

prevent backsliding by states whose discriminatory literacy tests were outlawed by the original act in 1965. Section 4 banned literacy tests in states where they were used to discriminate, but experience showed that when one method of voting discrimination was blocked—either through court action or a new law—another method would suddenly appear as a replacement. Congress therefore included the Section 5 preclearance provision to prevent the implementation of new discriminatory laws. The objections made since 1965 showed the covered jurisdictions have attempted to use gerrymandering and other forms of discrimination to abridge the right to vote. Section 5 has focused on these efforts.

Mr. Chairman, utilizing recent presidential election turnout data to determine who should be covered by Section 5 preclearance confuses the symptom with the disease. In 1965, Congress used registration and turnout data to select which states should be subject to federal pre-approval of voting changes because that was the most efficient way to identify those places with the longest and worst history of voter disfranchisement and entrenched discrimination and blatant racism by recalcitrant jurisdictions. Congress understood that while a multitude of formulas could be conjured to identify which governmental units would be subject to preclearance, there was and could be only one way for a covered jurisdiction to overcome the need to preclear its election laws, and that is by satisfying an independent federal judiciary that it had renounced its discriminatory past and could be trusted not to employ any artifice that would result in a return to those days of shame.

Mr. Chairman, the coverage formula does not need to be changed to bring it up to date. The current formula correctly identifies jurisdictions that have the longest and worst history of voter disenfranchisement and entrenched discrimination. Jurisdictions free of discrimination for ten years can come out from under coverage. Those with continuing problems remain covered. And those where a court finds new constitutional violations can become covered. If the existing coverage formula were to be replaced with a formula that relies on 1996, 2000, and 2004 presidential election data, it would amount to a repeal of Section 5, even though we know that voting discrimination continues in the currently covered jurisdictions.

Last, the Norwood Amendment undermines the constitutionality of a renewed Section 5. The current coverage formula targets jurisdictions where Congress found a record of pervasive discrimination in voting on the basis of race. There is no evidence that the new triggers relied upon in the Norwood Amendment will target such jurisdictions, and only those jurisdictions, with a history of racial discrimination when it comes to its citizens' exercise of the franchise:

The Norwood Amendment is not likely to pass constitutional muster because it is not narrowly tailored to achieve the Congressional objective of subjecting only those jurisdictions with a history of voter discrimination and electoral racism to the pre-clearance provisions of Section 5.

CONCLUSION

The jurisdictions covered by section 5 of the Voting Rights Act earned their way in; they can earn their way out through the bailout provisions of the Act. What they have not earned

is for this Congress to end preclearance requirements for where there is a continuing need for such oversight, as the Texas mid-decade redistricting case and the Georgia voter identification case make clear.

I urge my colleagues to reject the amendment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 18, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 19

9 a.m.  
Environment and Public Works  
To hold hearings to examine the science and risk assessment behind the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.  
SD-628

9:30 a.m.  
Judiciary  
To hold hearings to examine antitrust concerns relating to credit card interchange rates.  
SD-226

10 a.m.  
Banking, Housing, and Urban Affairs  
Business meeting to consider the nominations of Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System, Linda Mysliwy Conlin, of New Jersey, to be First Vice President, James Lambright, of Missouri, to be President, and J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors, all of the Export-Import Bank of the United States, Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board, Edmund C. Moy, of Wisconsin, to be Director of the Mint, Department of the Treasury; to be followed by a hearing to examine the semiannual Monetary Policy Report to Congress.  
SD-106

Commerce, Science, and Transportation  
Business meeting to consider the nominations of Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board, R. Hunter Biden, of Delaware, and Donna R. McLean, of the District of Columbia,

each to be a Member of the Reform Board (Amtrak), John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration, Andrew B. Steinberg, of Maryland, to be an Assistant Secretary of Transportation, routine lists in the Coast Guard and NOAA, and other pending calendar business.

SR-253  
Health, Education, Labor, and Pensions  
Business meeting to consider proposed Pandemic and All-Hazards Preparedness Act, S. 843, to amend the Public Health Service Act to combat autism through research, screening, intervention and education, and the nominations of Elizabeth Dougherty, of the District of Columbia, Peter W. Tredick, of California, and Harry R. Hoglander, of Massachusetts, each to be a Member of the National Mediation Board.

SD-430  
Homeland Security and Governmental Affairs  
To hold hearings to examine Department of Homeland Security purchase cards.

SD-342  
Energy and Natural Resources  
Public Lands and Forests Subcommittee  
To hold an oversight hearing on the implementation of Public Law 108-148 The Healthy Forests Restoration Act.  
SD-366

11 a.m.  
Commerce, Science, and Transportation  
Technology, Innovation, and Competitiveness Subcommittee  
To hold hearings to examine high performance computing.  
SR-253

2 p.m.  
Judiciary  
Business meeting to consider pending calendar business.  
SD-226

2:15 p.m.  
Judiciary  
To hold hearings to examine judicial nominations.  
SD-226

2:30 p.m.  
Foreign Relations  
To hold hearings to examine Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003 (Treaty Doc. 108-23).  
SD-419

Intelligence  
To receive a closed briefing regarding intelligence matters.  
SH-219

JULY 20

9:30 a.m.  
Armed Services  
To receive a closed briefing regarding overhead imagery systems.  
S-407, Capitol

Foreign Relations  
To hold hearings to examine U.S. policy options regarding North Korea.  
SD-419

Judiciary  
Business meeting to consider pending calendar business.  
SD-226

10 a.m.  
Agriculture, Nutrition, and Forestry  
To hold hearings to examine USDA dairy programs.  
SR-328A

Energy and Natural Resources  
To hold hearings to examine the nominations of John Ray Correll, of Indiana,

- to be Director of the Office of Surface Mining Reclamation and Enforcement, and Mark Myers, of Alaska, to be Director of the United States Geological Survey, both of the Department of the Interior, and Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, Federal Energy Regulatory Commission. SD-366
- Small Business and Entrepreneurship  
Business meeting to mark up an original bill to reauthorize the Small Business Administration. SR-428A
- Veterans' Affairs  
To hold hearings to examine "VA Data Privacy Breach: Twenty-Six Million People Deserve Assurance of Future Security". SR-418
- Aging  
To hold hearings to examine the generic drug maze relating to access to affordable, life saving drugs. SD-106
- 11 a.m.  
Homeland Security and Governmental Affairs  
Federal Financial Management, Government Information, and International Security Subcommittee  
To receive a closed briefing regarding Iran. S-407, Capitol
- 1:30 p.m.  
Homeland Security and Governmental Affairs  
Federal Financial Management, Government Information, and International Security Subcommittee  
To hold hearings to examine Iran's nuclear impasse, focusing on the status of Iran's nuclear weapons capabilities, European negotiations and the UN Security Council, and the feasibility of further negotiations, democracy promotion, sanctions, and/or military operations. SD-342
- 2 p.m.  
Appropriations  
Business meeting to mark up H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2007, H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of
- Columbia, and independent agencies for the fiscal year ending September 30, 2007. SD-106
- 2:30 p.m.  
Intelligence  
To receive a closed briefing regarding intelligence matters. SH-219
- JULY 25
- 9:30 a.m.  
Armed Services  
Airland Subcommittee  
To hold hearings to examine the F-22A multiyear procurement proposal in review of the Defense Authorization Request for fiscal year 2007. SR-222
- JULY 27
- 10 a.m.  
Veterans' Affairs  
To hold hearings to examine the nominations of Patrick W. Dunne, of New York, to be Assistant Secretary of Veterans Affairs for Policy and Planning, and Thomas E. Harvey, of New York, to be Assistant Secretary of Veterans Affairs for Congressional Affairs. SR-418