S. 3706

At the request of Mr. MARTINEZ, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3706, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 3724

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3724, a bill to enhance scientific research and competitiveness through the Experimental Program to Stimulate Competitive Research, and for other purposes.

S. RES. 312

At the request of Mr. LUGAR, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 312, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 407

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 494

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 494, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 540

At the request of Mr. DEMINT, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 540, a resolution encouraging all 50 States to recognize and accommodate the release of public school pupils from school attendance to attend off-campus religious classes at their churches, synagogues, houses of worship, and faith-based organizations.

AMENDMENT NO. 4690

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4690 intended to be proposed to S. 3711, a bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 3731. A bill to regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Presidential Signing Statements Act of 2006. This bill achieves three important goals.

First, it prevents the President from issuing a signing statement that alters the meaning of a statute by instructing Federal and State courts not to rely on Presidential signing statements in interpreting a statute.

Second, it permits the Congress to seek what amounts to a declaratory judgment on the legality of Presidential signing statements that seek to modify—or even to nullify—a duly enacted statute.

Third, it grants Congress the power to intervene in any case in the Supreme Court where the construction or constitutionality of any act of Congress is in question and a presidential signing statement for that act was issued.

Presidential signing statements are nothing new. Since the days of President James Monroe, Presidents have issued statements when signing bills. It is widely agreed that there are legitimate uses for signing statements. For example, Presidents may use signing statements to instruct executive branch officials how to administer a law. They may also use them to explain to the public the likely effect of a law. And, there may be a host of other legitimate uses.

However, the use of signing statements has risen dramatically in recent years. As of June 26, 2006, President Bush had issued 130 signing statements. President Clinton issued 105 signing statements during his two terms. While the mere numbers may not be significant, the reality is that the way the President has used those statements renders the legislative process a virtual nullity.

The President cannot use a signing statement to rewrite the words of a statute nor can the President use a signing statement to selectively nullify those provisions he does not like. This much is clear from our Constitution. The Constitution grants the President a specific, narrowly defined role in enacting legislation. Article I, section 1 of the Constitution vests ''all legislative powers . . . in a Congress.'' Article I, section 7 of the Constitution provides that when a bill is presented to the President, he may either sign it or veto it with his objections. He may also choose to do nothing, thus rendering a so-called pocket veto. The President cannot veto part of bill, however; he cannot veto certain provisions he does not like.

The Founders had good reason for constructing the legislative process as it is: by creating a bicameral legislature and then granting the President the veto power. According to The Records of the Constitutional Convention, the veto power was designed by our Framers to protect citizens from a particular Congress that might enact oppressive legislation. However, the Framers did not want the veto power to be unchecked, and so, in article I, section 7, they balanced it by allowing Congress to override a veto by two-thirds vote.

As you can see, this is a finely structured constitutional procedure that goes straight to the heart of our system of check and balances. Any action by the President that circumvents this finely structured procedure is an unconstitutional attempt to usurp legislative authority. If the President is permitted to rewrite the bills that Congress passes and cherry pick which provisions he likes and does not like, he subverts the constitutional process designed by our Framers.

The Supreme Court has affirmed that the constitutional process for enacting legislation must be safe guarded. As the Supreme Court explained in INS v. Chahda, ''It emerges clearly that the prescription for legislative action in Article I, Section 1, clause 7 represents the Framers' decision that the legislative power of the Federal government be exercised in accord with a single, finely wrought and exhaustively considered, procedure.''

So, while signing statements have been commonplace since our country's founding, we must make sure that they are not being used in an unconstitutional manner; a manner that seeks to rewrite legislation, and exercise line item vetoes.

President Bush has used signing statements in ways that have raised some eyebrows. For example, Congress passed the PATRIOT Act after months of deliberation. We debated nearly every provision—often redrafting and revising. Moreover, we worked very closely with the President because we wanted to get it right. We wanted to make sure that we were passing legislation that the executive branch would find workable. In fact, in many ways, the process was an excellent example of the legislative branch and the executive branch working together towards a common goal.

In the end, the bill that was passed by the Senate and the House contained several oversight provisions intended to make sure the FBI did not abuse the special terrorism-related powers to search homes and secretly seize papers. It also required Justice Department officials to keep closer track of how often the FBI uses the new powers and in what type of situations.

The President signed the PATRIOT Act into law, but afterwards, he wrote a signing statement that said he could withhold any information from Congress provided in the oversight provisions if he decided that disclosure would impair foreign relations, national security, the deliberative process of the executive, or the performance of the executive's constitutional duties.

Now, during the entire process of working with the President to draft

the PATRIOT Act, he never asked the Congress to include this language in the Act. At a hearing we held on signing statements, I asked an executive branch official, Michelle Boardman from the Office of Legal Counsel, why the President did not ask the Congress to put the signing statement language into the bill. She simply didn't have an answer. I asked her to get back to me with the answer and I still have not gotten a response.

Take another example, the McCain amendment. In that legislation, Congress voted by an overwhelming margin—90 to 9—to ban all U.S. personnel from inflicting cruel, inhuman or degrading treatment on any prisoner held anywhere by the United States. President Bush, who had threatened to veto the legislation, instead invited its prime sponsor, Senator JOHN MCCAIN, to the White House for a public reconciliation and declared they had a common objective: to make it clear to the world that this government does not torture and that we adhere to the international convention of torture.

Now from that, you might conclude that by signing the McCain amendment into law, the Bush administration has fully committed to not using torture. But you would be wrong. After the public ceremony of signing the bill into law, the President issued a signing statement saying his administration would interpret the new law ''in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power.'' This vague language may mean that—despite the McCain amendment—the administration may still be preserving a right to inflict torture on prisoners and to evade the International Convention Against Torture.

The constitutional structure of enacting legislation must be safeguarded. That is why I am here today to introduce the Presidential Signing Statements Act of 2006. This bill does not seek to limit the President's power—and this bill does not seek to expand Congress's power. Rather, this bill simply seeks to safeguard our constitution.

First, the bill instructs courts not to rely on Presidential signing statements in construing an act. This will provide courts with much-needed guidance on how legislation should be interpreted. The Supreme Court's reliance on Presidential signing statements has been sporadic and unpredictable. In some cases—such as United States v. Lopez, where the Court struck down the Gun-Free School Zones Act—the Supreme Court has relied on Presidential signing statements as a source of authority, while in other cases, such as the recent military tribunals case, Hamdan v. Rumsfeld, it has conspicuously declined to do so. This inconsistency has the unfortunate effect of rendering the interpretation of Federal law unpredictable.

It is well within Congress's power to resolve judicial disputes such as this by enacting rules of statutory interpretation. This power flows from article I, section 8, clause 18 of the Constitution, which gives Congress the power ''To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.'' Rules of statutory interpretation are necessary and proper to execute the legislative power. Moreover, any legislation that sets out rules for interpreting an act makes legislation more clear and precise which is exactly what we aim to achieve here in Congress. Congress can and should exercise this power over the interpretation of Federal statutes in a systematic and comprehensive manner.

Second, this bill permits the Congress to seek a declaratory judgment on the legality of Presidential signing statements that seek to modify—or even to nullify—a duly enacted statute. Again, this simply ensures that signing statements are not used in an unconstitutional manner.

Third, it grants Congress the power to intervene in any case in the Supreme Court where the construction or constitutionality of any act of Congress is in question and a Presidential signing statement for that act was issued. That way, if the court is trying to determine the meaning or the constitutionality of an act, the Congress gets a voice in the debate.

Take for example United States v. Lopez. In that case, the Supreme Court struck down the Gun-Free School Zones Act as beyond Congress's power to regulate commerce. Chief Justice Rehnquist relied, in part, on President George Bush's signing statement to support the Court's conclusion that the plain language of the statute does not suggest that it affects interstate commerce. Now, I do not see, in a case like this, why Congress should not get to explain its side. This bill would allow Congress to intervene and present evidence as to the meaning of an act in question.

This bill does not seek to limit the President's power and it does not seek to expand Congress's power. It simply seeks to put measures in place that will safeguard the constitutional structure of enacting legislation. In preserving this structure, this bill reinforces our system of checks and balances and separation of powers set out in our Constitution and I urge my colleagues to support it.

By Mr. HATCH (for himself and Mr. SESSIONS):

S. 3734. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Multidistrict Litigation Restoration Act of 2006.

The word ''Lexecon'' is well known in the Federal judiciary. It refers to the 1998 Supreme Court decision holding that statutory authority does not exist for transferee courts handling cases centralized by the Multidistrict Litigation Panel, or the MDL Panel, to retain these cases for trial. For approximately 30 years, courts receiving cases for pretrial proceedings from the MDL Panel invoked the general venue statute to transfer cases to themselves for trial. The process worked well because the court that had handled the pretrial phase was well-versed in the case's facts and was in the best position to encourage all parties to reach a settlement, or—barring settlement—make a final determination by adjudicating the dispute. But with the Lexecon decision that practice ended, and ever since we have been left with a multidistrict, multiparty, multiforum system that is costly, time-consuming, repetitive, inefficient, and often inconsistent.

