homes that followed marked the beginning of Russia's efforts to occupy Georgia's territory. The U.S. State Department reported that:

"The [Abkhaz] separatist forces committed widespread atrocities against the Georgian civilian population, killing many women, children, and elderly, capturing some as hostages and torturing others . . . they also killed large numbers of Georgian civilians who remained behind in Abkhaz-seized territory . . ."

"The separatists launched a reign of terror against the majority Georgian population, although other nationalities also suffered. Chechens and other north Caucasians from the Russian Federation reportedly joined local Abkhaz troops in the commission of atrocities . . . Those fleeing Abkhazia made highly credible claims of atrocities, including the killing of civilians without regard for age or sex. Corpses recovered from Abkhaz-held territory showed signs of extensive torture."

It is in the interest of the American people to support Georgia's long-term stability by promoting its sovereignty and territorial integrity. Georgia's primary foreign policy goal is to attain membership in the North Atlantic Treaty Organization, thereby integrating itself into the Euro-Atlantic community and containing Russia's expansionist efforts in the region.

I urge my colleagues to join me in reaffirming our commitment to the U.S.-Georgia strategic partnership. We must stand with the Georgian people as they continue to pursue free and democratic reforms in the face of Russian hostility.

Mr. Speaker, I congratulate the Georgian people on their 25 years of progress as an independent state, wish them well in the upcoming parliamentary election on October 8, 2016, and offer my support of our continued friendship.

## PERSONAL EXPLANATION

### HON. TAMMY DUCKWORTH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2016*

Ms. DUCKWORTH. Mr. Speaker, on September 26, 2016, on Roll Call Number 557 on the motion to suspend the rules and pass, as amended, H.R. 3537, Dangerous Synthetic Drug Control Act, I am not recorded. Had I been present, I would have voted Yea on the motion to suspend the rules and pass, as amended, H.R. 3537.

On September 26, 2016, on Roll Call Number 558 on the motion to suspend the rules and pass H.R. 5392, No Veterans Crisis Line Call Should Go Unanswered Act, I am not recorded. Had I been present, I would have voted Yea on the motion to suspend the rules and pass H.R. 5392.

## TRIBUTE TO BRET PERRY

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2016*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to congratulate Staff Sergeant Bret Perry, of Adel, Iowa, for being awarded the Soldier's Medal, the highest honor a soldier can receive during peace time, for rescuing three people from a burning house.

Staff Sergeant Perry was traveling to work at the U.S. Army Recruiting Station in Urbandale, IA, in August 2015 when he noticed the smoke from a house fire on a nearby hill. Once he arrived at the house, he found the neighbor tapping on a window trying to wake those inside. After no one answered the doorbell, he burst through the front door with his shoulder and rolled down the stairs to the bottom floor of the split-level house. Forced to crawl up the stairs because of the smoke, he checked each room. In one, he found a woman who was only awakened by his kicking open the door. He got her outside to safety. He then entered the house two additional times to rescue two young adults in the house. After his last daring rescue, the local fire department arrived. Bret left the scene and went to work. His co-workers did not believe his incredulous story behind arriving to work late until they smelled the smoke on his uniform.

This was not the only time Staff Sergeant Perry has rushed to the aid of others. A few months after the fire rescue, according to the Army Times, Perry ran to a car which had lost control, rolled over several times, and ended on its side in a ditch. Perry rushed to the vehicle, rescuing the woman and her baby in the back seat as the car began to smoke. He was awarded the U.S. Army Achievement Medal for his actions. Years earlier when he was stationed in Italy, he ran to the aid of two off-duty U.S. soldiers caught up in a vicious fight, successfully driving off the assailants.

Mr. Speaker, I commend Staff Sergeant Perry for the selfless heroism that has earned him the Soldier's Medal. Throughout his life he has chosen to protect and serve others, and it is because of Iowans like him that I'm proud to represent our great state. I urge my colleagues in the United States House of Representatives to join me in honoring Staff Sergeant Perry and in wishing him nothing but continued success.

## VOTING RIGHTS

SPEECH OF

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 21, 2016*

Ms. ROYBAL-ALLARD. Mr. Speaker, to help my constituents gain a better understanding of the negative impact of the Supreme Court decision Shelby County v. Holder, on May 20, 2016, I hosted a forum titled "Protect Your Future: Restore the Vote." My co-chairs were Representative LINDA SÁNCHEZ, Chair of the Congressional Hispanic Caucus; Representative JUDY CHU, Chair of the Asian Pacific American Caucus; and special guest, Representative KAREN BASS.

Members from our communities heard expert testimony from the Mexican American Legal Defense Fund. For that reason, I include in the RECORD testimony from Tom Saenz of MALDEF.

STATEMENT OF THOMAS A. SAENZ

PRESIDENT AND GENERAL COUNSEL

MALDEF

REGARDING THE EFFECTS OF SHELBY COUNTY V. HOLDER

Since 2009, I have had the great honor of serving as President and General Counsel of MALDEF (Mexican American Legal Defense and Educational Fund), a national legal civil rights organization whose mission is to promote the civil rights of all Latinos living in the United States. MALDEF pursues its mission through litigation, policy education and advocacy, community education, and media/communications in the areas of education, employment, immigrant rights, and voting rights. In the area of voting rights, MALDEF is one of a small handful of national nonprofit organizations that have been involved in both litigation and advocacy under the federal Voting Rights Act over several decades. MALDEF currently coordinates a consortium of ten voting rights litigation organizations striving to better coordinate activities nationwide in the aftermath of the 2013 United States Supreme Court decision in Shelby County v. Holder.

Our nation and its most precious democratic values have unquestionably suffered from the Supreme Court majority's 2013 decision in Shelby County v. Holder and the subsequent refusal by congressional leadership to consider, much less vote upon and enact, well-crafted proposals to reaffirm and strengthen the Voting Rights Act of 1965 (VRA) by implementing new formulas to apply the impactful pre-clearance provisions in section 5 of the VRA.

In Shelby County, the Court voted 5–4 to strike down the pre-clearance coverage formula in section 4 of the VRA. The coverage formula had been overwhelmingly approved by bipartisan supermajorities in both houses of Congress in the latest VRA reauthorization in 2006. The coverage formula that the Court majority struck down required those jurisdictions—mainly states, with some counties and other parts of states—with histories of low electoral participation and of efforts to suppress participation by minority voters, to comply with a pre-clearance obligation as to all proposed electoral changes. The effect of the Court's decision was to completely disable the application of the pre-clearance obligation absent a rarely-issued federal court order subjecting a specific jurisdiction to pre-clearance for a limited period of time. Of course, the Congress can, at any time, subject to the requisite constitutional showing of adequate findings, enact a new coverage formula or formulas to subject other jurisdictions to the pre-clearance obligation with respect to specific or all electoral changes.

It is no exaggeration to label, as it has now often been characterized, section 5 of the VRA and its pre-clearance mechanism as one of the most effective civil rights provisions ever enacted in federal law. Before the Court decision in Shelby County, pre-clearance had, through almost half a century, blocked the implementation of numerous proposed electoral changes that were intended to suppress minority participation or to limit minority electoral power, and numerous other proposed changes that would have been retrogressive in effect, threatening to reduce acquired minority electoral power.

In addition, however, a full appreciation of the damage the Shelby County decision has wrought requires recognizing that section 5 is also one of the first enactments of an alternative dispute resolution (ADR) mechanism into federal law. ADR can be powerfully efficient and effective in resolving disputes without requiring resort to litigation in court. Ironically, the same Supreme Court majority that struck down the VRA coverage formula and disabled section 5 has strongly embraced ADR in the form of mandatory arbitration contracts, even where serious concerns have been raised about bias against employees or consumers in arbitration and about unequal power in negotiating arbitration agreements. Indeed, Section 5 actually includes the very kinds of protections

that are not often seen in other ADR schemes, including the absolute right to seek court review instead of review by the Department of Justice.

With this in mind, the damage from the Shelby County decision, and the congressional inaction in response, falls into three areas. First, the nation has been deprived of advance notice with regard to electoral changes in those jurisdictions previously covered. These changes, which previously would have been developed and submitted for pre-clearance well in advance, include many changes—with significant potential effects on electoral participation, particularly among minority voters—that today are often revealed very close in time to an election. Such changes as precinct consolidations, alterations in precinct boundaries, and changes in voting locations often occur too close to an election to prevent their implementation through litigation under the still-viable section 2 of the VRA, prohibiting minority vote dilution, or other constitutional or statutory provisions. Courts are, perhaps understandably, reluctant to issue a preliminary injunction so close in time to a scheduled election. This problem is exacerbated by the lack of advance notice of such changes previously provided by the section 5 preclearance obligation.

For example, Arizona was a covered jurisdiction, so, prior to the Shelby County decision, the state and all its governmental subdivisions had to seek and obtain pre-clearance for any electoral change. Recently, in the 2016 Arizona presidential primary, there were widespread reports of very long lines and chaos at polling places. This seems to have been caused in large part by a drastic reduction in the number of polling places, a change apparently undertaken as a cost-saving measure. Whether or not this ill-considered decision had a particularly pronounced effect on minority voters in Maricopa County, such a change would have been analyzed in advance for its discriminatory potential under preclearance prior to Shelby County. Regardless of whether that analysis would have blocked or altered the plan to reduce polling locations, the requirement of preclearance would at least have provided notice, well in advance, of the intention to drastically reduce polling places. This might have yielded challenge and change, wholly apart from the process of pre-clearance itself.

The second area of damage from the Shelby County decision lies in the inability to review electoral changes for their potential discriminatory elements before the changes are implemented. As noted above, courts are often reluctant to issue preliminary injunctions with respect to elections matters. Indeed, a preliminary injunction is extraordinary court relief in any circumstance, but there is a particular reticence with respect to elections because of the potential disruption of the plans and efforts of so many voters and candidates. However, elections are also particularly resistant to remedy after the fact. Once an election has occurred under a particular electoral change, it is nearly impossible to ''unring the bell'' and discount an election or its results once reported, even if only unofficially by media engaged in exit polling. Thus, the inability to bar implementation of an electoral change by requiring pre-clearance prior to implementation results in severely limited or no remedy at all to what may be actions with significant discriminatory effects. When this occurs, this does palpable and lasting harm to voters' respect for democracy and can deter participation by understandably distrustful minority voters in many future elections.

