

Relief and Marriage Penalty Elimination Act, should be the basis for righting this wrong done to families. It will raise the SALT deduction across the board and restore incentives for charitable giving and homeownership.

#### ONE VOTE, ONE PERSON

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE, Madam Speaker, I rise to again indicate the enormity of what we accomplished today in voting for H.R. 4.

It seems like H.R. 4 has been the center point of giving opportunity to so many across the Nation. That is a bill to give every American one vote, one person.

It was derailed in the Shelby case from Alabama, misguided by a 5–4 decision by the Supreme Court, ignoring the sacrifice of our colleague, the Honorable JOHN LEWIS, who almost died on the Edmund Pettus Bridge, brutally attacked by State and local police. That is the same as local laws and State laws continuing into the decade to oppress voters.

I indicated in that case, that 5–4 decision, that wrongheaded decision, that H.R. 4 corrects, that it was as if we were getting the best of polio and we said we no longer need the vaccine.

I have lived through the question of purging, along with my friends from MALDEF and the NAACP legal defense fund, and I worked hard to get language into H.R. 4 that would stop people being purged illegally off the polls, off the rolls.

Madam Speaker, I include in the RECORD a letter from MALDEF and a letter from The Leadership Conference on Civil and Human Rights.

MALDEF,

*Los Angeles, CA, December 4, 2019.*

Re MALDEF Urges Support of the Voting Rights Advancement Act of 2019, H.R. 4.

HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR REPRESENTATIVE: There is no right more fundamental to our democracy than the right to vote, and for Latino voters and other voters of color, that right is in danger. Following the 2013 *Shelby County v. Holder* decision, which effectively ended preclearance review under Section 5 of the Voting Rights Act of 1965 (VRA), states and localities moved to implement discriminatory voting practices that would previously have been blocked by the VRA. What we have seen post-*Shelby County* confirms what we have long-known—that voter discrimination lives on. Congress must act to restore the preclearance coverage formula in the VRA, legislation that has long-enjoyed bipartisan support. MALDEF (Mexican American Legal Defense and Educational Fund), the nation's leading Latino legal civil rights organization, urges you to support the Voting Rights Advancement Act (VRAA) of 2019, H.R. 4, to reenact safeguards to protect minority voters from discriminatory voting laws.

The VRA is regarded as one of the most important and effective pieces of civil rights legislation due to its ability to protect vot-

ers of color from discriminatory voting practices before they take place. Since its founding, MALDEF has focused on securing equal voting rights for Latinos, and promoting increased civic engagement and participation within the Latino community, as among its top priorities. MALDEF played a significant role in securing the full protection of the VRA for the Latino community through the 1975 congressional reauthorization of the VRA. Over its now 51-year history, MALDEF has litigated numerous cases under section 2, section 5, and section 203 of the VRA, challenging at-large systems, discriminatory redistricting, ballot access barriers, undue voter registration restrictions, and failure to provide bilingual materials. As the growth of the Latino population expands, our work in voting rights increases as well.

Section 5 of the VRA required states with a history of discrimination in voting to seek pre-approval of voting-related changes from the U.S. Department of Justice or a three-judge panel in Washington, DC. A voting-related change that would have left minority voters worse off than before the change would be blocked. The states and political subdivisions that were required to submit voting-related changes for preclearance were determined by a coverage formula in section 4 of the VRA. The preclearance scheme—an efficient and effective form of alternative dispute resolution—prevented the implementation of voting-related changes that would have denied voters of color a voice in our elections, and it deterred many more restrictions from ever being conceived. The Supreme Court in *Shelby County* struck down section 4 and called on Congress to enact a new formula better tailored to current history. As a result, currently, states or political subdivisions are no longer required to seek preclearance unless ordered by a federal court.