As many of my colleagues know, the MDL Panel is an entity comprising seven judges, authorized to transfer civil actions pending in more than one district and involving one or more common questions of fact to any district court for coordinated pretrial proceedings. The MDL Panel authorizes the transfer upon determining that it will be for the convenience of the parties and witnesses, and promote the just and efficient conduct of such actions. Congress established this centralization mechanism in 1968 to avoid duplication of discovery, prevent inconsistent rulings, and conserve the resources of the parties, their counsel, and the judiciary.

Typically, cases centralized by the MDL Panel are numerous and complex. About 150,000 cases with millions of claims have been resolved through the process since its creation. They have included such matters as mass torts, antitrust price fixing, securities fraud, and unfair employment practices. The transferee judge becomes highly knowledgeable about the litigation during his or her consideration of voluminous pretrial proceedings. When all of the cases are remanded to the various transferor courts following completion of pretrial proceedings, those courts know little or nothing about the litigation. Even when all the parties agree to keep the matter that has been transferred in the court it was transferred to, it cannot be done under the current law. In some instances, judges have followed cases to courts outside their judicial circuit to conduct trial, at considerable inconvenience and expense, in order to spare other judges from the nightmare of having such mammoth cases so suddenly thrust upon them.

Let me give you an example of what this means in real terms. In my own State of Utah, there have been nearly 1,000 cases that have been transferred

either in or out of Utah's judicial district by the MDL Panel since 1968. In fiscal year 2005, there were nearly 50 cases transferred out of Utah through the MDL process. That is 50 cases that could be dumped back onto our judges in Utah without any warning or preparation. At the same time, there were six MDL cases pending in Utah at the end of 2005. Under the post-Lexecon system, one or more of our judges could be required to follow these cases to other districts throughout the United States for trial. Both of these scenarios would prove to be a serious burden for a small judicial district like Utah, and could hamper or delay justice for the people of my State. This is the same challenge our courts face nationwide as a result of the Lexecon decision.

Congress is the only entity that can solve these problems. Writing for the Court in Lexecon, Justice Souter stated that ''the proper venue for resolving the issue remains the floor of Congress.'' That is why I am introducing the Multidistrict Litigation Restoration Act of 2006 today, to give the Federal judiciary the necessary statutory authority to transfer multidistrict litigation cases for the purposes of trial. This legislation will return the law to what was in effect for almost three decades prior to the Lexecon decision. It will provide the MDL Panel with the most efficient option for resolving complex issues, the best means to encourage universal settlements, and the most consistent approach for rendering decisions.

This legislation is supported by the Judicial Conference of the United States, the policy arm of the Federal judicial branch, as well as the U.S. Department of Justice. The legislation is also supported by the U.S. Chamber of Commerce Institute for Legal Reform.

Moreover, this is not a partisan effort. Proposals to reform multidistrict, multiparty litigation were first advanced by the Carter administration. I introduced similar legislation in the 106th Congress with Senators LEAHY, KOHL, and SCHUMER. That bill passed the Senate by unanimous consent.

This legislation is long overdue. Lexecon was decided 8 years ago. The House has passed a Lexecon fix four times since 1999. In a letter to the chairman of the MDL Panel, Judge Thomas W. Thrash, a Federal district court judge for the Northern District of Georgia, reporting on the disposition of a multidistrict litigation case that he was required to try in Texas because he could not transfer the case to Georgia, summed up the situation well. Judge Thrash wrote, ''Needless to say, resolution of this case has been prolonged and involved greater expense to the judiciary . . . because of my inability to transfer the Northern District of Texas case to myself for trial here in the Northern District of Georgia. On the other hand, it would have been almost criminal to dump this case on a new Northern District of Texas judge for trial. . . . I hope that this problem will be fixed by Congress soon.''

Mr. President, I share that hope. I urge all of my colleagues to support the Multidistrict Litigation Restoration Act of 2006 and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Multidistrict Litigation Restoration Act of 2005''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) under section 1407 of title 28, United States Code (enacted April 29, 1968), the Judicial Panel on Multidistrict Litigation (in this section referred to as the ''Judicial Panel''), a group of 7 Federal judges selected by the Chief Justice of the United States, assists in the centralization of civil actions which share common questions of fact filed in more than 1 Federal judicial district nationwide;

(2) civil actions described under paragraph (1)—

(A) often arise from mass single-action torts that cause death and destruction in which the plaintiffs are from many different States; and

(B) often involve issues of critical importance to the Nation, including information technology, intellectual property, antitrust, contracts, and products liability cases;

(3) the Judicial Panel—

(A) identifies the 1 United States district court (referred to in this section as the ''transferee court'') best equipped at adjudicating pretrial matters; and

(B) after pretrial, remands individual civil actions back to the district where the civil action was originally filed unless that action has been previously terminated;

(4)(A) for approximately 3 decades, the transferee court often invoked a general venue statute that authorizes a district court to transfer a civil action in the interest of justice and for the convenience of the parties and witnesses;

(B) in effect, the transferee court simply transferred all of the civil actions for trial to itself; and

(C) this process worked well because the transferee court was well-versed in the facts and law of the centralized litigation and the court could assist all parties to settle when appropriate;

(5) in 1998, the United States Supreme Court held that the plain language of section 1407 of title 28, United States Code, requires the Judicial Panel to remand all civil actions for trial back to the respective districts from which such actions were originally referred;

(6) the absence of authority to transfer a centralized civil action for trial hampers the Judicial Panel and transferee judges in their ability to achieve the important goals of section 1407 of that title promoting the just and efficient conduct of multidistrict litigation;

(7) the Judicial Panel has inherent rulemaking authority to promulgate procedural rules pertaining to multidistrict litigation which the Judicial Panel has already exercised to ensure that when a centralization occurs all civil actions of a similar nature then filed and all later civil actions that may be filed are sent to 1 district court;

(8) Congress has statutorily conferred the Judicial Panel with rulemaking authority for the conduct of its business not inconsistent with the United States Constitution, Acts of Congress, and the Federal Rules of Civil Procedure; and

(9) in civil actions in which punitive damages are to be imposed, individual courts, including transferee courts, must ensure that the measure of punishment is both reasonable and proportionate to the amount of harm to plaintiffs and to the amount of compensatory damages received.

(b) PURPOSE.—The purpose of this Act is to improve the litigation system in the Nation to allow a Federal judge to whom a civil action is transferred under section 1407 of title 28, United States Code, to retain jurisdiction over certain civil actions for trial to determine liability and compensatory and punitive damages, if appropriate, in compliance with due process requirements.

SEC. 3. MULTIDISTRICT LITIGATION.

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting ''or ordered transferred to the transferee or other district under subsection (i)'' after ''terminated''; and

(2) by adding at the end the following:

''(i)(I) Subject to paragraph (2) and except as provided in subsection (j), any action transferred under this section by the panel may be transferred for trial purposes, by the judge or judges of the transferee district to whom the action was assigned, to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

''(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.''.

SEC. 4. TECHNICAL AMENDMENT TO MULTIPARTY, MULTI FORM TRIAL JURISDICTION ACT OF 2002.

Section 1407 of title 28, United States Code, as amended by section 3 of this Act, is further amended by adding at the end the following:

''(j)(1) In actions transferred under this section when jurisdiction is or could have been based, in whole or in part, on section 1369 of this title, the transferee district court may, notwithstanding any other provision of this section, retain actions so transferred for the determination of liability and punitive damages. An action retained for the determination of liability shall be remanded to the district court from which the action was transferred, or to the State court from which the action was removed, for the determination of damages, other than punitive damages, unless the court finds, for the convenience of parties and witnesses and in the interest of justice, that the action should be retained for the determination of damages.

''(2) Any remand under paragraph (1) shall not be effective until 60 days after the transferee court has issued an order determining liability and has certified its intention to remand some or all of the transferred actions for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the transferee court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the transferee court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

''(3) An appeal with respect to determination of punitive damages by the transferee court may be taken, during the 60-day period beginning on the date the order making the determination is issued, to the court of appeals with jurisdiction over the transferee court.

''(4) Any decision under this subsection concerning remand for the determination of damages, other than punitive damages, shall not be reviewable by appeal or otherwise.

''(5) Nothing in this subsection shall restrict the authority of the transferee court to transfer or dismiss an action on the ground of inconvenient forum.''.

SEC. 5. EFFECTIVE DATE.

(a) MULTIDISTRICT LITIGATION.—The amendments made by section 3 shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

(b) TECHNICAL AMENDMENT.—The amendment made by section 4 shall be effective as if enacted in section 11020(b) of the Multiparty, Multiforum Trial Jurisdiction Act of 2002 (Public Law 107–273; 116 Stat. 1826 et seq.).

By Mr. COLEMAN (for himself, Mr. REED, Mr. KOHL, and Mr. MARTINEZ):

S. 3739. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. I am pleased to join my colleagues, Senator COLEMAN, Senator KOHL, Senator MARTINEZ, Congressman RAMSTAD, and Congresswoman ESHOO, today to introduce the Consortium on the Impact of Technology in Health Services Act.

We face a challenging and exciting time in the evolution of America's health care system. Today, roughly 40 million men and women are over age 65. A full doubling of the elderly population is predicted to occur by the year 2030—with the first of the baby boom generation turning 65 in the year 2011—only 5 years from now.

Nowhere is the aging of the population more apparent than in my home State of Rhode Island. We exceed the national average in terms of citizens over the age of 65 as well as those over the age of 85. In a State of slightly more than a million people, almost 15 percent of the population is over the age of 65 today. According to Census Bureau estimates, the number of elderly is expected to increase to 18.8 percent of Rhode Island's population by 2025. Rhode Island also has one of the highest concentrations of persons age 85 and over in the country.

Dramatic increases in life expectancy over the last century can be attributed to tremendous advances in public health and medical research. These demographic changes also pose new challenges to our health care system that require creative and innovative solutions.

In addition to Americans living longer, keeping up with advancements in medical science poses unique burdens and challenges for our health care system. We are facing shortages in a number of critical health care fields—nurses, primary care physicians, and geriatricians—to name a few. These workforce issues further hinder our ability to keep up with the health care needs of aging Americans.

Greater use of technology has the potential to enhance the quality of care to our aging population and enable seniors to remain healthy and live independently longer.

The application of technology in the aging health care services field would also help mitigate the burden on providers by allowing physicians, home health care workers, and family members to keep in regular contact with patients and loved ones. Better monitoring of elderly patients would also serve to identify changes in their health condition before a serious problem arises.

Smarter applications of technology in caring for the aged could also address some of the growing concerns with skyrocketing budget deficits. As we grapple with Medicare and Medicaid taking up a growing proportion of overall Federal spending, we need to carefully balance health care expenditures while also improving the quality of care. We need to be thoughtful and wiser with our health care dollars as well as creative in the provision of services to the elderly.

The Consortium on the Impact of Technology in Health Services Act will bring together experts from the medical, aging, and technology fields to build a vision and a framework for the development and implementation of a 21st century health care system able to meet the needs of our burgeoning aging population.

We need to change the way we think about health care for our Nation's seniors. We need a model that is oriented toward health promotion and disease prevention. This legislation gives us a jumpstart on developing and implementing the tools and strategies needed to serve the senior population of America more effectively and with greater cost savings.

I am pleased to join with my colleagues in introducing this important initiative and hope the Senate will give it careful consideration.

By Mr. FEINGOLD:

S. 3740. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I will introduce a bill to repair and strengthen the Presidential public financing system. The Presidential Funding Act of 2006 will ensure that this system that has served our country so well for over a generation will continue to fulfill its promise in the 21st century.

The Presidential public financing system was put into place in the wake of the Watergate scandals as part of the Federal Election Campaign Act of 1974. It was held to be constitutional by the Supreme Court in Buckley v. Valeo. The system, of course, is voluntary, as the Supreme Court required. Every major party nominee for President since 1976 has participated in the system for the general election and, prior to 2000, every major party nominee had participated in the system for the primary election, too. In the last election, President Bush and two Democratic candidates, Howard Dean and the eventual nominee JOHN KERRY, opted out of the system for the Presidential primaries. President Bush and Senator KERRY elected to take the taxpayer-funded grant in the general election. President Bush also opted out of the system for the Republican primaries in 2000 but took the general election grant.

It is unfortunate that the matching funds system for the primaries is becoming less viable. The system protects the integrity of the electoral process by allowing candidates to run viable campaigns without becoming overly dependent on private donors. The system has worked well in the past, and it is worth repairing so that it can work in the future. If we don't repair it, the pressures on candidates to opt out because their opponents are opting out will increase until the system collapses from disuse.

This bill makes changes to both the primary and general election public financing system to address the weaknesses and problems that have been identified by both participants in the system and experts on the presidential election financing process. First and most important, it eliminates the State-by-State spending limits in the current law and substantially increases the overall spending limit from the current limit of approximately $45 million to $150 million, of which up to $100 million can be spent before April 1 of the election year. This should make the system much more viable for serious candidates facing opponents who are capable of raising significant sums outside the system. The bill also makes available substantially more public money for participating candidates by increasing the match of small contributions from 1:1 to 4:1.

One very important provision of this bill ties the primary and general election systems together and requires candidates to make a single decision on whether to participate. Candidates who opt out of the primary system and decide to rely solely on private money cannot return to the system for the general election. And candidates must commit to participate in the system in the general election if they want to receive Federal matching funds in the primaries. The bill also increases the spending limits for participating candidates in the primaries who face a nonparticipating opponent if that opponent raises more than 20 percent more than the spending limit. This provides some protection against being far outspent by a nonparticipating opponent. Additional grants of public

money are also available to participating candidates who face a nonparticipating candidate spending substantially more than the spending limit.

The bill also sets the general election spending limit at $100 million, indexed for inflation. And if a general election candidate does not participate in the system and spends more than 20 percent more than the combined primary and general election spending limits, a participating candidate will receive a grant equal to twice the general election spending limit.

This bill also addresses what some have called the ''gap'' between the primary and general election seasons. Presumptive Presidential nominees have emerged earlier in the election year over the life of the public financing system. This had led to some nominees being essentially out of money between the time that they nail down the nomination and the convention where they are formally nominated and become eligible for the general election grant. For a few cycles, soft money raised by the parties filled in that gap, but the Bipartisan Campaign Reform Act of 2002 fortunately has now closed that loophole. This bill allows candidates who are still in the primary race as of April 1 to spend an additional $50 million. In addition, the bill allows the political parties to spend up to $25 million between April 1 and the date that a candidate is nominated and an additional $25 million after the nomination. The total amount of $50 million is over three times the amount allowed under current law. This should allow any gap to be more than adequately filled.

Obviously, these changes make this a more generous system. So the bill also makes the requirement for qualifying more difficult. To be eligible for matching funds, a candidate must raise $25,000 in matchable contributions—up to $200 for each donor—in at least 20 States. That is five times the threshold under current law.

The bill also makes a number of changes in the system to reflect the changes in our Presidential races over the past several decades. For one thing, it makes matching funds available starting on July 1 of the year preceding the election, 6 months earlier than is currently the case. For another, it sets a single date for release of the public grant for the general election—the Friday before Labor Day. This addresses an inequity in the current system, under which the general election grant is released after each nominating convention, which can be several weeks apart.

The bill will also end the political parties' use of soft money for their conventions and requires presidential candidates to disclose bundled contributions. Additional provisions, and those I have discussed in summary form here, are explained in a section-by-section analysis of the bill that I will ask to be printed in the RECORD, following my statement. I will also ask that a copy of the bill itself be printed in the RECORD, following my statement.

Mr. President, the purpose of this bill is to improve the campaign finance system, not to advance one party's interests. In fact, with the country looking forward to the first Presidential election since 1952 where both the incumbent President and the sitting Vice-President are not running, this is a perfect time to make changes in the Presidential public funding system. Each party will have numerous candidates in the primaries, and no party can claim it will be helped or hurt by these changes.

Fixing the Presidential public financing system will cost money, but our best calculations at the present time indicate that the changes to the system in this bill can be paid for by raising the income tax check-off on an individual return from $3 to just $10. The total cost of the changes to the system, based on data from the 2004 elections, is projected to be around $360 million over the 4-year election cycle. To offset that increased cost, this bill caps taxpayer subsidies for promotion of agricultural products, including some brand-name goods, by limiting the Market Access Program to $100 million per year.

Though the numbers are large, this is actually a very small investment to make to protect the health of our democracy and integrity of our Presidential elections. The American people do not want to see a return to the pre-Watergate days of unlimited spending on presidential elections and candidates entirely beholden to private donors. We must act now to preserve the crown jewel of the Watergate reforms and ensure the fairness of our elections and the confidence of our citizens in the process.

Mr. President, I ask unanimous consent that the text of the bill and additional materials be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Presidential Funding Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS.

(a) INCREASE IN MATCHING PAYMENTS.—

(1) IN GENERAL.—Section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''an amount equal to the amount'' and inserting ''an amount equal to 400 percent of the amount''; and

(B) by striking ''$250'' and inserting ''$200''.

(2) ADDITIONAL MATCHING PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—Section 9034(b) of such Code is amended to read as follows:

''(b) ADDITIONAL PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—In addition to any payment under subsection (a), an individual who is a candidate after March 31 of the calendar year in which the presidential election is held and who is eligible to receive payments under section 9033 shall be entitled to payments under section 9037 in an amount equal to the amount of each contribution received by such individual after March 31 of the calendar year in which such presidential election is held, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person after such date exceeds $200.''.

(3) CONFORMING AMENDMENTS.—Section 9034 of such Code, as amended by paragraph (2), is amended—

(A) by striking the last sentence of subsection (a); and

(B) by inserting after subsection (b) the following new subsection:

''(c) CONTRIBUTION DEFINED.—For purposes of this section and section 9033(b), the term 'contribution' means a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).''.

(b) ELIGIBILITY REQUIREMENTS.—

(1) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE.—Section 9033(b)(3) of such Code is amended by striking ''$5,000'' and inserting ''$25,000''.

(2) AMOUNT OF INDIVIDUAL CONTRIBUTIONS.—Section 9033(b)(4) of such Code is amended by striking ''$250'' and inserting ''$200''.

(3) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR GENERAL ELECTION.—Section 9033(b) of such Code is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting '', and''; and

(C) by adding at the end the following new paragraph:

''(5) if the candidate is nominated by a political party for election to the office of President, the candidate will apply for and accept payments with respect to the general election for such office in accordance with chapter 95, including the requirement that the candidate and the candidate's authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004.''.

(c) PERIOD OF AVAILABILITY OF PAYMENTS.—

(1) IN GENERAL.—Section 9032(6) of such Code is amended by striking ''the beginning

of the calendar year'' and inserting ''July 1 of the calendar year preceding the calendar year''.

(2) CONFORMING AMENDMENT.—Section 9034(a) of such Code is amended by striking ''the beginning of the calendar year'' and inserting ''July 1 of the calendar year preceding the calendar year''.

SEC. 3. REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTION PAYMENTS.

(a) MAJOR PARTY CANDIDATES.—Section 9003(b) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) the candidate received payments under chapter 96 for the campaign for nomination;''.

(b) MINOR PARTY CANDIDATES.—Section 9003(c) of such Code is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) the candidate received payments under chapter 96 for the campaign for nomination;''.

SEC. 4. REVISIONS TO EXPENDITURE LIMITS.

(a) INCREASE IN EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES; ELIMINATION OF STATE-SPECIFIC LIMITS.—

(1) IN GENERAL.—Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(1)) is amended by striking ''may make expenditures in excess of'' and all that follows and inserting ''may make expenditures—

''(A) with respect to a campaign for nomination for election to such office—

''(i) in excess of $100,000,000 before April 1 of the calendar year in which the presidential election is held; and

''(ii) in excess of $150,000,000 before the date described in section 9006(b) of the Internal Revenue Code of 1986; and

''(B) with respect to a campaign for election to such office, in excess of $100,000,000.''.

(2) CLERICAL CORRECTION.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''section 320(b)(1)(B) of the Federal Election Campaign Act of 1971'' and inserting ''section 315(b)(1)(B) of the Federal Election Campaign Act of 1971''.

(b) INCREASE IN LIMIT ON COORDINATED PARTY EXPENDITURES.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(2)) is amended to read as follows:

''(2)(A) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds $25,000,000.

''(B) Notwithstanding the limitation under subparagraph (A), during the period beginning on April 1 of the year in which a presidential election is held and ending on the date described in section 9006(b) of the Internal Revenue Code of 1986, the national committee of a political party may make additional expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party in an amount not to exceed $25,000,000.

''(C)(i) Notwithstanding subparagraph (B) or the limitation under subparagraph (A), if any nonparticipating primary candidate (within the meaning of subsection (b)(3)) affiliated with the national committee of a political party receives contributions or makes expenditures with respect to such candidate's campaign in an aggregate amount greater than 120 percent of the expenditure limitation in effect under subsection (b)(1)(A)(ii), then, during the period described in clause (ii), the national committee of any other political party may make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such other party without limitation.

''(ii) The period described in this clause is the period—

''(I) beginning on the later of April 1 of the year in which a presidential election is held or the date on which such nonparticipating primary candidate first receives contributions or makes expenditures in the aggregate amount described in clause (i); and

''(II) ending on the earlier of the date such nonparticipating primary candidate ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office or the date described in section 9006(b) of the Internal Revenue Code of 1986.

''(iii) If the nonparticipating primary candidate described in clause (i) ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office, clause (i) shall not apply and the limitations under subparagraphs (A) and (B) shall apply. It shall not be considered to be a violation of this Act if the application of the preceding sentence results in the national committee of a political party violating the limitations under subparagraphs (A) and (B) solely by reason of expenditures made by such national committee during the period in which clause (i) applied.

''(D) For purposes of this paragraph—

''(i) any expenditure made by or on behalf of a national committee of a political party and in connection with a presidential election shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party; and

''(ii) any communication made by or on behalf of such party shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party if any portion of the communication is in connection with such election.

''(E) Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.''.

(c) CONFORMING AMENDMENTS RELATING TO TIMING OF COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Section 315(c)(1) of such Act (2 U.S.C. 441(c)(1)) is amended—

(A) in subparagraph (B), by striking ''(b), (d),'' and inserting ''(d)(3)''; and

(B) by inserting at the end the following new subparagraph:

''(D) In any calendar year after 2008—

''(i) a limitation established by subsection (b) or (d)(2) shall be increased by the percent difference determined under subparagraph (A);

''(ii) each amount so increased shall remain in effect for the calendar year; and

''(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.''.

(2) BASE YEAR.—Section 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B)) is amended—

(A) in clause (i)—

(i) by striking ''subsections (b) and (d)'' and inserting ''subsection (d)(3)''; and

(ii) by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) for purposes of subsection (b) and (d)(2), calendar year 2007.''.

(d) REPEAL OF EXCLUSION OF FUNDRAISING COSTS FROM TREATMENT AS EXPENDITURES.—Section 301(9)(B)(vi) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(vi)) is amended by striking ''in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b)'' and inserting the following: ''who is seeking nomination for election or election to the office of President or Vice President of the United States''.

SEC. 5. ADDITIONAL PAYMENTS AND INCREASED EXPENDITURE LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS.

(a) CANDIDATES IN PRIMARY ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9034 of the Internal Revenue Code of 1986, as amended by section 2, is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) ADDITIONAL PAYMENTS FOR CANDIDATES FACING NONPARTICIPATING OPPONENTS.—

''(1) IN GENERAL.—In addition to any payments provided under subsections (a) and (b), each candidate described in paragraph (2) shall be entitled to—

''(A) a payment under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after July 1 of the calendar year preceding the calendar year of the presidential election with respect to which such candidate is seeking nomination and before the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200, and

''(B) payments under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200.

''(2) CANDIDATES TO WHOM THIS SUBSECTION APPLIES.—A candidate is described in this paragraph if such candidate—

''(A) is eligible to receive payments under section 9033, and

''(B) is opposed by a nonparticipating primary candidate of the same political party who receives contributions or makes expenditures with respect to the campaign—

''(i) before April 1 of the year in which the presidential election is held, in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(i) of the Federal Election Campaign Act of 1971, or

''(ii) before the date described in section 9006(b), in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(ii) of such Act.

''(3) NONPARTICIPATING PRIMARY CANDIDATE.—In this subsection, the term 'nonparticipating primary candidate' means a candidate for nomination for election for the office of President who is not eligible under section 9033 to receive payments from the Secretary under this chapter.

''(4) QUALIFYING DATE.—In this subsection, the term 'qualifying date' means the first date on which the contributions received or expenditures made by the nonparticipating primary candidate described in paragraph (2)(B) exceed the amount described under either clause (i) or clause (ii) of such paragraph.''.

(B) CONFORMING AMENDMENT.—Section 9034(b)(2) of such Code, as amended by section 2, is amended by striking ''subsection (a)'' and inserting ''subsections (a) and (c)''.

(2) INCREASE IN EXPENDITURE LIMIT.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

''(3)(A) In the case of an eligible candidate, each of the limitations under clause (i) and (ii) of paragraph (1)(A) shall be increased—

''(i) by $50,000,000, if any nonparticipating primary candidate of the same political party as such candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) (before the application of this clause), and

''(ii) by $100,000,000, if such nonparticipating primary candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) after the application of clause (i).

''(B) Each dollar amount under subparagraph (A) shall be considered a limitation under this subsection for purposes of subsection (c).

''(C) In this paragraph, the term 'eligible candidate' means, with respect to any period, a candidate—

''(i) who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986;

''(ii) who is opposed by a nonparticipating primary candidate; and

''(iii) with respect to whom the Commission has given notice under section 304(i)(1)(B)(i).

''(D) In this paragraph, the term 'nonparticipating primary candidate' means, with respect to any eligible candidate, a candidate for nomination for election for the office of President who is not eligible under section 9033 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury under chapter 96 of such Code.''.

(b) CANDIDATES IN GENERAL ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking ''(1) The eligible candidates'' and inserting ''(1)(A) Except as provided in subparagraph (B), the eligible candidates''; and

(ii) by adding at the end the following new subparagraph:

''(B) In addition to the payments described in subparagraph (A), each eligible candidate of a major party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the expenditure limitation applicable under such section with respect to a campaign for election to the office of President.''.

(B) SPECIAL RULE FOR MINOR PARTY CANDIDATES.—Section 9004(a)(2)(A) of such Code is amended—

(i) by striking ''(A) The eligible candidates'' and inserting ''(A)(i) Except as provided in clause (ii), the eligible candidates''; and

(ii) by adding at the end the following new clause:

''(ii) In addition to the payments described in clause (i), each eligible candidate of a minor party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the payment to which such candidate is entitled under clause (i).''.

(2) EXCLUSION OF ADDITIONAL PAYMENT FROM DETERMINATION OF EXPENDITURE LIMITS.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(4) In the case of a candidate who is eligible to receive payments under section 9004(a)(1)(B) or 9004(a)(2)(A)(ii) of the Internal Revenue Code of 1986, the limitation under paragraph (1)(B) shall be increased by the amount of such payments received by the candidate.''.

(c) PROCESS FOR DETERMINATION OF ELIGIBILITY FOR ADDITIONAL PAYMENT AND INCREASED EXPENDITURE LIMITS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(i) REPORTING AND CERTIFICATION FOR ADDITIONAL PUBLIC FINANCING PAYMENTS FOR CANDIDATES.—

''(1) PRIMARY CANDIDATES.—

''(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—

''(i) EXPENDITURES IN EXCESS OF 120 PERCENT OF LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of section 315(b)(1)(A), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(ii) EXPENDITURES IN EXCESS OF 120 PERCENT OF INCREASED LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under section 315(b) after the application of paragraph (3)(A)(i) thereof, the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(B) CERTIFICATION.—Not later than 24 hours after receiving any written notice under subparagraph (A) from a candidate, the Commission shall—

''(i) certify to the Secretary of the Treasury that opponents of the candidate are eligible for additional payments under section 9034(c) of the Internal Revenue Code of 1986;

''(ii) notify each opponent of the candidate who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 of the amount of the increased limitation on expenditures which applies pursuant to section 315(b)(3); and

''(iii) in the case of a notice under subparagraph (A)(i), notify the national committee of each political party (other than the political party with which the candidate is affiliated) of the inapplicability of expenditure limits under section 315(d)(2) pursuant to subparagraph (C) thereof.

''(2) GENERAL ELECTION CANDIDATES.—

''(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—If a candidate in a presidential election who is not eligible to receive payments under section 9006 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(B) CERTIFICATION.—Not later than 24 hours after receiving a written notice under subparagraph (A), the Commission shall certify to the Secretary of the Treasury for payment to any eligible candidate who is entitled to an additional payment under paragraph (1)(B) or (2)(A)(ii) of section 9004(a) of the Internal Revenue Code of 1986 that the candidate is entitled to payment in full of the additional payment under such section.''.

SEC. 6. ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTION CAMPAIGN FUND TO ELIGIBLE CANDIDATES.

(a) IN GENERAL.—The first sentence of section 9006(b) of the Internal Revenue Code of 1986 is amended to read as follows: ''If the Secretary of the Treasury receives a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary shall, on the last Friday occurring before the first Monday in September, pay to such candidates of the fund the amount certified by the Commission.''.

(b) CONFORMING AMENDMENT.—The first sentence of section 9006(c) of such Code is amended by striking ''the time of a certification by the Comptroller General under section 9005 for payment'' and inserting ''the time of making a payment under subsection (b)''.

SEC. 7. REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS.

(a) INCREASE IN AMOUNT DESIGNATED.—Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence, by striking ''$3'' each place it appears and inserting ''$10''; and

(2) in the second sentence—

(A) by striking ''$6'' and inserting ''$20''; and

(B) by striking ''$3'' and inserting ''$10''.

(b) INDEXING.—Section 6096 of such Code is amended by adding at the end the following new subsection:

''(d) INDEXING OF AMOUNT DESIGNATED.—

''(1) IN GENERAL.—With respect to each taxable year after 2006, each amount referred to in subsection (a) shall be increased by the percent difference described in paragraph (2), except that if any such amount after such an increase is not a multiple of $1, such amount shall be rounded to the nearest multiple of $1.

''(2) PERCENT DIFFERENCE DESCRIBED.—The percent difference described in this paragraph with respect to a taxable year is the percent difference determined under section 315(c)(1)(A) of the Federal Election Campaign Act of 1971 with respect to the calendar year during which the taxable year begins, except that the base year involved shall be 2006.''.

(c) ENSURING TAX PREPARATION SOFTWARE DOES NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION QUESTION.—Section 6096 of such Code, as amended by subsection (b), is amended by adding at the end the following new subsection:

''(e) ENSURING TAX PREPARATION SOFTWARE DOES NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION QUESTION.—The Secretary shall promulgate regulations to ensure that electronic software used in the preparation or filing of individual income tax returns does not automatically accept or decline a designation of a payment under this section.''.

(d) PUBLIC INFORMATION PROGRAM ON DESIGNATION.—Section 6096 of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

''(f) PUBLIC INFORMATION PROGRAM.—

''(1) IN GENERAL.—The Federal Election Commission shall conduct a program to inform and educate the public regarding the purposes of the Presidential Election Campaign Fund, the procedures for the designation of payments under this section, and the effect of such a designation on the income tax liability of taxpayers.

''(2) USE OF FUNDS FOR PROGRAM.—Amounts in the Presidential Election Campaign Fund shall be made available to the Federal Election Commission to carry out the program under this subsection, except that the amount made available for this purpose may not exceed $10,000,000 with respect to any Presidential election cycle. In this paragraph, a 'Presidential election cycle' is the 4-year period beginning with January of the year following a Presidential election.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8. AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND.

(a) DETERMINATION OF AMOUNTS IN FUND.—Section 9006(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''In making a determination of whether there are insufficient moneys in the fund for purposes of the previous sentence, the Secretary shall take into account in determining the balance of the fund for a Presidential election year the Secretary's best estimate of the amount of moneys which will be deposited into the fund during the year, except that the amount of the estimate may not exceed the average of the annual amounts deposited in the fund during the previous 3 years.''.

(b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE UNDER THIS ACT.—

(1) IN GENERAL.—Section 9006 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) SPECIAL AUTHORITY TO BORROW.—

''(1) IN GENERAL.—Notwithstanding subsection (c), there are authorized to be appropriated to the fund, as repayable advances, such sums as are necessary to carry out the purposes of the fund during the period ending on the first presidential election occurring after the date of the enactment of this subsection.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—Advances made to the fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the fund.

''(B) RATE OF INTEREST.—Interest on advances made to the fund shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 9. REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS.

(a) IN GENERAL.—Section 9008(a) of the Internal Revenue Code of 1986 is amended by striking the period at the end of the second sentence and all that follows and inserting the following: '', except that the amount deposited may not exceed the amount available after the Secretary determines that amounts for payments under section 9006 and section 9037 are available for such payments.''.

(b) CONFORMING AMENDMENT.—The second sentence of section 9037(a) of such Code is amended by striking ''section 9006(c) and for payments under section 9008(b)(3)'' and inserting ''section 9006''.

SEC. 10. REGULATION OF CONVENTION FINANCING.

(a) IN GENERAL.—Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended by adding at the end the following new subsection:

''(g) NATIONAL CONVENTIONS.—

''(1) IN GENERAL.—Any person described in subsection (a) or (e) shall not solicit, receive, direct, transfer, or spend any funds in connection with a presidential nominating convention of any political party, including funds for a host committee, civic committee, municipality, or any other person or entity spending funds in connection with such a convention, unless such funds—

''(A) are not in excess of the amounts permitted with respect to contributions to the political committee established and maintained by a national political party committee under section 315; and

''(B) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.

''(2) EXCEPTION.—Paragraph (1) shall not apply to—

''(A) payments by a Federal, State, or local government if the funds used for the payments are from the general public tax revenues of such government and are not derived from donations made to a State or local government for purposes of any convention; and

''(B) payments by any person for the purpose of promoting the suitability of a city as a convention site in advance of its selection, welcoming convention attendees to the city, or providing shopping or entertainment guides to convention attendees.''.

(b) PUBLIC FINANCING.—Subsection (d) of section 9008 of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) EXPENDITURES FOR CONVENTIONS.—

''(1) IN GENERAL.—The Commission shall not certify any major party or minor party under subsection (g) unless such party agrees that—

''(A) expenses incurred with respect to a presidential nominating convention will only be paid with payments received under subsection (a) or with funds that are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971, and

''(B) the committee will not accept or use any goods or services related to or in connection with any presidential nominating convention that are paid for or provided by any other person.

''(2) EXCEPTION.—Paragraph (1) shall not apply to—

''(A) payments by a Federal, State, or local government if the funds used for the payments are from the general public tax revenues of such government and are not derived from donations made to a State or local government for purposes of any convention, and

''(B) payments by any person for the purpose of promoting the suitability of a city as a convention site in advance of its selection, welcoming convention attendees to the city, or providing shopping or entertainment guides to convention attendees.''.

SEC. 11. DISCLOSURE OF BUNDLED CONTRIBUTIONS.

(a) IN GENERAL.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) in the case of an authorized committee of a candidate for President, the name, address, occupation, and employer of each person who makes a bundled contribution, and the aggregate amount of the bundled contributions made by such person during the reporting period.''.