Soon after the Shelby County decision, the mayor of Pasadena, Texas announced his intent to pursue a change to the city's elections that he would not have pursued when the city was subject to preclearance as a subjurisdiction in the covered state of Texas. He sought to change the eight-member council from one comprised of candidates elected in eight single-member districts to one comprised of representatives from six single-member districts and two members elected at large by the entire city. Based on participation differentials between groups, this change would have the effect of reducing the growing Latino community's chances to elect a majority of the council. The change was adopted and has now been implemented, while MALDEF pursues an ongoing legal challenge to the change and its effects on the Latino vote. It is unclear how many elections will occur under the flawed changes before the court case is finally resolved.

The third area of Shelby County harm lies in requiring the resolution of disputes regarding potentially discriminatory electoral changes through inefficient and costly litigation under section 2 of the VRA. The Supreme Court's adopted test for resolving section 2 claims is ''totality of the circumstances.'' The phrase alone illustrates the scope of such litigation, ordinarily involving multiple experts on both sides of a case, numerous percipient lay witnesses, and voluminous sets of documentary exhibits. The presentation of all of this testimony and other evidence consumes many months in preparatory depositions, discovery, and resolution of evidentiary disputes. Trial, even if streamlined in multiple ways by the court, usually involves weeks or months of presentation to a judge. The court itself then faces the arduous task of evaluating the evidence and making findings of fact and drawing conclusions of law to support a decision under the ''totality of the circumstances.'' The costs in both time and money associated with this arduous court journey are significant, and most often imposed on and borne entirely by a challenged jurisdiction that loses a filed section 2 case. The same jurisdiction could get to the same result, at a fraction of the cost through pre-clearance.

MALDEF has long been a leader in pursuing section 2 litigation in the formerly covered state of Texas. The dispute over Texas statewide redistricting in 2011 ended up being challenged under section 2 at the same time that it was subject to consideration for pre-clearance under section 5 by a three-judge district court in Washington, D.C. The Washington, D.C. court rejected the original Texas redistricting plan even before the Shelby County decision, but the Court's ruling wiped that conclusion from the books. The section 2 case had to be tried over several months in 2014. The trial was concluded and fully briefed as of December 2014. More than 16 months later, we are still awaiting a district court decision on the section 2 case. This ongoing wait epitomizes that third area of harm from the Shelby County decision.

Some might assume that the ongoing harms from the Shelby County decision and the congressional failure to respond with appropriate legislation are limited to the areas, and their residents, that were previously subject to pre-clearance under the coverage formula that the Court struck down. In fact, the entire nation suffers the damage inflicted by the decision and its aftermath. The pre-clearance process—the submission and analysis of electoral changes for discrimination—provided a nationwide indication of the potential effects of specific changes and specific categories of changes. An adverse pre-clearance decision stood as a warning to non-covered jurisdictions that might be considering, or already have in place, similar electoral procedures as those rejected in a covered jurisdiction.

In this way, pre-clearance provided election administrators and policymakers interested in minimizing discrimination in voting with guidance as to where they might look in current practice to eliminate discriminatory effects and as to what changes they should avoid to prevent further discrimination. Conversely, adverse pre-clearance decisions stood as a warning and deterrent to administrators and policymakers interested in adopting changes despite or even because of discriminatory effects. Pre-clearance outcomes stood as an indication of possible or likely successful legal challenge to such changes. In effect, just as pre-clearance was a more efficient mechanism to resolve disputes about a specific electoral practice in a specific jurisdiction, it was also a more efficient means to provide persuasive precedent for other jurisdictions, both those covered and those not covered.

Thus, in a state like California, which had only three covered counties at the time the Supreme Court decision came down, everyone still benefitted from the ready and available information provided by the pre-clearance process. In addition, although the state was only partially covered, statewide electoral changes were subject to pre-clearance because of the effects in the covered counties. This meant that statewide elections procedures saw all the benefits of advanced awareness, pre-implementation analysis, and efficient dispute resolution described above.

The experience of three years, including one mid-term election, demonstrate that the absence of the efficient pre-clearance process has deleterious effects on deterring, preventing, and eliminating electoral practices with significant discriminatory effects. MALDEF urges congressional action to reintroduce a coverage formula or formulas—that are responsive to current demographics and dynamics with respect to minority communities—into the VRA. The nation as a whole will benefit from the positive repercussions of an effective pre-clearance process for voting discrimination.

## TRIBUTE TO SHERI AND FRED BERGGREN

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2016*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Sheri and Fred Berggren on the very special occasion of their 60th wedding anniversary.

Sheri and Fred were married on September 18, 1956 and made their home in Nodaway, Iowa. Their lifelong commitment to each other and their family truly embodies Iowa's values. As the years pass, may their love continue to grow even stronger and may they continue to love, cherish, and honor one another for years to come.

Mr. Speaker, I commend this couple on their 60 years of life together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.