However, Chief Justice Roberts recognized in the majority opinion in *Shelby County* that, “voting discrimination still exists; no one doubts that.” Across the U.S., racial, ethnic, and language-minority communities are rapidly growing—the country's total population is projected to become majority-minority by 2044. Many officials in states and local jurisdictions fear losing political power, and the rapid growth of communities of color is often seen as a threat to existing political establishments. Fear provokes those in positions of power to implement changes to dilute the voting power of the perceived threatening minority community. Unfortunately, now that states and local jurisdictions are not required to submit voting-related changes for review, there is no longer a well-kept track record on newly-implemented discriminatory practices. Nonetheless, we know, based on our litigation and analysis of voting changes, that states and local jurisdictions are still using discriminatory voting tactics to suppress the political power of minority communities.

Last month, MALDEF, NALEO, and Asian Americans Advancing Justice—AAJC released a new report, *Practice-Based Preclearance: Protecting Against Tactics Persistently Used to Silence Minority Communities' Votes*, detailing the need for forward-looking voting rights legislation that provides protections for emerging minority populations. During the VRA's more than 50-year history, all racial and ethnic populations grew, but the growth of communities of color significantly outpaced nonHispanic whites. While there are states and localities where communities of color have traditionally resided in larger numbers, growing communities of historically underrepresented voters are now emerging in new parts of the U.S. Between 2007 and 2014, five of the ten U.S. counties that experienced the most rapid rates of

Latino population growth were in North Dakota or South Dakota, two states whose overall Latino populations still account for less than ten percent of their residents and are dwarfed by Latino communities in states like New Mexico, Texas, and California. It is precisely this rapid growth of different racial or ethnic populations that results in the perception that emerging communities of color are a threat to those in political power.

H.R. 4 includes important protections for these emerging populations in the form of practice-based preclearance, or “known-practices” coverage. Known-practices coverage would focus administrative or judicial review narrowly on suspect practices that are most likely to be tainted by discriminatory intent or to have discriminatory effects, as demonstrated by a broad historical record. This coverage would extend to any jurisdiction in the U.S. that is home to a racially, ethnically, and/or linguistically diverse population and that seeks to adopt a covered practice, despite that practice's known likelihood of being discriminatory when used in a diverse population. The known practices that would be required to be pre-approved before adopted in a diverse state or political subdivision include: 1) changes in method of election to add or replace a single-member district with an at-large seat to a governing body, 2) certain redistricting plans where there is significant minority population growth in the previous decade, 3) annexations or deannexations that would significantly alter the composition of the jurisdiction's electorate, 4) certain identification and proof of citizenship requirements, 5) certain polling place closures and realignments, and 6) the withdrawal of multilingual materials and assistance when not matched by the reduction of those services in English. *The Practice-Based Preclearance* report looked at these different types of changes and found, based on two separate analyses of voting discrimination, that these known practices occur with great frequency in the modern era.

Congress must protect access to the polls and pass the VRAA, with known-practice coverage provisions. The VRAA is a critical piece of legislation that will restore voter protections that were lost due to the *Shelby County* decision. We cannot allow another federal election cycle to take place without ensuring that every voter can register and cast a meaningful ballot. MALDEF urges you to stand with all voters and to vote “yes” on H.R. 4.

Please feel free to contact me.

Sincerely,

ANDREA SENTENO,  
*Regional Counsel.*

THE LEADERSHIP CONFERENCE ON CIVIL  
AND HUMAN RIGHTS,  
*December 4, 2019.*

SUPPORT H.R. 4, VOTING RIGHTS AND  
ADVANCEMENT ACT

DEAR REPRESENTATIVE: On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, and the 68 undersigned organizations, we write in strong support of H.R. 4, the Voting Rights Advancement Act. We oppose any Motion to Recommit.

The Voting Rights Act of 1965 (VRA) is one of the most successful civil rights laws ever enacted. Congress passed the VRA in direct response to evidence of significant and pervasive discrimination across the country, including the use of literacy tests, poll taxes, intimidation, threats, and violence. By outlawing the tests and devices that prevented

people of color from voting, the VRA and its prophylactic preclearance formula put teeth into the 15th Amendment's guarantee that no citizen can be denied the right to vote because of the color of their skin.

H.R. 4 has received vocal and vigorous support from the civil rights community because it responds to the urgent need to stop the abuses by state and local governments in the aftermath of the Supreme Court's infamous 2013 decision in *Shelby County v. Holder*, when five justices of the Supreme Court invalidated the VRA's preclearance provision. In its decision, the Court stated: "Our country has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions."

Since *Shelby County*, discriminatory policies have proliferated nationwide and continued in areas formerly covered by the preclearance requirement. In states, counties, and cities across the country, public officials have pushed through laws and policies designed to make it harder for many communities to vote. While we have celebrated successful legal challenges to discriminatory voter ID laws in Texas and North Carolina, such victories occurred only after elections in those states were tainted by discrimination. Lost votes cannot be reclaimed and discriminatory elections cannot be undone.

But voter suppression is not merely the province of those states with a long history of discrimination. Pernicious practices such as voter purging and restrictive identification requirements—which disproportionately affect voters of color—occur in states throughout the nation. Although progress has been made, some elected leaders in this country are still working to silence people who were historically denied access to the ballot box.

During the 116th Congress, the U.S. House Committee on the Judiciary held extensive hearings and found significant evidence that barriers to voter participation remain for people of color and language-minority voters in African-American, Asian American, Latinx, and Native American communities. The hearings examined the History and Enforcement of the Voting Rights Act of 1965 (March 12, 2019), Enforcement of the Voting Rights Act in the State of Texas (May 3, 2019), Continuing Challenges to the Voting Rights Act Since *Shelby County v. Holder* (June 25, 2019), Discriminatory Barriers to Voting (September 5, 2019), Evidence of Current and Ongoing Voting Discrimination (September 10, 2019), Congressional Authority to Protect Voting Rights After *Shelby County v. Holder* (September 24, 2019), and Legislative Proposals to Strengthen the Voting Rights Act (October 17, 2019). The Committee on House Administration also conducted numerous hearings and amassed significant evidence of voter suppression during the 116th Congress.

H.R. 4 restores and modernizes the Voting Rights Act by:

Creating a new coverage formula that hinges on a finding of repeated voting rights violations in the preceding 25 years.

Significantly, the 25-year period is measured on a rolling basis to keep up with "current conditions," so only states and political subdivisions that have a recent record of racial discrimination in voting are covered.

States and political subdivisions that qualify for preclearance will be covered for a period of 10 years, but if they establish a clean record during that time period, they can be extracted from coverage.

Establishing "practice-based preclearance," a targeted process for reviewing voting changes in jurisdictions nationwide focused on measures that have historically

been used to discriminate against voters of color. The process for reviewing changes in voting is limited to a set of practices, including:

Changes to the methods of elections (to or from at-large elections) in areas that are racially, ethnically, or linguistically diverse;

Reductions in language assistance; Annexations changing jurisdictional boundaries in areas that are racially, ethnically, or linguistically diverse;

Redistricting in areas that are racially, ethnically, or linguistically diverse;

Reducing, consolidating, or relocating polling locations in areas that are racially, ethnically, or linguistically diverse; and

Changes in documentation or requirements to vote or register.

H.R. 4 also:

Allows a federal court to order states or jurisdictions to be covered for results-based violations, where the effect of a particular voting measure is racial discrimination in voting and denying citizens their right to vote;

Increases transparency by requiring reasonable public notice for voting changes;

Allows the attorney general authority to request the presence of federal observers anywhere in the country where there is a serious threat of racial discrimination in voting; and

Revises and tailors the preliminary injunction standard for voting rights actions to recognize that there will be cases where there is a need for immediate preliminary relief.

For over half a century, protecting citizens from racial discrimination in voting has been bipartisan work. The VRA was passed with leadership from both the Republican and Democratic parties, and the reauthorizations of the enforcement provisions were signed into law each time by Republican presidents: President Nixon in 1970, President Ford in 1975, President Reagan in 1982, and President Bush in 2006.

Voting must transcend partisanship. No matter what policy issues we care most about, we get closer to these goals through the ballot box. The integrity of our democracy depends on ensuring that every eligible voter can participate in the electoral process. Passing H.R. 4 would be a giant step toward restoring the right to vote and undoing the damage done by the Supreme Court's *Shelby County* decision. During the civil rights movement, brave Americans gave their lives for the right to vote, and we cannot allow their legacy and the protections they fought for to unravel. We urge Congress to pass this historic legislation.

Sincerely,

The Leadership Conference on Civil and Human Rights; Advancement Project; American Federation of Labor and Congress of Industrial Organizations; African American Ministers In Action; American Association of University Women; American Civil Liberties Union; American Federation of State, County and Municipal Employees (AFSCME); American Federation of Teachers; Andrew Goodman Foundation; Anti-Defamation League.

Arab American Institute; Asian Americans Advancing Justice—AAJC; Autistic Self Advocacy Network; Bend the Arc; Jewish Action; Blue Future; Brennan Center for Justice at NYU School of Law; Campaign Legal Center; Connecticut Citizen Action Group; Clean Elections Texas; Communications Workers of America (CWA).

Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces Democracy; 21; Democracy Initiative; Demos; End Citizens United Action Fund; FairVote Action; Fix Democracy First; Franciscan Action Network; Generation Progress; Greenpeace USA.

Human Rights Campaign; In Our Own Voice; National Black Women's Reproductive Justice Agenda; International Union, United Automobile Aerospace and Agricultural Implement Workers of America, (UAW); Jewish Council for Public Affairs; Lawyers' Committee for Civil Rights Under Law; Leadership Conference of Women Religious; League of Conservation Voters Education Fund; League of Women Voters of the United States.

Main Street Alliance; Mexican American Legal Defense and Educational Fund (MALDEF); National Association for the Advancement of Colored People (NAACP); NAACP Legal Defense and Educational Fund, Inc.; NALEO Educational Fund; National Action Network; National Advocacy Center of the Sisters of the Good Shepherd; National Council of Jewish Women; National Disability Rights Network (NDRN); National Education Association.

National Urban League; Native American Rights Fund; NETWORK Lobby for Catholic Social Justice; New American Leaders Action Fund; People Demanding Action; People For the American Way; Planned Parenthood Federation of America; Progressive Turnout Project; Public Citizen; Religious Action Center of Reform Judaism.

Service Employees International Union (SEIU); Sierra Club; Southern Poverty Law Center Action Fund; Stand Up America; Texas Progressive Action Network; UnidosUS; Union for Reform Judaism; United Church of Christ, Justice and Witness Ministries; Voices for Progress; YWCA USA.

Ms. JACKSON LEE, Madam Speaker, now we have a recognition, that one vote, one person, we will fight to get this signed by the President because the Constitution allows and declares one vote, one person.

#### TRIBUTE TO MINNESOTA NATIONAL GUARD SOLDIERS

(Ms. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM, Madam Speaker, it is with a heavy heart today that I rise to pay tribute to three brave soldiers from the Minnesota National Guard who lost their lives yesterday in a helicopter accident.

To the families and friends who have lost loved ones, this is a terrible, terrible tragedy.

Their loved ones answered the call to serve the Minnesota National Guard. Those who answer that call do so because they are committed to making our Nation safer and stronger. They defend our Nation abroad, and they serve their friends and family at home by digging us out of snowstorms and shielding us from rising floodwaters.

We recognize that their loved ones were not just citizen soldiers; they were cherished members of their family.

To the Minnesota National Guard who have lost a fellow servicemember, Governor Walz, the congressional delegation, the whole State of Minnesota, and our Nation stand with them at this time of great sadness.

Madam Speaker, I ask my colleagues to keep these citizen soldiers and their families in our thoughts.