(b) BUNDLED CONTRIBUTION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

''(27) BUNDLED CONTRIBUTION.—The term 'bundled contribution' means a series of contributions that are, in the aggregate, $10,000 or more and—

''(A) are transferred to the candidate or the authorized committee of the candidate by one person; or

''(B) include a written or oral notification that the contribution was solicited, arranged, or directed by a person other than the donor.''.

SEC. 12. OFFSET.

(a) IN GENERAL.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking ''and $200,000,000 for each of fiscal years 2006 and 2007'' and inserting ''$200,000,000 for fiscal year 2006, and $100,000,000 for fiscal year 2007''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to elections occurring after January 1, 2006.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL FUNDING ACT OF 2006—SECTION-BY-SECTION ANALYSIS

SECTION 1: SHORT TITLE

SECTION 2: REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS

(a) Matching Funds: Current law provides for a 1-to-1 match, where up to $250 of each individual's contributions for the primaries is matched with $250 in public funds. Under the new matching system, individual contributions of up to $200 from each individual will be matched at a 4-to-1 ratio, so $200 in individual contribution can be matched with $800 from public funds.

Candidates who remain in the primary race can also receive an additional 1-to-1 match of up to $200 of contributions received after

March 31 of a presidential election year. This additional match applies both to an initial contribution made after March 31 and to contributions from individuals who already gave $200 or more prior to April 1.

The bill defines ''contribution'' as ''a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address.''

(b) Eligibility for matching funds: Current law requires candidates to raise $5,000 in matchable contributions (currently $250 or less) in 20 states. To be eligible for matching funds under this bill, a candidate must raise $25,000 of matchable contributions (up to $200 per individual donor) in at least 20 states.

In addition, to receive matching funds in the primary, candidates must pledge to apply for public money in the general election if nominated and to not exceed the general election spending limits.

(c) Timing of payments: Current law makes matching funds available on January 1 of a presidential election year. The bill makes such funds available beginning on July 1 of the previous year.

SECTION 3: REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTIONS PAYMENTS

Currently, candidates can participate in either the primary or the general election public financing system, or both. Under the bill, a candidate must participate in the primary matching system in order to be eligible to receive public funds in the general election.

SECTION 4: REVISIONS TO EXPENDITURE LIMITS

(a) Spending limits for candidates: In 2004, under current law, candidates participating in the public funding system had to abide by a primary election spending limit of about $45 million and a general election spending limit of about $75 million (all of which was public money). The bill sets a total primary spending ceiling for participating candidates in 2008 of $150 million, of which only $100 million can be spent before April 1. State by state spending limits are eliminated. The general election limit, which the major party candidates will receive in public funds, will be $100 million.

(b) Spending limit for parties: Current law provides a single coordinated spending limit for national party committees based on population. In 2004 that limit was about $15 million. The bill provides two limits of $25 million. The first applies after April 1 until a candidate is nominated. The second limit kicks in after the nomination. Any part of the limit not spent before the nomination can be spent after. In addition, the party coordinated spending limit is eliminated entirely until the general election public funds are released if there is an active candidate from the opposing party who has exceeded the primary spending limits by more than 20%.

This will allow the party to support the presumptive nominee during the so-called ''gap'' between the end of the primaries and the conventions. The entire cost of a coordinated party communication is subject to the limit if any portion of that communication has to do with the presidential election.

(c) Inflation adjustment: Party and candidate spending limits will be indexed for inflation, with 2008 as the base year.

(d) Fundraising expenses: Under the bill, all the costs of fundraising by candidates are subject to their spending limits.

SECTION 5: ADDITIONAL PAYMENTS AND INCREASED EXPENDITURES LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS

(a) Primary candidates: When a participating candidate is opposed in a primary by a nonparticipating candidate who spends more than 120 percent of the primary spending limit ($100 million prior to April 1 and $150 million after April 1), the participating candidate will receive a 5–to–1 match, instead of a 4–to–1 match for contributions of less than $200 per donor. That additional match applies to all contributions received by the participating candidate both before and after the nonparticipating candidate crosses the 120 percent threshold. In addition, the participating candidate's primary spending limit is raised by $50 million when a nonparticipating candidate raise spends more than the 120 percent of either the $100 million (before April 1) or $150 million (after April 1) limit. The limit is raised by another $50 million if the nonparticipating candidate spends more than 120 percent of the increased limit. Thus, the maximum spending limit in the primary would be $250 million if an opposing candidate has spent more than $240 million.

(b) General election candidates: When a participating candidate is opposed in a general election by a nonparticipating candidate who spends more than 120 percent of the combined primary and general election spending limits, the participating candidate shall receive an additional grant of public money equal to the amount provided for that election—$100 million in 2008. Minor party candidates are also eligible for an additional grant equal to the amount they otherwise receive (which is based on the performance of that party in the previous presidential election).

(c) Reporting and Certification: In order to provide for timely determination of a participating candidate's eligibility for increased spending limits, matching funds, and/or general election grants, non-participating candidates must notify the FEC within 24 hours after receiving contributions or making expenditures of greater than the applicable 120 percent threshold. Within 24 hours of receiving such a notice, the FEC will inform candidates participating in the system of their increased expenditure limits and will certify to the Secretary of the Treasury that participating candidates are eligible to receive additional payments.

SECTION 6: ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTIONS CAMPAIGN FUNDS TO ELIGIBLE CANDIDATES

Under current law, candidates participating in the system for the general election receive their grants of public money immediately after receiving the nomination of their party, meaning that the two major parties receive their grants on different dates. Under the bill, all candidates eligible to receive public money in the general election would receive that money on the Friday before Labor Day, unless a candidate's formal nomination occurs later.

SECTION 7: REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS

The tax check-off is increased from $3 (individual) and $6 (couple) to $10 and $20. This amount will be adjusted during each tax year after 2006. The amount will be adjusted for inflation, and rounded to the nearest dollar, beginning in 2007.

The IRS shall require by regulation that electronic tax preparation software does not automatically accept or decline the tax checkoff. The FEC is required to inform and educate the public about the purpose of the Presidential Election Campaign Fund (''PECF'') and how to make a contribution. Funding for this program of up to $10 million in a four year presidential election cycle, will come from the PECF.

SECTION 8: AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND

Under current law, in January of an election year if the Treasury Department determines that there are insufficient funds in the PECF to make the required payments to participating primary candidates, the party conventions, and the general election candidates, it must reduce the payments available to participating primary candidates and it cannot make up the shortfall from any other source until those funds come in. Under the bill, in making that determination the Department can include an estimate of the amount that will be received by the PECF during that election year, but the estimate cannot exceed the past three years' average contribution to the fund. This will allow primary candidates to receive their full payments as long as a reasonable estimate of the funds that will come into the PECF that year will cover the general election candidate payments. The bill allows the Secretary of the Treasury to borrow the funds necessary to carry out the purposes of the fund during the first campaign cycle in which the bill is in effect.

SECTION 9: REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS

Current law gives the political parties priority on receiving the funds they are entitled to from the PECF. This means that parties get money for their conventions even if adequate funds are not available for participating candidates. This section would make funds available for the conventions only if all participating candidates have received the funds to which they are entitled.

SECTION 10: REGULATION OF CONVENTION FINANCING

(a) Soft money ban: National political parties and federal candidates and officeholders are prohibited from raising or spending soft money in connection with a nominating convention of any political party, including funds for a host committee, civic committee, or municipality.

(b) Agreement not to spend soft money: To receive public money for its nominating convention, a political party must agree not to spend soft money on that convention and that it will not accept any goods or services donated by any person in connection with the convention.

These soft money prohibitions do not apply to payments by Federal, state or local governments from general tax revenues or payments from any person for the purpose of promoting a particular city as the site for a future convention or to welcome or provide shopping or entertainment guides to convention attendees.

SECTION 11: DISCLOSURE OF BUNDLED CONTRIBUTIONS

(a) Disclosure requirement: The authorized committees of presidential candidate committee must report the name, address, and occupation of each person making a bundled contribution and the aggregate amount of bundled contributions made by that person.

(b) Definition of bundled contribution. A bundled contribution is a series of contributions totaling $10,000 or more that are (1) collected by one person and transferred to the candidate; or (2) delivered directly to the candidate from the donor but include a written or oral communication that the funds were ''solicited, arranged, or directed'' by someone other than the donor. This covers the two most common bundling arrangements where fundraisers get ''credit'' for collecting contributions for a candidate.

SECTION 12: EFFECTIVE DATE

Provides that the amendments will apply to presidential elections occurring after January 1, 2006.

By Mrs. CLINTON (for herself and Mr. ALLEN):

S. 3743. A bill to amend the Public Health Service Act to improve newborn screening activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today I am pleased to introduce the SHINE Act of 2006 with my colleague Senator GEORGE ALLEN. This legislation is critical for the health of newborns and children.

Each year in our Nation at least 4 million newborns are screened and severe disorders are detected in 5,000 of them. Although these numbers may seem small, these disorders are often life threatening and can cause mental and physical disabilities if left untreated. Early detection by newborn screening can lessen side effects or completely prevent progression of many of these disorders if medical intervention is started early enough.

I am proud to say that New York has been a leader in newborn screening since 1960 when Dr. Robert Guthrie developed the first newborn screening test. Since then, more than 10 million babies have been tested. In 2004, New York expanded their newborn screening panel from 11 to 44 conditions. These improvements were a concerted effort by State officials and parent advocacy groups like the Newborn Screening Saves Lives and Hunter's Hope Foundation. They share a common goal that every child born with a treatable disease should receive early diagnosis and lifesaving treatment so that they can grow up happy and healthy. Today, we want to ensure that the great strides made by New York can be a model for all States and that New York can continue to make advancements that will benefit the children of New York and around the Nation.

Newborn screening experts suggest States should test for a minimum of 29 treatable core conditions. However, as of today, some States only screen for seven conditions. Every child should have access to tests that may prevent them from a life-threatening disease. Parents should not have to drive across State lines to improve the health of their baby. This bill establishes grant programs so that States can increase their capacity to screen for all the core conditions. Grant funds are also available for States like New York to expand newborn screening panels above and beyond the core conditions by developing additional newborn screening tests.

We should expect equity within newborn screening so that it does not matter where your baby is born. This legislation will establish recommended guidelines for States for newborn screening tests, reporting, and data standards. Our goal should be that affected babies be identified quickly, babies who have the diseases should not be missed, and the number of newborns falsely identified as sick should be minimized. By tracking the prevalence of diseases identified by newborn screening within States, we will be able to meet these goals and improve the long-term health of our children.

I hear from many parents how scary it is to have a sick child and to not have a diagnosis. Many parents spend years trying to find out what is wrong with their child and feel helpless. This legislation will make sure that current information on newborn screening is available and accessible to health providers and parents. The SHINE Act will provide interactive formats so that parents and providers can ask questions and receive answers about the newborn screening test, diagnosis, follow-up and treatment.

Early treatment can prevent negative and irreversible health outcomes for affected newborns. We should be doing all we can to give every child born in our country the opportunity for a happy and healthy life.

I ask unanimous consent that the following letters in support of this legislation from the March of Dimes, Hunter's Hope Foundation, Save Babies Through Screening Foundation, and Blythedale Children's Hospital be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAVE BABIES THOUGH SCREENING FOUNDATION, INC.,
Scarsdale, NY, July 24, 2006.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I am writing on behalf of the Save Babies Through Screening Foundation to show our support for the Screening for Health of Infants and NEwborns (SHINE Act). As you know, our organization's mission is to improve the lives of babies by working to prevent disabilities and early death resulting from disorders detectable through newborn screening. Our organization was founded in 1998 and is the only organization solely dedicated to raising awareness in regard to newborn screening.

We believe that this bill will greatly enhance the expansion of newborn screening throughout the United States and will save the lives of thousands of babies—our tiniest citizens. Additionally, this will spare Parents the agonizing pain of watching their children suffer as I can attest to first-hand. With the great expansion of newborn screening, children will be able to live healthy and productive lives.

We thank you for your vision and hard work. Nobody should suffer the loss or impairment of a child when there are tests and treatment available and this bill will put an end to future suffering. Please feel free to contact me if we can be of any assistance.

Regards,

JILL LEVY-FISCH,
President.

HUNTER'S HOPE,
Orchard Park, NY, July 21, 2006.

Hon. HILLARY CLINTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CLINTON: On behalf of the Hunter's Hope Foundation, I respectively submit this letter as our full and complete support for the bill titled ''Screening for Health of Infants and NEwborns (SHINE Act)''.

The Hunter's Hope Foundation was established in 1997 by Pro Football Hall of Fame member and former Buffalo Bills Quarterback, Jim Kelly, and his wife, Jill, after their infant son, Hunter, was diagnosed with Krabbe (Crab ã) Leukodystrophy, an inherited, fatal, nervous system disease.

The Foundation's mission is to: Increase public awareness of Krabbe disease and other leukodystrophies, support those afflicted and their families, identify new treatments, and ultimately find a cure.

Since 1997, Cord Blood Transplant (CBT) has become a viable treatment for Krabbe disease as well as a few other leukodystrophies. But, CBT is only effective if the child is treated before the disease inflicts irreversible damage to the brain and nervous system. There are many other treatable diseases that if not treated early will cause irreversible damage. And, the number of such diseases continues to increase with advancements in science and technology. We must establish an infrastructure in our country that not only addresses the immediate need, but also creates a system for expansion. The SHINE Act will accomplish this.

Hunter passed away August 5, 2005. Like thousands of other children, if he had been screened at birth, he may be living a healthy life today. Please help these children and their families and pass this bill. We implore you to expedite the passing and implementing of this bill. With each day that passes, children are suffering and dying needlessly.

Thank you from the bottom of our hearts.

Sincerely,

JACQUE WAGGONER,
Board of Directors, Chair.

BLYTHEDALE CHILDREN'S HOSPITAL,
Valhalla, NY, July 25, 2006.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: We are pleased to write this letter of support for the Screening for Health of Infants and Newborns Act of 2006. We commend you for your leadership in calling for a uniform and comprehensive national approach to screening newborns for the full panel of core conditions recommended by the American College of Medical Genetics and endorsed by the American Academy of Pediatrics. If diagnosed early, these disorders, including metabolic and hearing deficiency, can be managed or treated to prevent severe consequences.

As a hospital which provides a wide array of services to children with special health care needs, we know how important early detection and treatment of conditions can be. We were particularly pleased to see the provisions of this legislation which provide for a Central Clearinghouse of current educational and family support information, critical to assuring a national standard of care.

According to the latest March of Dimes Newborn Screening Report Card, nearly two-thirds of all babies born in the United States this year will be screened for more than 20 life-threatening disorders. However, disparities in state newborn screening programs mean some babies will die or develop brain damage or other severe complications from these disorders because they are not identified in time for effective treatment.

At present, the United States lacks consistent national guidelines for newborn screening, and each state decides how many and which screening tests are required for every baby. As a result, only 9 percent of all

babies are screened for all of the 29 recommended conditions. Clearly it is a wise investment to take full advantage of the information available to detect treatable conditions in children.

We commend you for your leadership on this most important issue and look forward to working with you and your colleagues to secure passage of this legislation.

Sincerely,

LARRY LEVINE,
President.
JUDITH WIENER GOODHUE,
Vice Chair, Board of Trustees, Chair, Government Relations Committee.

MARCH OF DIMES,
Washington, DC, July 24, 2006.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of more than 3 million volunteers and 1,400 staff members of the March of Dimes, I am writing to thank you for introducing the ''Screening for Health of Infants and Newborns (SHINE) Act.'' If enacted, this legislation would authorize grant programs to assist states in expanding the number of conditions screened for at birth and improve the dissemination of educational resources to the public and healthcare providers.

As you know, disparities among states in health screening at birth mean too many babies with serious birth defects are not being diagnosed and treated in time to avoid long term disability or even death. The March of Dimes has endorsed the recommendation of the American College of Medical Genetics that calls for every baby born in the United States to be screened for twenty-nine disorders, including certain metabolic conditions and hearing deficiency. The July 2006 March of Dimes newborn screening report card made clear the need for additional state efforts to expand programs to screen for the full range of the twenty-nine disorders. Specifically, only 9 percent of the babies born in the United States were tested for all of the recommended conditions. The ''SHINE Act'' will enhance state's capacity to expand the number of screens and provide important newborn screening educational materials to families via the internet.

We at the March of Dimes are sincerely grateful for your efforts related to newborn screening and look forward to working with you, and others in Congress with an interest in newborn screening.

Sincerely,

MARINA L. WEISS,
Senior Vice President,
Public Policy & Government Affairs.

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 3744. A bill to establish the Abraham Lincoln Study Abroad Program; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I am a lucky politician, a fortunate soul. I am lucky that early in my political life, I met two men who had a dramatic impact on me and on my decision to seek public office and to be involved in public service. The first was a Senator from Illinois named Paul Douglas who served from 1948 to 1966 and decided in the year 1966 to hire a college intern named DURBIN from East St. Louis, IL, who was going to school at Georgetown University. That was the first time I ever walked into a Senate office building, and I tell you, I was swept away by the experience. I knew at that time that I wanted to be a part of the excitement of this life on Capitol Hill and government, and I didn't know how I would ever have a chance to do it. I never dreamed I would run for office. But Paul Douglas, my first mentor in public service and political office, was there at the right moment in my life to inspire me to pursue at least some aspect of public service.

He introduced me to a fellow named Paul Simon who later served as the U.S. Senator from Illinois. Paul was elected in 1984 and served until 1996. During that 12-year period of time, I was a Member of the House of Representatives. For many years before, Paul Simon had been my closest friend and mentor in politics. He gave me my first job out of law school, when my wife Loretta and I packed everything we owned in a very small truck. She took the baby on a plane to fly to Springfield, IL, and I drove the truck out with our dog sitting in the front seat of my U-Haul truck with me and took my first job working for then Lieutenant Governor Paul Simon.

I was lucky. I learned the craft of politics from Paul Simon. I saw in his public service, in his public life, how good this job can be and how important it can be if you realize you need to be driven by some basic principles. Paul Simon used to say—and I have heard the speech so many times; I have even given it—that politics is about two things. First, people expect you to be honest, and I think he meant beyond dollar honesty—issue honesty; people expect you to tell them what you really believe rather than try to hide what your beliefs might be in some political double-talk.

The second thing Paul Simon says is that politics is about helping the helpless. He believed there is some mission to this. He was a son of a Lutheran minister and a proud Christian but reached across to other denominations of religions for his own inspiration. He believed that helping the helpless was an important part of government responsibility.

Mr. President, today I am going to introduce legislation with Senator NORM COLEMAN of Minnesota. It is legislation that reflects the vision of Senator Paul Simon.

After the terrible attack of September 11, 2001, Paul Simon, typical of his outlook on the world, decided that he could imagine a more peaceful world, even in that time of great upheaval. He talked about promoting peace and security through understanding and global awareness. Specifically, he began to lay out a path to a United States that would be populated by Americans who have been abroad and have a personal connection to another part of the world. His vision was to help prepare a generation with greater cultural competence and real life experience in societies unlike our own.

In the months before his untimely death, Senator Paul Simon came back to Washington to talk to me and his former colleagues in the Senate about the need to strengthen this country's international understanding. As a direct result of his work, Congress established the Abraham Lincoln Study Abroad Commission to develop the framework for an international study abroad program for America's college students. I was honored to serve on this bipartisan Lincoln Commission.

Late last year, the Commission published its report recommending the Congress establish a study abroad program for undergraduate students that would help build this global awareness and international understanding. It is a privilege for me to introduce legislation based on the recommendations of this Commission.

Paul Simon, like so many committed to strengthening our ability to lead by investing in the education of young people, struggled with the question of how America could lead while so few of our citizens have an appropriate knowledge and understanding of the world outside of our borders. The United States is a military and economic superpower, yet it is continuously threatened by a serious lack of international competence in an age of growing globalization. When you travel overseas, you cannot help but be struck by the fact that people in other countries know so much more about us than we know about them.

Our lack of world awareness is now seen as a national liability. The challenges we face as Americans are increasingly global in nature, and our youth must be well prepared for its future. Our national security, international economic competitiveness, and diplomatic efforts in working toward a peaceful society rest on our global competence and ability to appreciate language and culture throughout the world.

Today I joined a number of our colleagues who walked across the Rotunda over to the House of Representatives for a joint meeting of Congress where the Prime Minister of Iraq, Mr. al-Maliki, spoke to us. He spoke in inspiring terms about his goals for Iraq, an Iraq that was based on democratic principles, an Iraq that was based on freedom, an Iraq that was free of terrorism.

The United States has made a major investment in that effort. We are now in the fourth year of a war, a war that has claimed over 2,569 American lives, including 102 brave soldiers from my home State of Illinois. Over 20,000 of our soldiers have returned with serious injuries—2,000 of those with brain injuries and lives that will be compromised and more challenging because they agreed to stand and serve and fight for America and they went to Iraq and paid a heavy price.

We have spent some $320 billion of American treasure on the war in Iraq, and we continue to spend, by estimate, $3 billion every single week on Iraq, realizing that the end is not near and

there is no end in sight. We hope our troops will start to come home soon, but there is no indication they will.

Yet, the best military leaders in America, when they sit face to face with us here in private meetings, tell us the same thing we have heard from many members of this administration. We will not win in Iraq a military victory. The victory ultimately has to be a political victory, a victory where we convince the Iraqi people that this is a far better course to follow, to move toward self-governance and democracy, freedom and free markets, and to move away from the days of dictatorships and the thinking that led people to a divisive moment in their lives. We need to move away from that.

It suggests, even with the strongest military in the world, giving it their best efforts every single minute of every single day, the ultimate answer in Iraq and so many other countries is not a military answer. It is an answer that brings together political and economic elements that ultimately will spell the success of that nation.

The capacity of the United States to lead in the 21st century, not just in Iraq but all over the world, demands that we school new generations of American citizens who understand the cultural and social realities beyond what they have experienced here at home. Senator Simon understood this. He saw the United States as a large community, part of an even larger world family. When he saw signs that read, ''God bless America,'' Paul Simon used to say, ''I wish they would read 'God bless America and the rest of the world.' ''

Senator Simon was a great public servant. His service in Congress was exemplary. He was a man with an intrinsic sense of justice and passion for the public good. His deep convictions were matched by a genuine zeal for the work he did here in Washington and back in Illinois.

When he retired from the Senate, there was a little ceremony on the floor of the Senate, the likes of which this Chamber has never seen. The decision was made that since Paul Simon always wore a bow tie, that on one given day all of the Senators would come to the floor wearing bow ties. To Paul's surprise, he walked in here to find so many of his colleagues on both sides of the aisle saluting his retirement by wearing his trademark bow tie.

After he retired from the Senate, Paul Simon carried his vision and his energy for leadership back to Southern Illinois University, founding the Public Policy Institute at that university in Carbondale, IL. In that role, he trained future generations to understand the values he fought for his entire life.

The Abraham Lincoln Study Abroad Fellowship Program, which Paul Simon inspired, is designed to encourage and support the experience of studying overseas in countries whose people, culture, language, government, and religion might be very different from ours. The bill I am introducing today with Senator COLEMAN would create a program that encourages nontraditional students to spend part of their undergraduate careers in nontraditional study abroad destinations. It is said you never understand a country until you visit it and you never appreciate your home until you leave it. The program we envision provides direct fellowships to students but also provides financial incentives to colleges and universities to make internal policy changes that make it easier for students to study abroad.

We believe it is the institutional change that will allow the U.S. to sustain a steady growth in the number of students who experience this learning abroad. As we become a nation whose citizens have studied in other countries, we will become more understanding of the rest of the world and they will come to know us better.

We learned this with the Peace Corps. As I travel around the world, I never cease to be amazed at the impact which the Peace Corps has had on countries, on small villages, and on people. I can recall visiting Nepal. I went to Nepal with a former colleague from the home State of the Presiding Officer, Oklahoma, Mike Synar. We went to a tiny little village way up in the mountains outside of Kathmandu. After we trekked up there at high altitudes, out of breath, we came to this little village and all of the people were there. They had the third eye on their head. There were garlands of flowers around their necks. They were dressed in the best clothes they had, and offered us food. And as we sat down, they asked us if we knew Paul Jones, from Pittsburgh, PA.

Of course, we didn't. But we didn't want to say that right off. We said, ''Who was he?''

''Well, you must know him. He was our Peace Corps volunteer. He was here for 2 years. He made such a difference in this village. You must know Paul.''

I made up the name, but it goes to show you that the efforts and involvement of Americans overseas not only will help people there but will help those who live through the experience. For so many Peace Corps volunteers that I met, it was a transformative moment, to serve in that Peace Corps at that moment in their life and to go through that experience.

Sending more American students for that overseas experience will not only help those students, it will help others around the world to see who we are. Think of the battle of images going on in the world today even as we speak, images of America that are terrible, images that are distorted, that are being shown to people around the world every day. And they say this is what America looks like when in fact it isn't even close to the truth.

We can become a nation where we use our public education system to expand not only the reach of America's message, but the experience of Americans in other countries. I can think of no more appropriate tribute to honor Paul Simon, a great statesman himself, than to establish this study abroad program.

In the weeks before Senator Simon's death, Senator Simon wrote the following:

> A nation cannot drift into greatness. We must dream and we must be willing to make small sacrifices to achieve those dreams. If I want to improve my home, I must sacrifice a little. If we want to improve our Nation and the world, we must be willing to sacrifice a little. This major national initiative . . . can lift our vision and responsiveness to the rest of the world. Those who read these lines need to do more than nod in agreement [Paul Simon wrote.] This is a battle for understanding that you must help wage.

I ask my colleagues to join Senator COLEMAN and myself in this bipartisan legislation to help keep alive Senator Paul Simon's vision for a culturally aware and a better world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4695. Mr. MARTINEZ (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 5865, to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes.

SA 4696. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table.

SA 4697. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4698. Mrs. FEINSTEIN (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4699. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUYE, Ms. COLLINS, Ms. CANTWELL, Mr. LAUTENBERG, Mrs. BOXER, Mr. MENENDEZ, Mr. LIEBERMAN, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4700. Ms. SNOWE (for herself, Mrs. FEINSTEIN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4701. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4702. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4703. Mr. SHELBY proposed an amendment to the bill S. 3549, to amend the Defense Production Act of 1950 to strengthen Government review and oversight of foreign investment in the United States, to provide for enhanced Congressional Oversight with respect thereto, and for other purposes.

SA 4704. Mr. HARKIN (for himself, Mr. JOHNSON, Mr. BAYH, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance