July 26, 2006

CONGRESSIONAL RECORD—SENATE

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 International Revenue Code of 1986 to treat spaceports like airports under the exemption facility bond rules.

S. 3721

At the request of Mr. Rockefeller, the name of the Senator from Montana (Mr. Baucus) was added as a cosponsor of S. 3721, 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. Brownback, the name of the Senator from Alabama (Mr. Sessions) were added as co-sponsors of S. 3721, a bill to enhance scientific research and competitiveness through the Experimental Program to Stimulate Competitive Research, and for other purposes.

S. RES. 407

At the request of Mr. Lieberman, 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. Menendez, the name of the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. Res. 494, 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. 549

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.

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 Monroe, Presidents have issued statements concerning 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 stipulate in 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 circumvents 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 a 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 giving 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 circumspects 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. 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 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 these 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 him to interpret 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 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 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 was the idea today when the President issued a signing statement. 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 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 the commerce cum 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.

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 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 the commerce cum 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.

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 in certain multidistrict litigation cases for trial, and for other purposes; to the Committee on the Judiciary.

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 to execute the legislative power. Moreover, any legislation that sets 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 from the President’s 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 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 the commerce cum 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. Rather, this bill simply seeks to safeguard our constitution.

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 a treaty is not binding because it 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 in multidistrict 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, 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 judges, authorized to transfer civil actions pending in one district and involving one or more common questions of fact to any district court for coordinated pretrial proceedings. The MDL Panel allows the transfer upon determining that it would 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 processed through the forum 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 knew little if anything 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, and that is not even an unusual number of cases for one or more of our judges to handle during an entire year, in any of the 80-plus 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 issues 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 to a designated district court. This legislation will return the law to what it 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 cases, and it will best serve the interests of justice, that the action should be retransferred to the respective district courts throughout the United States; and

Moreover, this is not a partisan effort. The reform of multidistrict litigation was 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 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. The reform of multidistrict litigation was 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.

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Mr. FEINGOLD. Mr. President, today I will introduce a bill to repair and strengthen the Presidential public financing system. The Presidential Fund Act of 1974 provided that the Federal government would pay up to 75 percent of the costs of Presidential campaigns, up to $12 million in total. However, the program was not used by either of the presidential candidates in the 1976 elections. 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 in the primary election and $50 million in the general election. 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 financing systems together and requires candidates to make a single decision whether to participate in the presidential public financing system for the primaries who opt out because their opponents 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.

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 introduce a bill to repair and strengthen the Presidential public financing system. The Presidential Fund Act of 1974 established a system that has served our country well for over a generation will continue to fulfill its promise in the 21st century.
money are also available to participating candidates who face a non-participating 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 serve as the nominated candidate 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 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 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 hard candy good 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 in 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:

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. 1. Short title; table of contents.
Sec. 2. Revisions to system of Presidential primary matching payments.
Sec. 3. Revisions in primary payment system as condition of eligibility for general election payments.
Sec. 4. Revisions to expenditure limits.
Sec. 5. Additional payments and increased expenditure limits for candidates participating in public financing who face certain non-participating opponents.
Sec. 6. Establishment of uniform date for release of payments from Presidential Election Campaign Fund to eligible candidates.

Sec. 7. Revisions to designation of income tax payments by individual taxpayers.
Sec. 8. Amounts in Presidential Election Campaign Fund.
Sec. 9. Repeal of priority in use of funds for political conventions.
Sec. 10. Regulation of bundling of contributions.
Sec. 11. Disclosure of bundled contributions.
Sec. 12. Offset.
Sec. 13. Effective date.

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

(a) INCREASE IN MATCHING PAYMENTS.—

(1) GENERAL.—Section 9034(b) of such Code is amended—

(A) by striking “$250” and inserting “$5,000”;

(B) by striking “$200” and inserting “$200.”;

(2) A DDITIONAL 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) AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND.—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 paragraphs (b), (c), and (d) of section 9033(b), the term ‘contribution’ means a gift of money made by a written instrument which identifies the 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 ACCUMULATED 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”.

(c) PERIOD IN WHICH PAYMENTS FOR GENERAL ELECTION ARE MADE.—Section 9033(b)(5) 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:

“(e) 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 9041.”;

(2) IN GENERAL.—Section 9032(d) 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)(2) 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 CAMPAIGN EXPENDITURES.

(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) a 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 STATUTE-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 office, in excess of $100,000,000; and

“(B) with respect to a campaign for election to such office, in excess of $150,000,000.

(2) CLERICAL CORRECTION.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended by striking “Section 315(c)(1)” and inserting “Section 315(b)(1)”.

(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 a candidate for President of the United States who is affiliated with such party which exceeds $25,000,000.

(B) Before limiting the expenditure 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) Nonparticipating primary candidate.—If any nonparticipating primary candidate (within the meaning of subsection (b)(3)) affiliated with a 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 this clause, the national committee of such other political party may make expenditures in connection with the general election campaign of a candidate for President of the United States affiliated with such other party without limitation.

(D) 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—

“(A) the date on which the candidate 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 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 or the date described in section 9006(b) of the Internal Revenue Code of 1986.”;

(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 by striking “his” and inserting “her”.

(c) ADDITIONAL PAYMENTS AND INCREASED SPENDING IN THE GENERAL ELECTION.—(A) ADDITIONAL PAYMENTS.—

“(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 aggregate 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 within the first 60 days 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, and

“(B) payments under section 9037 in an aggregate amount equal to the amount of each contribution received by such candidate or 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, and

“(C) additional payments from the Federal Election Campaign Fund for the support of a candidate who is eligible to receive payments under section 9033, and

“(D) 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)(i) of such Act.

“(E) is a 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.

“(F) 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 equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b)”.

(2) 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.
(B) CONFORMING AMENDMENT.—Section 9033(b)(2) of such Code, as amended by section 2, is amended by striking “subsection (a)” and inserting “subsections (a) and (c)”.

(2) ADDITIONAL PAYMENT.—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 $100,000,000, 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 (1) or (ii) of paragraph (1)(A) (before the application of this clause), and

(ii) by $100,000,000, if any 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 (1) or (ii) of paragraph (1)(A) after the application of this clause.

“(B) Each dollar amount under subparagraph (A) shall be considered a limitation under this subsection for purposes of subparagraph (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; or

(ii) who is opposed by a nonparticipating primary candidate and who qualifies under subparagraph (D) of this subsection.

“(D) In this paragraph, the term ‘eligible candidate’ means, with respect to any period, a candidate for nomination for election for the office of President who is not eligible under subparagraph (A) from a candidate, or

(i) by striking “(1) the eligible candidate” 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 campaign 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 amount of such payments received by the candidate.

“(E) In the case of a candidate who is eligible to receive payments under section 9006 and who is opposed by a nonparticipating primary candidate of another political party with which the candidate is affiliated, the amount of such payments received by the candidate is increased by the amount of such payments received by the candidate.

“(F) The process for determining the eligibility of additional public financing payments for candidates is the same as under section 315(b)(1) of the Federal Election Campaign Act of 1971, but if a candidate qualifies under subparagraph (C) thereof, the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount.

“(G) Certification.—Not later than 24 hours after receiving any written notice under subparagraph (A) of the Commission, the candidate shall notify the Secretary of the Treasury in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount.

“(H) Section 9006(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(i) IN GENERAL.—The first sentence of section 9006(b) of the Internal Revenue Code of 1986 is amended 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."

“(ii) Conforming Amendment.—The first sentence of section 9006(c) of such Code is amended by striking “certification by the Comptroller General under section 9005” and inserting “the time of making a payment under subsection (b)."

SEC. 6. ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL 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 “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 as follows: “(1) in the first sentence, by striking “$3” and inserting “$10”;

and

(2) in the second sentence—

(A) by striking “$5” and inserting “$30”;

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:

“(4) INDEXING OF AMOUNT DESIGNATED.—

“(1) IN GENERAL.—With respect to each taxable year after 2016, an amount equal to 50 percent of the amount designated under subsection (a) in the first sentence shall be the amount designated under subsection (a) for such taxable year, but such amount shall be rounded to the nearest multiple of $1."

“(2) CERTIFICATION.—Not later than 24 hours after receiving any written notice under subparagraph (A) of the Commission, the candidate shall notify the Secretary of the Treasury in writing that the candidate is eligible for additional payments under section 9033(c) of the Internal Revenue Code of 1986; and

“(3) any other notice that the candidate is entitled to receive payments under section 9033 of the Internal Revenue Code of 1986 of the amount of the increased limitation applicable to eligible candidates under subsection (b)(3); and

“(4) in the case of a notice under subparagraph (A)(i), notify the national committee of a political party with which the candidate is affiliated of the inapplicability of expenditure limits under section 315(d)(2) pursuant to subparagraph (b)(3)."
“(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)(2) 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) PREPARATION OF ELECTION CAMPAIGN 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:

“(1) 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 fund during the period ending the following new subsection:

“(n) FUNDING OF BUNDLED CONTRIBUTIONS.—

“(a) IN GENERAL.—Section 9008(a) of the Internal Revenue Code of 1986 is amended by adding after 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.”.

“(2) CONFORMING AMENDMENT.—The second sentence of section 9037(a) of such Code is amended by striking “and for fiscal year 2007” and inserting “(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)(2) 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.”.

“(b) 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.”.

“(c) PREPARATION OF ELECTION CAMPAIGN 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:

“(1) 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 fund during the period ending

“(SECTION 9. REPEAL OF PRIORITY IN USE OF FUNDS CONCERNING BUNDLED CONVENTIONS.

“(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:

“(e) 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, campaign headquarters, or other entity expending funds in connection with such a convention, unless such fund—

“(A) are 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) CONFORMING AMENDMENT.—The second sentence of section 9037(a) of such Code is amended by striking “and for fiscal year 2007” and inserting “and for fiscal year 2008”.

“(b) E XCEPTION.

“(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 (c) to which the party is subject; and

“(B) the party 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. DESIGNATION OF BUNDLED CONTRIBUTIONS.

“(a) IN GENERAL.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 446(b)) is amended—

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

“(2) by striking the period at the end of paragraphs (8) and inserting “; and”;

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

“(9) in the case of an authorized committee of a political party that includes public funds, as determined by the Commission, paid 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. 12. OFFSET.

“(a) IN GENERAL.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5601(c)(1)(A)) is amended—

“(1) by striking “and “$200,000,000 for each for each 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 $20 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 during the current election cycle. The bill defines “contribution” as “a gift of money made by a written instrument which identifies the person making the contribution or the person in whose behalf it is made.”

(b) Eligibility for matching funds: Current law requires candidates to raise $5,000 in matching funds (current law limits this 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) 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 in 2004 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 2: REQUIRING PARTICIPATION IN PRIMARY ELECTIONS AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTION PAYMENTS

Currently, candidates can participate in either the primary or the general election public financing system, or both. Under the bill, if a candidate must participate in the primary matching system in order to be eligible to receive public funds in the general election, the candidate must pledge to participate in the spending and 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 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 limit of $20 million and a primary spending limit of $15 million. To be eligible to receive contributions, the participating candidate must raise funds under this bill, a candidate must raise $25,000 of matchable contributions (up to $200 per individual) 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 in 2004 and to not exceed the general election spending limits. The entire cost of a 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 committee 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 3: ADDITIONAL PAYMENTS AND INCREASED EXPENDITURE 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 an additional match of $50 million when a nonparticipating candidatecandidate crosses the 120 percent threshold. In addition, the participating candidate’s primary spending limit is raised by $50 million when a nonparticipating candidate candidate spends more than 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 $210 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 grant candidates shall receive 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 spending amounts that exceed 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 4: ESTABLISHMENT OF UNIFORM DATE FOR RELEASE FROM PRIORITIES OF ELECTION CAMPAIGN FUNDS TO ELIGIBLE CANDIDATES

Under current law, candidates participating in the system of the general election who receive 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. Any candidate’s formal nomination occurs later.

SECTION 5: REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INCOME 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 check-off. The bill is required to inform and educate the public about the purpose of the Presidential Election Campaign Fund ("PECF") and how to make a contribution. Funds contributed up to $200 million in a four year presidential election cycle, will come from the PECF.

SECTION 6: AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND

Under current law, in January of an election year if the Treasury Department determines that there are more than $240 million in the PECF to make the required payments to participating primary candidates, the party conventions, and the general election candidates, the bill shall be made available to participating primary candidates and it cannot make up the short-fall from any other source until those funds come in. Under the bill, if all of the funds made available to the Department can include an estimate of the amount that will be received by the PECF during that election year, but the estimate will be made available to participating candidates. This section makes funds available for the conventions only if all participating candidates have received the funds to which they are entitled.

SECTION 7: DISCLOSURE OF BUNDLED CONTRIBUTIONS

(a) Soft money ban: National political parties and federal candidates and officeholders are prohibited from accepting or soliciting 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 a 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 8: REGULATION OF CONVENTION FINANCING

(a) Soft money ban: National political parties and federal candidates and officeholders are prohibited from accepting or soliciting 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 a 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 9: REPEAL OF PRIORITY IN USE OF FEDERAL 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 to participating candidates. This section makes funds available for the conventions only if all participating candidates have received the funds to which they are entitled.
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. Together, we 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 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.

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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 rework for this legislation.

Sincerely,

LARRY LEVINE,
President, JUDITH WERNER GOODNUR, 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 provide grants to states to expand and improve the dissemination of educational resources to the public providers of neonatal care.

As you know, disparities among states in health screening at birth mean too many babies are being born with serious birth defects that 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. The United States were tested for all of the recommended conditions for at birth and improve the dissemination of educational resources to the public providers of neonatal care.

By Mr. DURBIN (for himself and Mr. COLEMAN):
S. 374. 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 was the 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 me 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 to have 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 the politician is about being the helpful. He believed there is some mission. He used to tell people that the mission was to help build this global awareness of global competence and ability to appreciate language and culture throughout the world. He believed there is some mission to strengthening our ability to lead by example.

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 we could build a 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 fairest and most 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 that 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 its citizens have an adequate 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 national comprehension 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.

A lack of worldliness 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.

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—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 $200 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 they believe we have won 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 a federal, a 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 is that we school new generations of children that spell the success of that nation. We learn 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. If I can recall visiting Nepal. I went with a 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. When we trekked up there at high altitude, and 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, he 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.

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, and 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.

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. If we want to become great as a major nation, we 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. M. 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 extend the temporary program of assistance for United States citizens returned from foreign countries, and for other purposes; which was rejected to lie on the table.

SA 4697. Mr. INHOFE 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 rejected to lie on the table.

SA 4698. Ms. FEINSTEIN (for herself and Mr. DAVIES) submitted an amendment intended to be proposed by her 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 rejected to lie on the table.

SA 4699. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUYE, Ms. COLLINS, Ms. CANTWELL, Mr. LUTENBERG, Mrs. BOXER, Mr. MENENDEZ, Mr. LIEBERMAN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 3711, to ammend the Defense Production Act of 1950 to strengthen domestic production and manufacturing; which was rejected 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, to require that the President report to Congress on the situation in the Middle East; which was rejected to lie on the table.

SA 4701. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 3711, to ensure that United States military forces are used in accordance with international laws; which was rejected to lie on the table.

SA 4702. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 3711, to require the Department of State to report to Congress on the status of assistance to the private sector; which was rejected to lie on the table.

SA 4703. Mr. BAYH proposed an amendment to the bill S. 3649, 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, Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance