted.

In countries scattered across this earth, citizens are denied the right to speak their hearts and minds. In this country, only a few decades ago, the right to vote was limited by race, sex, or the financial ability to own land. When a vote is not cast, it is a referendum on all those who fought so hard and tirelessly for our rights. When a vote is cast, it is cast not only for you and the future but also for all those who never had the chance to pull a lever.

We are still working to make Martin Luther King's dream a reality, a reality in which our government's decisions are made out in the open not behind cigar filled closed doors.

The time to take back the country is at hand, and we are the ones with the power to do just that. To do so we must allow all citizens who are eligible to vote, with the right to exercise this decision without tricks or tactics to dilute their right to vote.

Instances of voter intimidation are not long ago and far away. Just last year I sent a letter to U.S. Attorney General Eric Holder to draw his attention to several disturbing instances of voter intimidation that had taken place in Houston. In a single week there were at least 15 report of abuse of voter rights throughout the city of Houston.

As a Senior Member of the House Judiciary Committee, I called for an immediate investigation of these instances. Many of these incidents of voter intimidation were occurring in predominately minority neighborhoods and have been directed at African-Americans and Latinos. It is unconscionable to think that anyone would deliberately employ the use of such forceful and intimidating tactics to undermine the fundamental, Constitutional right to vote. However, such conduct has regrettably occurred in Houston, and I urge you to take appropriate action to ensure that it does not recur.

I am here today in the name of freedom, patriotism, and democracy. I am here to demand that the long hard fought right to vote continues to be protected.

A long, bitter, and bloody struggle was fought for the Voting Rights Act of 1965 so that all Americans could enjoy the right to vote, regardless of race, ethnicity, or national origin. Americans died in that fight so that others could achieve what they had been forcefully deprived of for centuries—the ability to walk freely and without fear into the polling place and cast a voting ballot.

Efforts to keep minorities from fully exercising that franchise, however, continue. Indeed, in the past thirty years, we have witnessed a pattern of efforts to intimidate and harass minority voters including efforts that were deemed "Ballot Security" programs that include the mailing of threatening notices to African-American voters, the carrying of video cameras to monitor polls, the systematic challenging of minority voters at the polls on unlawful grounds, and the hiring of guards and off-duty police officers to intimidate and frighten voters at the polls.

My colleagues on the other side of the aisle have a particularly poor track record when it comes to documented acts of voter intimidation. In 1982, a Federal Court in New Jersey provided a consent order that forbids the Republican National Committee from undertaking any ballot security activities in a polling place or election district where race or ethnic composition is a factor in the decision to conduct such activities and where a purpose or signifi-

cant effect is to deter qualified voters from voting. These reprehensible practices continue to plague our Nation's minority voters.

VOTING RIGHTS ACT HISTORY

August 6, 2011, marked the 46th anniversary of the Voting Rights Act.

Most Americans take the right to vote for granted. We assume that we can register and vote if we are over 18 and are citizens. Most of us learned in school that discrimination based on race, creed or national origin has been barred by the Constitution since the end of the Civil War.

Before the 1965 Voting Rights Act, however, the right to vote did not exist in practice for most African Americans. And, until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot.

Even though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades.

Asian Americans and Asian immigrants also have suffered systematic exclusion from the political process and it has taken a series of reforms, including repeal of the Chinese Exclusion Act in 1943, and passage of amendments strengthening the Voting Rights Act three decades later, to fully extend the franchise to Asian Americans. It was with this history in mind that the Voting Rights Act of 1965 was designed to make the right to vote a reality for all Americans.

And the Voting Rights Act has made giant strides toward that goal. Without exaggeration, it has been one of the most effective civil rights laws passed by Congress.

In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever. The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress. And Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.

We must not forget the importance of protecting this hard earned right.

VOTER ID

An election with integrity is one that is open to every eligible voter. Restrictive voter ID requirements degrade the integrity of our elections by systematically excluding large numbers of eligible Americans.

I do not argue with the notion that we must prevent individuals from voting who are not allowed to vote. Yet a hidden argument in this bill is that immigrants may "infiltrate" our voting system. Legal immigrants who have successfully navigated the citizenship maze are unlikely to draw the attention of the authorities by attempting to register incorrectly. Similarly, undocumented immigrants are even less likely to risk deportation just to influence an election.

If for no other reason than after a major disaster be it earthquakes, fires, floods or hurricanes, we must all understand how vulnerable our system is. Families fleeing the hurricanes and fires suffered loss of property that included lost documents. Compounding this was

the devastation of the region, which virtually shut down civil services in the area. For example, New Orleans residents after Hurricane Katrina were scattered across 44 states. These uprooted citizens had difficulty registering and voting both with absentee ballots and at satellite voting stations. As a result, those elections took place fully 8 months after the disaster, and it required the efforts of nonprofits, such as the NAACP, to ensure that voters had the access they are constitutionally guaranteed.

We need to address the election fraud that we know occurring, such as voting machine integrity and poll volunteer training and competence. After every election that occurs in this country, we have solid documented evidence of voting inconsistencies and errors. In 2004, in New Mexico, malfunctioning machines mysteriously failed to properly register a presidential vote on more than 20,000 ballots. 1 million ballots nationwide were flawed by faulty voting equipment—roughly one for every 100 cast.

Those who face the most significant barriers are not only the poor, minorities, and rural populations. 1.5 million college students, whose addresses change often, and the elderly, will also have difficulty providing documentation.

In fact, newly married individuals face significant barriers to completing a change in surname. For instance, it can take 6–8 weeks to receive the marriage certificate in the mail, another two weeks (and a full day waiting in line) to get the new Social Security card, and finally three-four weeks to get the new driver's license. There is a significant possibility that this bill will also prohibit newlyweds from voting if they are married within three months of Election Day.

The right to vote is a critical and sacred constitutionally protected civil right. To challenge this is to erode our democracy, challenge justice, and mock our moral standing. I urge my colleagues to join me in dismissing this crippling legislation, and pursue effective solutions to the real problems of election fraud and error. We cannot let the rhetoric of an election year destroy a fundamental right upon which we have established liberty and freedom.

Mr. CONYERS. Mr. Speaker, I want to thank my colleagues, Mr. SENSENBRENNER, Mr. SCOTT, and Ms. JACKSON LEE, for their contributions.

We have no further requests for time. Under those circumstances, I yield back the balance of my time.

HONORING LIEUTENANT ERIC WALLACE AND LIEUTENANT GREGORY PICKARD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. FLORES) is recognized for 60 minutes as the designee of the majority leader.

Mr. FLORES. Mr. Speaker, on February 15 and 16, a couple of weeks ago, America lost two more heroes and dedicated first responders. On those dates, the Bryan Fire Department responded to a fire at the Knights of Columbus Hall in Bryan, Texas. This blaze was fierce, and ultimately the roof col-

lapsed, taking the lives of Lieutenant Eric Wallace and Lieutenant Gregory Pickard. In addition, firefighters Ricky Mantey, Jr., and Mitch Moran were critically injured during the rescue operation.

Lieutenant Gregory Pickard was born in Guymon, Oklahoma, and eventually made his way to the great State of Texas. Pickard was a 32-year veteran of the Bryan Fire Department. During those 32 years, he served our community through one of the darkest days of our community, the collapse of the bonfire at Texas A&M University. Lieutenant Pickard served as a rescue division commander during the search and rescue of the victims and, ultimately, the 12 fallen students. He rose through the ranks and served as battalion chief from 1999 to 2005 before choosing to step back to lieutenant to finish out his career. Pickard also served as an EMT and obtained his Advanced Firefighter certificate, and he was a leader in establishing many of the current Bryan Fire Department firefighting operations.

Lieutenant Eric Wallace was born here in our Nation's capital and, just like Lieutenant Pickard, eventually found his way to Texas. He also adapted quickly to our Texas culture and became an avid hunter. Wallace was a 13-year veteran of the Bryan Fire Department, and in 2010 he received an award for bravery during a fire in 2009 from the 100 Club.

On February 20, I attended the memorial service for both of these honorable men and stood with their families and friends, their fellow first responders, and the hundreds of citizens in attendance to honor and recognize these local heroes. We all mourned, and yet we celebrated the lives of both these great men. On February 21 and February 22, Lieutenant Eric Wallace and Lieutenant Gregory Pickard were laid to rest in Marlin and Bryan, Texas.

Our thoughts and prayers are with the families and many friends of Lieutenant Wallace and Lieutenant Pickard. They will forever be remembered as outstanding firefighters, husbands, and devoted fathers. We thank them and their families for their service and their sacrifice for our community.

Also, our thoughts and prayers are with firefighters Ricky Mantey, Jr., and Mitch Moran, who were critically injured during the fire. We pray that our Heavenly Father will give them a speedy recovery and comfort their families.

The sacrifices of these men model the words of Jesus in John 15:13, where he said:

Greater love hath no man than this, that a man lay down his life for his friends.

God bless our first responders, and God bless America.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 47 minutes p.m.), the House stood in recess.

□ 1913

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BISHOP of Utah) at 7 o'clock and 13 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 47, VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 113-10) on the resolution (H. Res. 83) providing for consideration of the bill (S. 47) to reauthorize the Violence Against Women Act of 1994, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. VELÁZQUEZ (at the request of Ms. PELOSI) for today.

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 298. An act to prevent nuclear proliferation in North Korea, and for other purposes; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. NUGENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 27, 2013, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

510. A letter from the Secretary, Department of Energy, transmitting a report entitled, "Independent Oversight Activities of the Department of Energy's Office of Health, Safety and Security for Fiscal Year 2012"; to the Committee on Energy and Commerce.

511. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Pursuant to Section 506(a)(1) of the Foreign Assistance Act of 1961, as amended, notification of the President's intent to drawdown funds in defense