

The first voter suppression in America was direct: blanket restrictions based on race, based on gender, based on class. Over the years, these overt efforts were eventually replaced by more indirect and nefarious means: poll taxes, literacy tests, Whites-only primaries, and myriad other disenfranchisement laws aimed directly at minority voters. These crafty legal obstacles were often supplemented by blunt physical violence. But despite the many and varied efforts to impede the franchise, American democracy has shown an extraordinary resilience—and the American people have shown an abiding dedication, sometimes paying with life and limb, to defend the right of their fellow citizens to vote.

This Senate, of course, has a checkered past on voting rights. For many years, the Senate is where civil rights bills came to die, stalled by filibusters and tangled in parliamentary technique. Eventually, of course, the tide turned, and Congress ushered in a series of laws that remain among the most important ever enacted: the 24th amendment banning poll taxes; the Civil Rights Act; and the Voting Rights Act of 1965, which banned literacy tests, authorized the Attorney General to appoint Federal voting examiners to ensure fair administration of elections, and required the Federal Government to “pre-clear” certain changes in the voting laws of local jurisdictions.

That law has been improved and reauthorized a number of times—as recently as last year—and is a cornerstone of our democracy. Nevertheless, as we all know, efforts to suppress the vote persist and continue to erode the promise of democracy for many Americans. For example, in the last election cycle, we saw organized efforts to deceive voters by sending out fliers with false information about the location of polling places or with phony endorsements, we saw threats that immigrants could be imprisoned if they voted.

The Judiciary Committee, under the wise leadership of Chairman LEAHY, has responded with the Deceptive Practices and Voter Intimidation Prevention Act, which would criminalize various forms of voter intimidation and election misinformation.

In recent years, we have also seen the rise of another voter suppression tactic, which has come to be known as “vote caging.” Caging is a voter suppression tactic whereby a political campaign sends mail marked “do not forward/return to sender” to a targeted group of voters—often targeted into minority neighborhoods. The campaign then challenges the right of those citizens whose mail was returned as “undeliverable” on the grounds that the voter does not live at the registered address. Of course, as the Presiding Officer knows, there are many reasons why a piece of mail might be “returned to sender” that have nothing whatsoever to do with the voter’s eligibility. For example, a voter might be an active

member of the armed services and stationed far from home or a student lawfully registered at their parents’ address. Even a typographical error during entry of the voter’s registration information might result in a “false negative.” Nevertheless, these individuals end up facing a challenge to their vote and possibly losing their right to vote.

Caging came into the media spotlight this summer during Congress’s investigation into the political dismissal of U.S. attorneys, but this practice is not new, and it is not rare. In fact, since 1982, the Republican National Committee has been operating under a consent decree, filed in New Jersey U.S. District Court, which states that the RNC shall “refrain from undertaking any ballot security activities in polling places or election districts where the racial or ethnic composition of such districts is a factor in the decision to conduct, or the actual conduct of, such activities.”

This consent decree was entered into after the Republican National Committee, during the 1981 New Jersey gubernatorial election, initiated a massive voter-caging operation, sending mailers marked “do not forward” to voters in predominantly African-American and Latino neighborhoods throughout the State. The Republican National Committee then compiled a caging list based solely on the returned letters and challenged these voters at the polls. They did it again in Louisiana, in 1986, when the Republican National Committee hired a consultant to send 350,000 pieces of mail marked “do not forward” to districts that were mostly African American, and the consent decree was then modified to require the U.S. District Court in New Jersey to preclear any so-called ballot security programs undertaken by the Republican National Committee.

However, in part because the Federal consent decree does not apply to State parties or other campaigns, caging has continued. During the past few election cycles, there has been credible evidence of caging in Ohio, in Florida, in Pennsylvania, and elsewhere. Not every caging operation has been successful, but the failure of a voter suppression attempt is no excuse for it. Therefore, I am introducing the Caging Prohibition Act, which would prohibit challenging a person’s eligibility to vote—or to register to vote—based on a caging list. Simply put, eligible voters should not fear their right to vote might be challenged at the polls because a single piece of mail never reached them.

The bill would also require any private party who challenges the right of another citizen to vote—or to register to vote—to set forth in writing, under penalty of perjury, the specific grounds for the alleged ineligibility. The principle here is simple: If you are going to challenge one of your fellow citizen’s right to vote, you should at least have cause and be willing to stand behind it.

I am very proud of the extraordinary group of Senators who have agreed to

be original cosponsors of this piece of legislation: Chairman LEAHY of the Judiciary Committee, Senator FEINSTEIN, Senator DODD, Senator KERRY, Senator FEINGOLD, Senator SCHUMER, Senator NELSON of Florida, Senator CLINTON, Senator OBAMA, Senator MENENDEZ, Senator BROWN, and Senator KLOBUCHAR. I was proud to work closely with the Brennan Center for Social Justice and the Lawyers Committee for Civil Rights Under Law to develop the language of this bill. I would also like to thank People for the American Way for its support of this legislation.

In the 1964 case of *Reynolds v. Sims*, the U.S. Supreme Court stated:

[T]he right to exercise the franchise in a free and unimpaired matter is preservative of other basic civil and political rights. . . .

In other words, every right we have depends upon the right to vote. Organized voter-suppression efforts, including vote-caging schemes, infringe on this right and undermine our democracy. Congress should rise to the occasion and say “enough is enough” to vote caging.

I thank my many distinguished colleagues who have cosponsored this bill, and I ask my colleagues on both sides of the aisle to join us in stopping this nefarious voter suppression activity.

I yield the floor.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 366—DESIGNATING NOVEMBER 2007 AS “NATIONAL METHAMPHETAMINE AWARENESS MONTH”, TO INCREASE AWARENESS OF METHAMPHETAMINE ABUSE

Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ALEXANDER, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Ms. CANTWELL, Mr. CORKER, Mr. CRAPO, Mr. DOMENICI, Mr. GRAHAM, Mr. KERRY, Mr. LEVIN, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. ROBERTS, Mr. SALAZAR, Mr. SCHUMER, Mr. SMITH, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. CONRAD, and Mrs. DOLE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 366

Whereas methamphetamine, an easily manufactured drug of the amphetamine group, is a powerful and addictive central nervous system stimulant with long-lasting effects;

Whereas the National Association of Counties found that methamphetamine is the number 1 illegal drug problem for 47 percent of the counties in the United States, a higher percentage than that of any other drug;

Whereas 4 out of 5 county sheriffs report that, while local methamphetamine production is down, methamphetamine abuse is not (½ of the Nation’s sheriffs report abuse of the drug has stayed the same and nearly ¼ say that it has increased);

Whereas the highest rates of methamphetamine use among all ethnic groups occur within Native American communities;

Whereas the consequence of methamphetamine use by many young adults in the Native American community has been death, including methamphetamine-related suicides;

Whereas crime related to methamphetamine abuse continues to increase, with 55 percent of sheriffs reporting increases in robberies and burglaries during the last year;

Whereas most illegal methamphetamine available in the United States is produced in large clandestine laboratories in Mexico and smuggled into this country;

Whereas methamphetamine labs are costly to clean up in that every pound of methamphetamine produced can yield up to 5 pounds of toxic waste, representing a public danger to adults and children;

Whereas the profile of methamphetamine users is changing, as % of the Nation's sheriffs report increased methamphetamine use by women and 1/2 of the Nation's sheriffs report increased use by teens;

Whereas, in surveys on the abuse of methamphetamine among teens, many of the respondents said that the drug was easy to get and believed there is little risk in trying it;

Whereas other National Association of Counties surveys have shown that methamphetamine also places significant burdens on local social service and health care resources, increasing out-of-home placements for children, sending more people to public hospital emergency rooms than any other drug, and producing an ever-growing need for methamphetamine treatment programs; and

Whereas the establishment of a National Methamphetamine Awareness month would increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the Federal, State, and local levels: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 2007 as "National Methamphetamine Awareness Month" to increase awareness of methamphetamine abuse; and

(2) encourages the people of the United States and interested groups to observe National Methamphetamine Awareness Month with appropriate educational programs and outreach activities.

Mr. BAUCUS. Mr. President, I am pleased to join with my colleague Senator GRASSLEY, as well as Senators ALEXANDER, BIDEN, BINGAMAN, BOND, CANTWELL, CORKER, CRAPO, DOMENICI, GRAHAM, KERRY, LEVIN, LINCOLN, MURKOWSKI, ROBERTS, SALAZAR, SCHUMER, SMITH, STABENOW, TESTER, and THUNE in submitting a resolution designating November 2007 as National Methamphetamine Awareness Month.

It is the sense of the Senate to increase awareness of methamphetamine and call upon the people of the U.S. to observe this month with appropriate methamphetamine educational programs and outreach activities.

Methamphetamine is devastating families and communities across the Nation.

It has been more than 1 year since enactment of the Combat Methamphetamine Epidemic Act. Methamphetamine lab seizures declined 42 percent nationwide last year, as a result of regulations on the sale of pseudoephedrine and ephedrine. These are the over the counter drugs which are often used in the production of methamphetamine.

But our work is not done. Methamphetamine is still the number one law enforcement problem. The National Association of Counties found that methamphetamine is the number one illegal drug problem for 47 percent of the counties in the country.

Four out of five county sheriffs report that while local methamphetamine production is down, methamphetamine abuse is not.

Methamphetamine users are changing. Three-fifths of the Nation's sheriffs report increased methamphetamine use by women. Half of the Nation's sheriffs report increased use by teens.

Surveys on methamphetamine abuse among teens show that many of the respondents said the drug was easy to get, and believed there was little risk in trying it. Methamphetamine is still far too readily available.

As a result, local social service and health care resources are stretched thin, and more and more children are being sent to foster homes.

These issues are even more apparent within tribal communities. I am very concerned that the highest rates of methamphetamine use among all ethnic groups occur within the Native American communities.

Last year, Carl Venne, Crow Tribal Chairman, testified before the Finance Committee. Chairman Venne told of the grave effects of meth on the Apsaalooka Nation. He said, "There is no entity or organization on the Crow Reservation that is exempt from the devastating destruction of Meth."

And while the regulations under the Combat Meth Act have stifled meth production here in the United States, the production has shifted to keep up with the ever-growing demand. Most illegal methamphetamine available in the U.S. is produced in large clandestine laboratories in Mexico and smuggled into this country. We must do more to break the meth supply chain at the border.

We must do more to end the demand for this devastating drug. We need to redouble our efforts and intensify methamphetamine education, prevention, and treatment. In this way, we show our resolve to bring to an end the problem of meth.

Thus, I stand here today, asking my fellow colleagues on both sides of the aisle to join us in support of designating November 2007 National Methamphetamine Awareness Month.

Conducting educational programs and outreach activities in November will give us an opportunity to talk with folks at home and focus on ways to fight methamphetamine across America.

I urge everyone to join us in support of this legislation.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3499. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3500. Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2419, supra.

SA 3501. Mr. BARRASSO (for himself, Mr. CRAIG, and Mr. CRAPO) submitted an amend-

ment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3499.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 9005 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) and insert the following: "**SEC. 9005. BIOREFINERY AND REPOWERING ASSISTANCE.**

"(a) **PURPOSE.**—The purpose of this section is to assist in the development of new or emerging technologies for the use of renewable biomass or other sources of renewable energy—

"(1) to develop advanced biofuels;

"(2) to increase the energy independence of the United States by promoting the replacement of energy generated from fossil fuels with energy generated from a renewable energy source;

"(3) to promote resource conservation, public health, and the environment;

"(4) to diversify markets for raw agricultural and forestry products, and agriculture waste material; and

"(5) to create jobs and enhance the economic development of the rural economy.

"(b) **DEFINITION OF REPOWER.**—In this section, the term 'repower' means to substitute the production of heat or power from a fossil fuel source with heat or power from sources of renewable energy.

"(c) **ASSISTANCE.**—

"(1) **IN GENERAL.**—The Secretary shall make available to eligible entities described in subsection (d)—

"(A) grants to assist in paying the costs of—

"(i) development and construction of pilot- and demonstration-scale biorefineries intended to demonstrate the commercial viability of 1 or more processes for converting renewable biomass to advanced biofuels;

"(ii) repowering a biomass conversion facility, power plant, or manufacturing facility, in whole or in part;

"(iii) conducting a study to determine the feasibility of repowering a biomass conversion facility, power plant, or manufacturing facility, in whole or in part; or

"(iv) development and demonstration of harvesting, transportation, preprocessing, and storage technologies relating to the production and use of renewable biomass feedstocks in biorefineries and repowering projects; and

"(B) guarantees for loans made to fund—

"(i) the development and construction of commercial-scale biorefineries; or

"(ii) the repowering of a biomass conversion facility, power plant, or manufacturing facility, in whole or in part.

"(2) **PREFERENCE.**—In selecting projects to receive grants and loan guarantees under this section, the Secretary shall give preference to projects that receive or will receive financial support from the State in which the project is carried out.

"(d) **ELIGIBLE ENTITIES.**—An eligible entity under this section is—

"(1) an individual;

"(2) a corporation;

"(3) a farm cooperative;

"(4) a rural electric cooperative or public power entity;

"(5) an association of agricultural producers;