gress to enact enforcement legislation that was rationally related to the end sought and that was not prohibited by it but was consistent with the letter and spirit of the Constitution, even though the actual practice outlawed or restricted would not be judicially found to violate the Fifteenth Amendment. In so acting, Congress could prohibit state action that perpetuated the effect of past discrimination, or that, because of the existence of past purposeful discrimination, raised a risk of purposeful discrimination that might not lend itself to judicial invalidation. "It is clear, then, that under § 2 of the Fifteenth Amendment Congress may prohibit practices that in and of themselves do not violate § 1 of the Amendment, so long as the prohibitions attacking racial discrimination in voting are 'appropriate,' as that term is defined in *McCulloch v. Maryland* and *Ex parte Virginia* . . . . Congress could rationally have concluded that, because electoral changes by jurisdictions with a demonstrable history of intentional racial discrimination in voting create the risk of purposeful discrimination, it was proper to prohibit changes that have a discriminatory impact." [65]

City of Rome is highly significant for the validity of congressional additions to the Voting Rights Act. In 1975 and 1982, Congress extended and revised the Act to increase its effectiveness,[66] and the 1982 Amendments were addressed to revitalizing § 2 of the Act, which,

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[65] City of Rome v. United States, 446 U.S. 156, 177 (1980). Justices Powell, Rehnquist, and Stewart dissented. Id. at 193, 206. In Lopez v. Monterey County, 525 U.S. 266 (1999), the Court reiterated its prior holdings that Congress may exercise its enforcement power based on discriminatory effects, and without any finding of discriminatory intent.

[66] The 1975 amendments, Pub. L. 94–73, 89 Stat. 400, extended the Act for seven years, expanded it to include those areas having minorities distinguished by their language, *i.e.*, "persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage," § 207, 42 U.S.C. § 1973 1(c)(3), in which certain statistical tests are met and requiring election materials be provided in the language(s) of the group(s), and enlarged to require bilingual elections if more than five percent of the voting age citizens of a political subdivision are members of a single language minority group whose illiteracy rate is higher than the national rate. The 1982 amendments, Pub. L. 97–205, 96 Stat. 131, in addition to the § 2 revision, alter after August 5, 1984, the provisions by which a covered jurisdiction may take itself from under the Act by proving to the special court in the District of Columbia that it has complied with the Act for the previous ten years and that it has taken positive steps both to encourage minority political participation and to remove structural barriers to minority electoral influence. Moreover, the amendments change the result in Beer v. United States, 425 U.S. 130 (1976), in which the Court had held that a covered jurisdiction was precluded from altering a voting practice only if the change would lead to a retrogression in the position of racial minorities; even if the change was only a little ameliorative of existing discrimination, the jurisdiction could implement it. The 1982 amendments provide that the change may not be approved if it would "perpetuate voting discrimination," in effect applying the new § 2 results test to preclearance procedures. S. REP. NO. 417, 97th Congress, 2d Sess. 12 (1982); H.R. REP. NO. 227, 97th Congress, 1st Sess. 28 (1981).