S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2088

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2129

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2129, a bill to amend the Internal Revenue Code of 1986 to establish the infrastructure foundation for the hydrogen economy, and for other purposes.

S. 2133

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2133, a bill to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Delaware (Mr. CARPER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2279

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2307

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2307, a bill to amend the Global Change Research Act of 1990, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2334

At the request of Mr. BARRASSO, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2334, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2344

At the request of Mr. MENENDEZ, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2344, a bill to create a competitive grant program to provide for age-appropriate Internet education for children.

S. 2347

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2355

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2355, a bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 2356

At the request of Mr. COLEMAN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2356, a bill to enhance national security by restricting access of illegal aliens to driver's licenses and State-issued identification documents.

S. 2372

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2400

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Virginia (Mr. WEBB), and the Senator from Montana (Mr. TESTER) were added as cosponsors of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. ENSIGN, Ms. STABENOW, and Mr. MARTINEZ):

S. 2408. A bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program; to the Committee on Finance.

Mr. KERRY. Mr. President, seven thousand Americans die every year because of preventable adverse drug events. Tens of thousands of more are injured. Meanwhile, of the three billion prescriptions that are written each year, doctors report that nearly one billion of them required a followup for clarity, costing our health care system billions of dollars a year. That is why I am pleased to join my colleagues Senator ENSIGN, Senator STABENOW and Senator MARTINEZ to introduce critical legislation to help bring our health care system into the 21st century through electronic prescribing, e-prescribing, of medications in the Medicare program.

The benefits of e-prescribing are clear and compelling. When a doctor ''writes'' an electronic prescription, a computer or handheld device warns of potentially dangerous interactions or allergies or informs a physician whether a particular drug is covered by a patient's insurance. It also tells the physician whether a chemically identical generic alternative is available at a fraction of the price. The path to a more modern, accountable health care system starts with health information technology. The path to robust health information technology starts with e-prescribing.

This legislation would provide permanent funding for physician payment bonuses in Medicare to help offset the costs of acquiring e-prescribing systems and to incentivize the use of the

technology. The bill would also require all physicians in Medicare to use e-prescribing starting in 2011—1 year later than the Institute of Medicine recommended in their recent study. We have talked long enough about using technology to stem perpetually rising health care costs and poor quality, and our legislation takes an important step to do something about it.

I want to give particular credit to Mark Merritt and his team at Pharmaceutical Care Management Association, PCMA, for their hard work and leadership. PCMA is responsible for a seminal study in this field, which showed for the first time that broader adoption of e-prescribing will not only save lives, but will also save billions of dollars for patients, payers and taxpayers alike. Perhaps most importantly, PCMA created a strong and diverse coalition of health care stakeholders to advocate for this legislation, including business, labor, consumer advocates, physicians, health plans, pharmacists, and drug manufacturers. The PCMA-led coalition has worked diligently on Capitol Hill in support of this important issue. They have educated Congress on e-prescribing and are helping to make sure that we get the policy right.

The Medicare E–MEDS Act gets it right. The standards and interoperability for e-prescribing are in place; the technology is affordable; and, most importantly, the dramatic benefits for patients and health care purchasers—especially the Federal Government—are overwhelmingly clear. This bill is a solid step towards addressing these important issues in the delivery of our Nation's health care. It is time that Congress act to save lives and increase efficiency in America's health care system.

Mr. President, I ask for 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 the printed in the RECORD, as follows:

S. 2408

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 ''Medicare Electronic Medication and Safety Protection (E-MEDS) Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Patient safety is an important issue and a priority among patients, providers, insurers, businesses, and government entities alike.

(2) Adverse drug events are defined by the Institute of Medicine as ''any injury due to medication''.

(3) According to the Institute of Medicine, more then 1.5 million preventable adverse drug events occur every year in the United States.

(4) Studies indicate that at least 530,000 preventable adverse drug events occur each year among the Medicare population, and cost the Federal Government upwards of $887,000,000, or $1,983 per person.

(5) Electronic prescription drug programs, or e-prescribing, provide for the electronic transmittal of prescription information from the prescribing health care provider to the dispensing pharmacy and pharmacist.

(6) Electronic prescribing provides formulary and coverage information before a prescription is written to better inform the patient and prescriber of lower cost options, including generics.

(7) E-prescribing can help to eliminate medical errors, injuries, hospitalizations, and even death that can result from illegible prescriptions and bad drug interactions, in addition to reducing patient medication nonadherence.

(8) The Institute of Medicine recommends that all physicians create a plan to implement and use e-prescribing technology by 2010.

SEC. 3. INCENTIVES FOR USE OF E-PRESCRIBING UNDER MEDICARE.

(a) BONUS PAYMENTS.—Section 1833 of the Social Security Act (42 U.S.C. 13951) is amended by adding at the end the following new subsection:

''(v) INCENTIVE PAYMENTS FOR PHYSICIAN USE OF E-PRESCRIBING.—

''(1) ONE-TIME BONUS FOR START-UP COSTS.—

''(A) IN GENERAL.—If the Secretary determines, based upon coding in claims submitted under this part over a duration specified by the Secretary, that a physician meets a threshold volume or proportion (as specified by the Secretary) of claims for physicians' services for individuals enrolled under this part that—

''(i) are classified (under section 1848) as evaluation and management services;

''(ii) include the making of a prescription that could under law be made using the electronic prescription drug program; and

''(iii) use the electronic prescription drug program for such prescription,

the Secretary shall make a payment to the physician, in addition to any other payment under this part, of the amount specified in subparagraph (B). Not more than one payment may be made under this subsection with respect to any physician.

''(B) AMOUNT.—The payment amount under subparagraph (A) shall be, in the case of a physician that meets the conditions of subparagraph (A) for a period that begins during—

''(i) 2008 or 2009, $2,000;

''(ii) 2010 or 2011, $1,500; or

''(iii) 2012 or a subsequent year, $1,000.

''(2) ON-GOING BONUS FOR USE OF E-PRESCRIBING.—

''(A) IN GENERAL.—If the Secretary determines, based upon coding in claims submitted under this part over a period specified by the Secretary, that a physician uses the electronic prescription drug program for prescribing at least a threshold volume or proportion (as specified by the Secretary) of claims for physicians' services for individuals enrolled under this part, in addition to the amount of payment that would otherwise be made under this part for physicians' services by the physician that are classified as evaluation and management services under section 1848, there also shall be paid to the physician an amount equal to 1 percent of the allowed charges for such services. In applying the previous sentence, there shall not be taken into account claims for prescriptions written for controlled substances which may not under law be prescribed using the electronic prescription drug program.

''(B) APPLICATION TO PHYSICIAN SHORTAGE BONUSES.—The additional payment under this paragraph shall be taken into account in applying subsections (m) and (u).

''(3) AUDITING.—Provisions applicable to the auditing of claims for payment and enforcement of false claims under this part shall apply to claims for payment under this subsection.

''(4) ELECTRONIC PRESCRIPTION DRUG PROGRAM DEFINED.—In this subsection, the term 'electronic prescription drug program' means the program established under section 1860D–4(e).''.

(b) REQUIREMENT FOR USE OF E-PRESCRIBING.—Section 1848(a) of such Act (42 U.S.C. 1395w–8(a)) is amended by adding at the end the following new paragraph:

''(5) ADJUSTMENT IN FEE SCHEDULE FOR FAILURE TO USE E-PRESCRIBING.—

''(A) IN GENERAL.—Subject to subparagraph (B), effective for physicians' services furnished on or after January 1, 2011, in the case of such services—

''(i) that are classified as evaluation and management services under this section; and

''(ii) in connection with which there was one or more prescriptions made that could have been made, but were not all made, under the electronic prescription drug program,

the fee schedule amount otherwise applicable under this section shall be reduced by 10 percent.

''(B) WAIVER.—The Secretary may waive the application of subparagraph (A) until January 1, 2012, or January 1, 2013, as specified by the Secretary, in cases of demonstrated hardship or unforeseen circumstances specified by the Secretary.''.

SEC. 4. REPORTS ON E-PRESCRIBING.

(a) CMS REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Centers for Medicare & Medicaid Services shall submit to Congress a report on progress on implementing e-prescribing under the Medicare electronic prescription drug program under section 1860D–4(e) of the Social Security Act (42 U.S.C. 1395w–104(e)).

(2) ITEMS INCLUDED.—Such report shall include information on—

(A) the percentage of Medicare physicians that utilize the electronic prescription drug program;

(B) the estimated savings resulting from the use of e-prescribing; and

(C) progress on reducing avoidable medical errors resulting from the use of e-prescribing.

(b) GAO REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the impact of implementation of such program on physicians.

(2) ITEMS INCLUDED.—Such report shall include information on—

(A) factors influencing the adopting of e-prescribing by physicians; and

(B) the impact of this Act on physicians practicing in individual or small group practices and on physicians practicing in rural areas.

By Mr. WYDEN (for himself and Mr. OBAMA):

S. 2411. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Banking, Housing, And Urban Affairs.

Mr. WYDEN. Mr. President, credit card debt is hitting American families like a wrecking ball, with our families already being hammered by skyrocketing fuel prices and the subprime mortgage mess. We have seen credit card debt go up almost 25 percent in the last 3 years. I have brought to the floor a typical credit card agreement

that millions of our citizens enter into. It is 44 pages long. You can't see it from the chair, but it goes on and on and on with small print. It is very obvious to me that buried in all of this legalese, buried in all of this technical jargon, is a variety of sneaky terms that end up hurting consumers because it is not possible to understand what is in much of the key provisions of these agreements. For example, we understand folks in New Jersey, Oregon, or anywhere else pay a lot of attention to the interest rate provision. They pay a lot of attention to the annual fee provision. But they don't notice a lot of the little disclosures that end up hidden in the legalese that can end up making the real cost of credit significantly higher.

Last week, I met with students across the State of Oregon. A lot of them, with the financial aid cutbacks, are now walking on an economic tightrope. They balance their food bills against their fuel bills and their fuel bills against their housing costs. They are on an economic tightrope. They are getting buried in credit card debt. Very often they find, for example, that if they have a credit card, and they are late on another payment with someone else, their credit card interest rate ends up going up as a result. There may be a small provision in their existing credit card agreement that allows it, but nobody, for the most part, knows about it.

Students would say their interest rates would double almost overnight with virtually no notice. They would not be given any clear communication about what is going on. They would just find their costs would arbitrarily skyrocket, and they would again be unable to pay their bills.

Now, I recognize in a free society folks have a constitutional right to be foolish, to rack up charges that would not be wise, but they can do so anyway in a free society. I do not think most people will do that, certainly not the students I met with in Oregon last week, if it is possible to understand the terms of these credit cards in straightforward, plain and simple English rather than see the key provisions buried in all kinds of legalese that you would have to be a wizard to sort out.

So I am proposing today, with the support of our colleague, Senator OBAMA from Illinois, that the Federal Reserve, which has great expertise in this area, set up a safety rating system for credit cards—not one that evaluates credit card companies on provisions that are appropriately evaluated in the marketplace, but on safety matters—for example, whether a credit card company gives the consumer adequate notice before they change terms; whether, for example, they highlight the key kinds of changes rather than bury them in the small print.

I think the Federal Reserve, with the technical expertise they have and the independent judgment they bring to these financial questions, is the ideal place to develop and operate a safety rating system. Such a system has worked quite well for new cars. When you have a rating system for cars, people can understand how they would be protected in a crash. The legislation I am offering will tell people whether credit card companies are treating them fairly and disclosing the key provisions so that a free market can work.

So under the rating system I propose today with Senator OBAMA, it would be required for credit card companies to put on the card itself, put on the various promotional materials they are using, stars which, in effect, would be granted on the basis of the Federal Reserve's independent judgment as to whether the key safety criteria are being met.

I am very hopeful that at a time when our citizens are being pounded by powerful economic forces, particularly in the energy and housing field, there could at least be bipartisan agreement that the Senate could support transparency, disclosure, changes in the credit card business, so our consumers—and millions are using these credit cards during this holiday season—can understand the agreements they are getting into.

The students I met with last week are taking steps now to better police what is going on in the credit card field. On several campuses in Oregon, they have moved the credit card companies off campus. Yet the credit card companies continue to flood the students with promotional material.

I was told, for example, about one program where students were brought into a room where money was essentially floating in the air, where it was as if you would be going to a financial paradise if you just signed up for one of these credit card agreements.

I am not proposing heavy-handed regulation. I am not proposing one-size-fits-all government. I am proposing that an agency with the expertise to make sure there is disclosure, that the forms and agreements are printed in simple English—that that kind of information be rewarded in the marketplace. If companies are not willing to do it, the American people could find that out as well.

That is the kind of simple, straightforward approach—with disclosure, transparency, in simple English—that makes sense for the digital age. With the Federal Reserve completing that first safety rating, all Americans could get that kind of information quickly and conveniently. That is what is in the interest of the American people with respect to this credit card debt issue at a critical time.

I hope my colleagues will support the legislation I introduce today with Senator OBAMA.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. OBAMA, Mr. DURBIN, Mrs. CLINTON, Mr. BIDEN, Mr. DODD, and Mr. KERRY):

S. 2412. 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 reintroduce a bill to repair and strengthen the presidential public financing system. Bipartisan support is a key element of successful campaign finance reform efforts, and I am therefore delighted that the junior Senator from Maine, Sen. COLLINS, has agreed to be the principal cosponsor of the bill.

The Presidential Funding Act of 2007 will ensure that this system will continue to fulfill its promise in the 21st century. The bill will take effect in January 2009, so it will first apply in the 2012 presidential election.

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 in Buckley. 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 as well.

In the 2004 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 accepted the general election grant. Several of the leading candidates for President in the 2008 election are not participating in the primary system, and it remains to be seen whether either major party candidate will accept public funds in the general election.

It is unfortunate that the matching funds system for the primaries has become less practicable. 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 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 participants in the system, experts on the presidential election financing process, and an electorate that is increasingly dismayed by the influence of money in politics. First and most important, it eliminates the state-by-state primary spending limits in the current law and substantially increases the overall primary 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. 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. 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 opposing 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 has 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 until funds for the general election are made available. 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 the ''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 6 months before the date of the first primary or caucus, that's approximately 6 months earlier than is currently the case. For another, it sets a single date for release of the public grants for the general election—the Friday before Labor Day. This addresses an inequity in the current system, under which the general election grants are released after each nominating convention, which can be several weeks apart.

The bill also prohibits Federal elected officials and candidates from soliciting soft money for use in funding the party conventions and requires presidential candidates to disclose bundled contributions. The bundling provision builds on a provision contained in ethics and lobbying reform bill enacted earlier this year. It requires presidential candidates to disclose all bundlers of $50,000 or more.

The purpose of this bill is to improve the campaign finance system, not to advance one party's interests. In fact, this is an excellent time to make changes in the Presidential public funding system. The 2008 presidential campaign, which is already underway, will undoubtedly be the most expensive in history. A number of candidates from both parties have opted out of the primary matching funds system, and some experts predict that one or both major party nominees will even refuse public grants for the general election period. It is too late to make the changes needed to repair the system for the 2008 election. But if we act now, we can make sure that an updated and revised system is in place for the 2012 election. If we act now, I am certain that the 2008 campaign cycle will confirm our foresight. If we do nothing, 2008 will continue and accelerate the slide of the current system into irrelevancy.

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 $365 million over the 4-year election cycle. To offset that increased cost, this bill first amends the Energy Policy Act of 2005 to allow the Bureau of Land Management to implement new user fees for processing oil and gas permits. It also amends the Geothermal Steam Act of 1970 to increase the yearly maintenance fee and one-time location fee for holders of more than 10 mining claims on federal land to $150 and $50 per claim, respectively, and imposes a 4 percent royalty on the gross income from mining on existing claims. Finally, it amends the Public Rangelands Improvement Act of 1978 to use a state's fee formula to establish the grazing fees for federal land in that state.

Though the numbers are large, this is actually a very small investment to make to protect our democracy and preserve the 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 to ensure the fairness of our elections and the confidence of our citizens in the process by repairing the cornerstone of the Watergate reforms.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

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

S. 2412

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 2007''.

(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.—Section 9032(6) of such Code is amended by striking ''the beginning of the calendar year in which a general election for the office of President of the United States will be held'' and inserting ''the date that is 6 months prior to the date of the earliest State primary election''.

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. 441a(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 the beginning 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) 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(j)(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:

''(j) 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 2008, 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 2008.''.

(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. REGULATION OF CONVENTION FINANCING.

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.—Any person described in subsection (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—

''(1) 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

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

SEC. 10. DISCLOSURE OF BUNDLED CONTRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.

(a) IN GENERAL.—Paragraphs (1) through (3) of section 304(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(i)) are amended to read as follows:

''(1) IN GENERAL.—

''(A) DISCLOSURE OF BUNDLED CONTRIBUTIONS BY LOBBYISTS.—Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

''(B) DISCLOSURE OF BUNDLED CONTRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.—Each committee which is an authorized committee of a candidate for the office of President or for nomination to such office shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the election cycle, and the aggregate amount of the bundled contributions provided by each such person during the covered period and such election cycle. Such schedule shall include a separate listing of the name, address, and employer of each person included on such schedule who is reasonably known by the committee to be a person described in paragraph (7), together with the aggregate amount of bundled contributions provided by such person during such period and such cycle.

''(2) COVERED PERIOD.—In this subsection, a 'covered period' means—

''(A) with respect to a committee which is an authorized committee of a candidate for the office of President or for nomination to such office—

''(i) the 4-year election cycle ending with the date of the election for the office of the President; and

''(ii) any reporting period applicable to the committee under this section during which any person provided 2 or more bundled contributions to the committee; and

''(B) with respect to any other committee—

''(i) the period beginning January 1 and ending June 30 of each year;

''(ii) the period beginning July 1 and ending December 31 of each year; and

''(iii) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

''(3) APPLICABLE THRESHOLD.—

''(A) IN GENERAL.—In this subsection, the 'applicable threshold' is—

''(i) $50,000 in the case of a committee which is an authorized committee of a candidate for the office of President or for nomination to such office; and

''(ii) $15,000 in the case of any other committee.

In determining whether the amount of bundled contributions provided to a committee by a person exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person's spouse.

''(B) INDEXING.—In any calendar year after 2007, section 315(c)(1)(B) shall apply to each amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the 'base period' shall be 2006.''.

(b) CONFORMING AMENDMENTS.—Subsection (i) of section 304 of such Act (2 U.S.C. 434) is amended—

(1) in paragraph (5), by striking ''described in paragraph (7)'' each place it appears in subparagraphs (C) and (D);

(2) in paragraph (6), by inserting ''(other than a candidate for the office of President or for nomination to such office)'' after ''candidate''; and

(3) in paragraph (8)(A)—

(A) by striking '', with respect to a committee described in paragraph (6) and a person described in paragraph (7),'' and inserting '', with respect to a committee described in paragraph (6) or an authorized committee of a candidate for the office of President or for nomination to such office,'';

(B) by striking ''by the person'' in clause (i) thereof and inserting ''by any person''; and

(C) by striking ''the person'' each place it appears in clause (ii) and inserting ''such person''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reports filed under section 304 of the Federal Election Campaign Act of 1971 after January 1, 2009.

SEC. 11. 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. 12. OFFSETS.

(a) REMOVAL OF PROHIBITION ON INCREASING FEES FOR PERMITS.—Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsection (j) as subsection (i).

(b) DISPOSAL OF MONEYS FROM SALES, BONUSES, RENTALS, AND ROYALTIES.—Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

''SEC. 20. DISPOSAL OF MONEYS FROM SALES, BONUSES, RENTALS, AND ROYALTIES.

''Subject to section 35 of the Mineral Leasing Act (30 U.S.C. 192), all funds received from the sales, bonuses, royalties, and rentals under this Act (including payments referred to in section 6) shall be disposed of in the same manner as funds received pursuant to section 6 of this Act or section 35 of the Mineral Leasing Act (30 U.S.C. 192), as the case may be.''.

(c) ROYALTY FOR HARDROCK MINING.—The Revised Statutes are amended by inserting after section 2352 (30 U.S.C. 76) the following:

''SEC. 2353. RESERVATION OF ROYALTY.

''(a) DEFINITION OF LOCATABLE MINERAL.—In this section:

''(1) IN GENERAL.—The term 'locatable mineral' means any mineral, the legal and beneficial title to which remains in the United States and that is not subject to disposition under—

''(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

''(B) the Act of August 7, 1947 (commonly known as the 'Mineral Leasing Act for Acquired Lands') (30 U.S.C. 351 et seq.);

''(C) the Act of July 31, 1947 (commonly known as the 'Materials Act of 1947') (30 U.S.C. 601 et seq.); or

''(D) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

''(2) EXCLUSIONS.—The term 'locatable mineral' does not include any mineral that is subject to a restriction against alienation imposed by the United States and is—

''(A) held in trust by the United States for any Indian or Indian tribe (as defined in section 2 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101)); or

''(B) owned by any Indian or Indian tribe (s defined in section 2 of that Act).

''(b) ROYALTY.—Except as otherwise provided in this section, production of all locatable minerals from any mining claim located under the general mining laws, or mineral concentrates or products derived from locatable minerals from any such mining claim, as the case may be, shall be subject to a royalty of 8 percent of the gross income from mining.

''(c) LIABILITY FOR PAYMENT.—The claim holder or any operator to whom the claim holder has assigned the obligation to make royalty payments under the claim, and any person who controls the claim holder or operator, shall be liable for payment of royalties under this section.

''(d) ROYALTY FOR FEDERAL LAND SUBJECT TO EXISTING PERMIT.—The royalty under subsection (b) shall be 4 percent in the case of any Federal land that—

''(1) is subject to an operations permit on the date of enactment of this section; and

''(2) produces valuable locatable minerals in commercial quantities on the date of enactment of this section.

''(e) FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.—Any Federal land added through a plan modification to an operations permit that is submitted after the date of enactment of this section shall be subject to the royalty that applies to Federal land under subsection (b).

''(f) DEPOSIT.—Amounts received by the United States as royalties under this section shall be deposited into the general fund of the Treasury.''.

(d) HARDROCK MINING CLAIM MAINTENANCE FEE.—

(1) FEE.—

(A) IN GENERAL.—Except as provided in section 2511(e)(2) of the Energy Policy Act of 1992 (30 U.S.C. 242(e)(2)), for each unpatented mining claim, mill, or tunnel site on federally owned land, whether located before, on, or after enactment of this Act, each claimant shall pay to the Secretary, on or before August 31 of each year, a claim maintenance fee of $150 per claim to hold the unpatented mining claim, mill, or tunnel site for the assessment year beginning at noon on September 1.

(B) RELATION TO OTHER LAW.—A claim maintenance fee described in subparagraph (A) shall be in lieu of—

(i) the assessment work requirement in section 2324 of the Revised Statutes (30 U.S.C. 28); and

(ii) the related filing requirements in subsections (a) and (c) of section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744).

(C) WAIVER.—

(i) IN GENERAL.—The claim maintenance fee required under subparagraph (A) shall be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(I) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination of mining claims, mill sites, or tunnel sites, on public land; and

(II) have performed assessment work required under section 2324 of the Revised Statutes (30 U.S.C. 28) to maintain the mining claims held by the claimant and all related parties for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(ii) DEFINITION OF ALL RELATED PARTIES.—In clause (i), with the respect to any claimant, the term ''all related parties'' means—

(I) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claimant; or

(II) a person affiliated with the claimant, including—

(aa) a person controlled by, controlling, or under common control with the claimant; or

(bb) a subsidiary or parent company or corporation of the claimant.

(D) ADJUSTMENT.—

(i) IN GENERAL.—Not less than 5 years after the date of enactment of this Act, and every 5 years thereafter, or more frequently if the Secretary determines an adjustment to be reasonable, the Secretary shall adjust the claim maintenance fee required under subparagraph (A) to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(ii) NOTIFICATION.—Not later than July 1 of any year in which an adjustment is made under clause (i), the Secretary shall provide claimants notice of the adjustment.

(iii) APPLICATION.—A fee adjustment under clause (i) shall be effective beginning January 1 of the calendar year following the calendar year in which the adjustment is made.

(2) LOCATION FEE.—Notwithstanding any other provision of law, for each unpatented mining claim, mill, or tunnel site located during the period beginning on the date of enactment of this Act and ending on September 30, 1998, the locator shall, at the time the location notice is recorded with the Bureau of Land Management, pay to the Secretary a location fee, in addition to the fee required by paragraph (1), of $50 per claim.

(3) DEPOSIT.—Amounts received under paragraph (1) or (2) that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited into the general fund of the Treasury.

(4) CO-OWNERSHIP.—The co-ownership provisions of section 2324 of the Revised Statutes (30 U.S.C. 28) shall remain in effect except that the annual claim maintenance fee, if applicable, shall replace applicable assessment requirements and expenditures.

(5) FAILURE TO PAY.—Failure to pay the claim maintenance fee required by paragraph (1) shall conclusively constitute a forfeiture of the unpatented mining claim, mill, or tunnel site by the claimant and the claim shall be considered to be null and void by operation of law.

(6) OTHER REQUIREMENTS.—

(A) RELATION TO OTHER LAW.—Nothing in this section changes or modifies the requirements of subsections (b) or (c) of section 314(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744).

(B) CONFORMING AMENDMENT.—Section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) is amended by inserting ''or section 12(d)(1) of the Presidential Funding Act of 2007'' after ''Act of 1993,''.

(e) GRAZING FEES.—Section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905) is amended by striking ''the $1.23 base'' and all that follows through ''previous year's fee'' and inserting ''an amount determined in the same manner as the State in which the land is located determines the amount of fees charged for public grazing on land owned by the State, as determined by the Secretary of Agriculture and the Secretary of the Interior, as appropriate''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the 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, 2009.

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 six months prior to the first state caucus or primary.

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 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. The amount will be adjusted for inflation, and rounded to the nearest dollar, beginning in 2009.

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: REGULATION OF CONVENTION FINANCING

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.

SECTION 10: DISCLOSURE OF BUNDLED CONTRIBUTIONS

This section builds on the bundling disclosure provision of the Honest Leadership and Open Government Act of 2007 (''HLOGA'') to require presidential campaigns to disclose

the name, address, and employer of all individuals or groups that bundle contributions totaling more than $50,000 in the four year election cycle. Individuals who are registered lobbyists would have to be separately identified. HLOGA's definition of bundling would apply to bundling disclosure by the presidential candidates, and no change is made to the requirements of HLOGA with respect to congressional campaigns.

SECTION 11: 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 12: OFFSET

This section provides an offset for the increased cost of the presidential public funding system. The total increased cost is estimated to be $365 million over four years. The bill (1) authorizes the Bureau of Land Management to implement new user fees for processing oil and gas permits; (2) increases the yearly maintenance fee and one-time location fee for holders of more than 10 mining claims on federal land to $150 and $50 per claim, respectively, and imposes a 4% royalty on the gross income from mining on existing claims; and (3) uses state formulas to set federal grazing fees.

SECTION 13: EFFECTIVE DATE

Provides that the amendments will apply to presidential elections occurring after January 1, 2009.

Ms. COLLINS. Mr. President. I rise to join my friend from Wisconsin, Senator FEINGOLD, in introducing the Presidential Funding Act of 2007.

It was 100 years ago that the reformer President Theodore Roosevelt proposed ''a very radical measure'' in his State of the Union message to Congress. He envisioned a system of campaign financing that would include a congressional appropriation to support national campaigns so that, as he said, ''The need for collecting large campaign funds would vanish.''

When the campaign financing reforms of the 1970s were enacted, it was hoped that we would draw closer to achieving Theodore Roosevelt's goal of funding the pursuit of our highest public office largely from public rather than private funds.

Our Presidential-campaign finance system still suffers from serious defects, however, and current events are dramatically highlighting the need for continued reform and improvement.

The current Presidential campaign is already shaping up as the most expensive election in history by far. Candidate after candidate has chosen to forego public funds due to fundamental flaws in the system. Fund-raising tallies have already shattered records. If a candidate decides to seek public funding, he or she risks running out of funds to counter candidates who can attract large amounts of private contributions.

Current estimates are that the 2008 contest for the Presidency of the U.S. will cost more than $1 billion. Much of that cost will be incurred in delivering messages to the electorate through advertising and publications of all sorts.

One billion dollars is a huge sum. Yet we cannot expect modern campaigns to be run on budgets that might have sufficed for William McKinley, whose successful 1896 campaign relied heavily on speeches from his front porch in Canton, Ohio, to admirers who came by train to hear him. This idyllic but limited approach to campaigning is long gone.

Unless we wish to return to the cronyism, influence peddling, and restricted suffrage of the 19th century, large expenditures on broadcasting and other media are essential for any campaign that hopes to prevail. That financial fact obliges candidates to spend a great deal of time appearing at exclusive, big-ticket fundraisers.

To allow candidates to spend less time raising money, Congress established a system of public funding for Presidential campaigns that started with the 1976 Presidential election. That system has not been substantially changed since 1984, and its limitations have only become more evident with time.

The central problem is that the system does not provide enough public funds to permit a credible contest against well-bankrolled candidates who have opted out of the public-financing system.

In November 2003, Governor Dean announced that he would opt out of public financing, saying ''floods of special-interest money have forced us to abandon a broken system.'' Senator KERRY also felt obliged to opt out so that he could lend his campaign $6 million rather than be restricted to the use of $50,000 in personal funds.

Citing Senator Dole's campaign in 1996, Senator MCCAIN's campaign in 2000, and Senator EDWARDS's campaign in 2004, the League of Women Voters has spoken of the public system's ''devil's bargain'' for candidates: ''To get matching funds, they have to accept a spending limit that will leave them bankrupt if the contest continues into March. . . . With the underdogs boxed in by the limits, the frontrunners, and others who can afford it, have additional incentive to opt out.''

The bill we introduce today would make a number of important changes.

The key provisions of the Presidential Funding Act of 2007 would increase the public match for primary-season contributions, make funds available earlier in the contest, tie the availability of public funding during the general-election campaign to a candidate's using it during the primary season, provide additional funds if a non-publicly funded opponent spends heavily, and update spending limits to more realistic levels.

All of these steps represent sensible and useful improvements in the campaign-finance system.

I recognize that some of our colleagues and some members of the public are wary of taxpayer-supported funding for Presidential candidates. I can only respond that the alternative—a complete reliance on private contributions—is worse.

I would also reassure doubters that this bill is no giveaway or an inducement to fringe candidates of narrow appeal. Its provisions are predicated upon matches for individual contributions, not absolute grants, and it requires achieving significant levels of individual contributions in at least 20 States.

We all understand that the current system of public funding for campaigns has defects. The growing inclination of candidates to opt out of the system underscores that fact. The Presidential Funding Act of 2007 would cure some serious problems and help restore the appeal of public funding.

If enacted, this bill would take effect in January 2009. By moving toward virtually full realization of Theodore Roosevelt's ''very radical measure,'' we can take a big step toward making the financing, the conduct, and the outcome of the 2012 presidential campaign a genuine source of pride for American citizens of all political affiliations.

By Mr. ENZI (for himself and Mrs. FEINSTEIN):

S. 2413. A bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes; to the Committee on the Judiciary.

Mr. ENZI. Mr. President, the 2007 fire season was one of the worst in recent history. Millions of acres burned across America. The fires destroyed homes, and their damage is estimated in the hundreds of millions of dollars. These fires would have been worse, if not for the skill and bravery of the aerial firefighters who risked their lives to fight them.

Aerial firefighters take on the dangerous tasks of maneuvering aerial vehicles in and out of fire zones. Each time they step in a plane, their life is at risk. Unfortunately, while we expect aerial firefighters to risk their lives to help control fires, we refuse to provide their families with the knowledge that they will be made financially whole if their husband or wife dies in the line of duty.

This is because aerial firefighters do not qualify for death benefits under the Public Safety Officers' Benefit, PSOB, program, which provides financial and educational benefits to individuals serving a public safety agency in an official capacity, on a paid or volunteer basis. Currently, those receiving benefits include, but are not limited to, law enforcement officers, firefighters, emergency medical technicians, ambulance crew members, and corrections officers.

Senator FEINSTEIN and I say that these pilots do the same work and take on the same risks as other public safety officers. They should get the same

benefits. That is the reason that we have introduced the Aerial Firefighter Relief Act of 2007. This important legislation will remedy this problem and makes aerial firefighters eligible for death benefits.

The Department of Justice's Bureau of Justice Assistance, BJA, the agency that administers the PSOB, has ruled that aerial pilots are ineligible because they are contractors and not employed directly by the federal and state agencies involved in wildland fire management and suppression. The 1980 official finding that prohibits the pilots and their families from receiving benefits states that pilots are not ''a 'public safety officer' as this term is defined in the PSOB ACT because [they are] not serving a public agency in an official capacity . . . as a fireman.''

Unfortunately, pilots also often do not receive benefits from their employers. Federal agencies outsource air tanker missions to the lowest-cost private operators who do not provide benefits to keep their costs down. Some companies do offer a minimal amount of life insurance. However, it is expensive, both for the pilot and the contractor. In the ''low cost'' competitive bid situation they are in, the contractors cannot afford to add more expenses to the payroll or they reduce their chances of winning a fire suppression contract—and go out of business. Other forms of life insurance are also difficult to obtain because of the dangerous nature of aerial firefighting.

It is common sense legislation that deserves the support of my colleagues, and I am pleased to have Senator FEINSTEIN as an original cosponsor. In the coming months, I look forward to working with the appropriate committees to move this legislation forward so that our brave aerial firefighters can take to the skies knowing that their families will be taken care of if they pass away taking care of our country.

Mrs. FEINSTEIN. Mr. President, today I am pleased to cosponsor Senator ENZI's Aerial Firefighter Relief Act of 2007.

On August 27, 2001, a California pilot named Larry Groff took off from Ukiah in State Air Tanker 87, doing what he loved, flying and fighting fires.

Like thousands of contract firefighters hired by the Government, he figured that if anything ever happened to him, his family would be taken care of. But that day, while maneuvering above a north coast fire started by a couple of Hells Angels who had blown up their methamphetamine lab, Larry Groff died in a midair collision.

Faced with the prospect of raising their 6 children alone, his widow, Christine Wells-Groff, filed a claim under the Public Safety Officers' Benefit Program. This PSOB Program provides a lump-sum payoff to survivors of any ''public safety officer,'' a term which can include not only actual government employees but also any volunteer or any person acting in a ''similar relationship of performing services as part of a public agency.''

At the time of his death, Larry Groff had been flying a State-operated air tanker. He was wearing a California Department of Forestry uniform. And after his death, the California agency for which he had worked issued an opinion stating that he was an officially recognized member of that agency. But he was also a contract employee.

Because of that, Ms. Wells-Groff's PSOB claim was initially denied by the Bureau of Justice Affairs, based on its opinion that contract employees cannot qualify for PSOB benefits. Ms. Wells-Groff then appealed, and she later convinced a trial court that despite being a contract employee, her husband had held a ''similar relationship of performing services as part of a public agency,'' thereby qualifying him as a ''public safety officer'' entitled to PSOB benefits.

Unfortunately, on July 3, the U.S. Court of Appeals for the Federal Circuit reversed that decision. The appellate court agreed that Mr. Groff's facts might fall within the applicable regulation's key definition of a ''similar relationship'' but it said that the question of whether he had met this standard was not entirely clear and that it would defer to the Government's narrow interpretation of that language, absent further clarification from Congress.

Following this decision, Ms. Wells-Groff petitioned the Supreme Court to take her case. However, it is unclear if the Court will hear the case, let alone decide in her favor. So today, I want to go on record to support the policy that these contract employees should be entitled to the same PSOB benefits as other injured firefighters and volunteers.

The bill that Senator ENZI is introducing and that I am pleased to cosponsor will make it clear that survivors of aerial firefighters like Larry Groff who make the ultimate sacrifice should qualify for PSOB benefits. In addition, this legislation will clarify that the district court was right in the Wells-Groff case. Brave firefighters like Larry Groff, who regularly put their lives on the line in officially sanctioned aerial firefighting activities to protect us, do this country a great service.

This bill will clarify that when actually up in the air carrying out official firefighting missions, contract employees will be deemed to hold a ''similar relationship of performing services as part of a public agency''—and meet the regulatory standard already in place—so that they are covered by the PSOB laws, and their survivors can receive the benefits they need and deserve.

I urge my colleagues to support this legislation.

By Mr. REID (for Mrs. CLINTON):

S. 2415. A bill to require the President and the Office of the Global AIDS Coordinator to establish a comprehensive and integrated HIV prevention strategy to address the vulnerabilities of women and girls in countries for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

Mrs. CLINTON. Mr. President, today I rise to introduce the Protection Against Transmission of HIV for Women and Youth, PATHWAY, Act of 2007, legislation that is a companion to the bill introduced by Representative BARBARA LEE.

Women and girls account for about half of the 33 million infections worldwide. But in the places that are hardest hit by epidemic, AIDS has a disproportionate impact upon women. In sub-Saharan Africa, women account for more than 60 percent of those living with HIV/AIDS. Young women account for 3 out of every 4 new HIV infections among sub-Saharan youth. Our prevention messages are not reaching youth—in studies completed in 17 countries in 2003, more than 75 percent of the young women surveyed could not identify ways to protect themselves against HIV infection.

Clearly, we need to do more to stem the rising tide of HIV infection in women, particularly in sub-Saharan Africa. But what doing more requires is an examination of the factors that contribute to women's vulnerability to HIV infection. There are links between gender-based violence and increased risk for HIV infection, links between lack of education and economic opportunity and increased risk for HIV infection, links between human trafficking and sexual exploitation and increased risk for HIV infection.

Unfortunately, our current policies do not allow us to take these factors into account. The law governing funding of the President's Emergency Plan for AIDS Relief, PEPFAR, requires ⅓ of all prevention funding to be spent on abstinence-until-marriage programs. In addition, a 2005 guidance from the Office of the Global AIDS Coordinator found that countries were directed to spend half of their prevention funds on sexual transmission prevention, with a full ⅔ of that funding to be spent on ''abstinence and be faithful'' programs, rather than comprehensive HIV prevention education efforts.

More than 40 percent of women in Africa and South Asia are married before the age of 18. Directing funding to abstinence-until-marriage programs fails to address their needs. Exhorting them to ''be faithful'' in relationships where they may not have control over their partners' behavior is short-sighted. Making it the official policy of the U.S. Government to restrict funding for efforts that could help these women learn about female-controlled prevention methods is unconscionable.

In 2003, President Bush pledged to prevent 7 million new HIV infections through PEPFAR. But we cannot let that promise go unmet due to ideology.

The legislation I am introducing today will lift restrictions on funding

for our prevention efforts. It will also require the President to develop and implement a coordinated, comprehensive HIV strategy to address gender disparities in HIV infection, with a focus on the stigma surrounding HIV, the links between gender-based violence and HIV infection, the ways in which increasing educational and economic opportunities for women can prevent HIV infection, and ways in which to improve access to female-controlled prevention methods. This strategy is a step forward—one that can ensure that the disproportionate risks faced by too many women are taken into account in our global AIDS efforts.

I look forward to working with my colleagues to ensure that women's vulnerability to HIV infection is addressed as we work to reauthorize PEPFAR.

By Mr. CASEY (for himself, Mr. GRASSLEY, and Mrs. FEINSTEIN):

S. 2418. A bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce the EAT SAFE Act of 2007. I am pleased to be joined by my colleague on the Agriculture Committee, Senator GRASSLEY, to introduce this important piece of food safety legislation.

As we have all seen this past year, in the wake of massive recalls of pet food manufactured using contaminated Chinese gluten and consumer warnings about the safety of various imported food products, ensuring the safety of food products and food ingredients being brought into this country from other nations has taken on a greater urgency.

A report issued in September by the President's Interagency Working Group on Import Safety acknowledged that ''aspects of our present import system must be strengthened to promote security, safety, and trade for the benefit of American consumers.'' The EAT SAFE Act that we are introducing today is designed to address one of those critical aspects of the food and agricultural import system that, in the face of the mounting imported food safety crisis, has received little public focus. That issue is food and other agricultural products that are being smuggled into the U.S.

When many people think of food smuggling, they likely think of it as something that occurs when travelers attempt to bring small amounts of foreign food or agricultural products into the U.S. by concealing it in their vehicles, luggage, or other personal affects. While this type of smuggling is unquestionably a problem that U.S. authorities must and do address, the larger threat of smuggled food and agricultural products comes from the companies, importers, and individuals who circumvent U.S. inspection requirements or restrictions on imports of certain products from a particular country.

The ways in which these companies, importers, and individuals circumvent the system can happen in any number of ways. Many times smuggled products are intentionally mislabeled and bear the identification of a product that can legally enter the country. Other times, smuggled products gain import entry through falsifying the products' countries of origin. And, many times, products that have previously been denied entry are later ''shopped around,'' that is, presented to another U.S. port of entry in the effort to gain importation undetected.

Just some examples of prohibited products discovered in commerce in the United States in recent years include duck parts from Vietnam and poultry products from China, both nations with confirmed human cases of avian influenza; unpasteurized raw cheeses from Mexico containing a bacterium that causes tuberculosis; strawberries from Mexico contaminated with hepatitis A; and mislabeled puffer fish from China containing a potentially deadly toxin. These smuggled food and agriculture products present safety risks to our food, plants, and animals, and pose a threat to our Nation's health, economy, and security.

The EAT SAFE Act addresses these serious risks by applying commonsense measures to protect our food and agricultural supply. This legislation authorizes funding for the U.S. Department of Agriculture and the Food and Drug Administration to bolster their efforts by hiring additional personnel to detect and track smuggled products. It also authorizes funding to provide food safety cross training for Homeland Security Agricultural Specialists and agricultural cross training for Customs' Border Patrol Agents to ensure that those men and women working on the front lines are knowledgeable about these serious food and agricultural threats.

In addition to focusing on increased personal and training, the EAT SAFE Act also seeks to increase importer accountability. The legislation requires private laboratories conducting tests on FDA-regulated products on behalf of importers to apply for and be certified by FDA. It also imposes civil penalties for laboratories or importers who knowingly or conspire to falsify imported product laboratory sampling and for importers who circumvent the USDA import reinspection system.

Finally, the EAT SAFE Act will also ensure increased public awareness of smuggled products, as well as recalled food products, by requiring the USDA and FDA to provide this information to the public in a timely and easily searchable manner.

These commonsense measures are an important first step towards safeguarding Americans' food and agricultural supply and ensuring our Nation's health, economy, and security.

I urge all of my colleagues to support this legislation.

Mr. President, 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. 2418

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 ''Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2007''.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) the safety of the food supply of the United States is vital to—

(A) the health of the citizens of the United States;

(B) the preservation of the confidence of those citizens in the food supply of the United States; and

(C) the success of the food sector of the United States economy;

(2) the United States has the safest food supply in the world, and maintaining a secure domestic food supply is imperative for the national security of the United States;

(3) in a report published by the Government Accountability Office in January 2007, the Comptroller General of the United States described food safety oversight as 1 of the 29 high-risk program areas of the Federal Government; and

(4) the task of preserving the safety of the food supply of the United States is complicated by pressures relating to—

(A) food products that are smuggled or imported into the United States without being screened, monitored, or inspected as required by law; and

(B) the need to improve the enforcement of the United States in reducing the quantity of food products that are—

(i) smuggled into the United States; and

(ii) imported into the United States without being screened, monitored, or inspected as required by law.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Food and Drug Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Animal and Plant Health Inspection Service.

(3) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(4) FOOD DEFENSE THREAT.—The term ''food defense threat'' means any intentional contamination, including any disease, pest, or poisonous agent, that could adversely affect the safety of human or animal food products.

(5) SMUGGLED FOOD PRODUCT.—The term ''smuggled food product'' means a prohibited

human or animal food product that a person fraudulently brings into the United States.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 4. FOOD SAFETY TRAINING, PERSONNEL, AND COORDINATION.

(a) DEPARTMENT.—

(1) TRAINING PROGRAMS.—

(A) AGRICULTURAL SPECIALISTS.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate each Federal employee who is employed in a position described in section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) on issues relating to food safety and agroterrorism.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $1,700,000.

(B) CROSS-TRAINING OF EMPLOYEES OF UNITED STATES CUSTOMS AND BORDER PROTECTION.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate border patrol agents employed by the United States Customs and Border Protection of the Department of Homeland Security about identifying human, animal, and plant health threats and referring the threats to the appropriate agencies.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $4,800,000.

(2) ILLEGAL IMPORT DETECTION PERSONNEL.—Subtitle G of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6981 et seq.) is amended by adding at the end the following:

''SEC. 263. FOOD SAFETY PERSONNEL AND TRAINING.

''(a) ADDITIONAL EMPLOYEES.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2007, the Secretary shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Food Safety and Inspection Service as of October 1, 2007, by 100 employees, in order to—

''(1) provide additional detection of food defense threats;

''(2) detect, track, and remove smuggled human food products from commerce; and

''(3) impose penalties on persons or organizations that threaten the food supply.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.''.

(b) ADMINISTRATION.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 417. FOOD SAFETY PERSONNEL AND TRAINING.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2007, the Administration shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Administration as of October 1, 2007, by 150 employees, in order to—

''(1) provide additional detection of food defense threats;

''(2) detect, track, and remove smuggled food products from commerce; and

''(3) impose penalties on persons or organizations that threaten the food supply.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

(c) COORDINATION OF FEDERAL AGENCIES.—Section 411(b) of the Homeland Security Act of 2002 (6 U.S.C. 211(b)) is amended by adding at the end the following:

''(4) COORDINATION OF FEDERAL AGENCIES.—The Commissioner of United States Customs and Border Protection, in coordination with the Secretary of Agriculture and the Commissioner of Food and Drugs, shall conduct activities to target, track, and inspect shipments that—

''(A) contain human and animal food products; and

''(B) are imported into the United States.''.

SEC. 5. REPORTING OF SMUGGLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the public notification describing the food product identified by the Department and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary shall provide public notification under subparagraph (A) through—

(i) a news release of the Department for each smuggled food product identified by the Department;

(ii) a description of each smuggled food product on the website of the Department;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the Department of Homeland Security notification of the smuggled food product.

(b) ADMINISTRATION.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the public notification describing the smuggled food product identified by the Administration and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary of Health and Human Services shall provide public notification under subparagraph (A) through—

(i) a press release of the Administration for each smuggled food product identified by the Administration;

(ii) a description of each smuggled food product on the website of the Administration;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary of Health and Human Services under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary of Health and Human Services.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the Department of Homeland Security notification of the smuggled food product.

SEC. 6. CIVIL PENALTIES RELATING TO ILLEGALLY IMPORTED MEAT AND POULTRY PRODUCTS.

(a) MEAT PRODUCTS.—Section 20(b) of the Federal Meat Inspection Act (21 U.S.C. 620(b)) is amended—

(1) by striking ''(b) The Secretary'' and inserting the following:

''(b) DESTRUCTION; CIVIL PENALTIES.—

''(1) DESTRUCTION.—The Secretary''; and

(2) by adding at the end the following:

''(2) CIVIL PENALTIES.—Each individual or entity that fails to present each meat article that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each meat article that the individual or entity fails to present to the inspection facility.''.

(b) POULTRY PRODUCTS.—Section 12 of the Poultry Products Inspection Act (21 U.S.C. 461) is amended—

(1) by striking the section heading and all that follows through ''(a) Any person'' and inserting the following:

''SEC. 12. PENALTIES.

''(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN SECTIONS.—

''(1) IN GENERAL.—Any person''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) FAILURE TO PRESENT POULTRY PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each poultry product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each poultry product that the individual or entity fails to present to the inspection facility.''.

(c) EGG PRODUCTS.—Section 12 of the Egg Products Inspection Act (21 U.S.C. 1041) is amended—

(1) by striking the section heading and all that follows through ''(a) Any person'' and inserting the following:

''SEC. 12. PENALTIES.

''(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN PROHIBITED ACTIONS.—

''(1) IN GENERAL.—Any person''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) FAILURE TO PRESENT EGG PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each egg product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each egg product that the individual or entity fails to present to the inspection facility.''.

SEC. 7. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.), as amended by section 4(b), is amended by adding at the end the following:

''SEC. 418. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

''(a) DEFINITION OF FOOD SAFETY LAB.—In this section, the term 'food safety lab' means an establishment that conducts testing, on behalf of an importer through a contract or other arrangement, to ensure the safety of articles of food.

''(b) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—A food safety lab shall submit to the Secretary an application for certification. Upon review, the Secretary

may grant or deny certification to the food safety lab.

''(2) CERTIFICATION STANDARDS.—The Secretary shall establish criteria and methodologies for the evaluation of applications for certification submitted under paragraph (1). Such criteria shall include the requirements that a food safety lab—

''(A) be accredited as being in compliance with standards set by the International Organization for Standardization;

''(B) agree to permit the Secretary to conduct an inspection of the facilities of the food safety lab and the procedures of such lab before making a certification determination;

''(C) agree to permit the Secretary to conduct routine audits of the facilities of the food safety lab to ensure ongoing compliance with accreditation and certification requirements;

''(D) submit with such application a fee established by the Secretary in an amount sufficient to cover the cost of application review, including inspection under subparagraph (B); and

''(E) agree to submit to the Secretary, in accordance with the process established under subsection (c), the results of tests conducted by such food safety lab on behalf of an importer.

''(c) SUBMISSION OF TEST RESULTS.—The Secretary shall establish a process by which a food safety lab certified under this section shall submit to the Secretary the results of all tests conducted by such food safety lab on behalf of an importer.''.

(b) ENFORCEMENT.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (2) the following:

''(3) An importer (as defined in section 418) shall be subject to a civil penalty in an amount not to exceed $25,000 if such importer knowingly engages in the falsification of test results submitted to the Secretary by a food safety lab certified under section 418.

''(4) A food safety lab certified under section 418 shall be subject to a civil penalty in an amount not to exceed $25,000 for knowingly submitting to the Secretary false test results under section 418.'';

(3) in paragraph (2)(C), by striking ''paragraph (3)(A)'' and inserting ''paragraph (5)(A)'';

(4) in paragraph (4), as so redesignated, by striking ''paragraph (1) or (2)'' each place it appears and inserting ''paragraph (1), (2), (3), or (4)''; and

(5) in paragraph (6), as so redesignated, by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (6)''.

SEC. 8. DATA SHARING.

(a) DEPARTMENT OF AGRICULTURE MEMORANDA OF UNDERSTANDING.—The Secretary shall ensure that the agencies within the Department of Agriculture, including the Food Safety and Inspection Service, the Agricultural Research Service, and the Animal and Plant Health Inspection Service, enter into a memorandum of understanding to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

(b) INTERAGENCY MEMORANDUM OF UNDERSTANDING.—The Secretary, in collaboration with the Secretary of Health and Human Services, shall enter into a memorandum of understanding between the agencies within the Department of Agriculture, including those described in subsection (a), and the agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention and the Food and Drug Administration, to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

SEC. 9. PUBLIC NOTICE REGARDING RECALLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) NEWS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Department is voluntarily recalled, the Secretary shall provide to the public a news release describing the human or animal food product.

(B) CONTENTS.—Each news release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Department that is voluntarily recalled.

(2) WEBSITE.—The Secretary shall modify the website of the Department to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Department is voluntarily recalled, a news release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a news release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Department that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—To meet the requirement under paragraph (1)(A), the Secretary—

(A) may provide to the public a press release issued by a State; and

(B) shall not provide to the public a press release issued by a private industry entity in lieu of a press release issued by the Federal Government or a State.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary may not delegate, by contract or otherwise, the duty of the Secretary—

(A) to provide to the public a news release under paragraph (1); and

(B) to make any required modification to the website of the Department under paragraph (2).

(b) ADMINISTRATION.—

(1) PRESS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Administration is voluntarily recalled, the Secretary of Health and Human Services shall provide to the public a press release describing the human or animal food product.

(B) CONTENTS.—Each press release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Administration that is voluntarily recalled.

(2) WEBSITE.—The Secretary of Health and Human Services shall modify the website of the Administration to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Administration is voluntarily recalled a press release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a press release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary of Health and Human Services; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Administration that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—For purposes of meeting the requirement under paragraph (1)(A), the Secretary of Health and Human Services—

(A) may provide to the public a press release issued by a State; and

(B) may not provide to the public a press release issued by a private industry entity in lieu of a press release issued by a State or the Federal Government.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary of Health and Human Services may not delegate, by contract or otherwise, the duty of the Secretary of Health and Human Services—

(A) to provide to the public a press release under paragraph (1); and

(B) to make any required modification to the website of the Administration under paragraph (2).

SEC. 10. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

''SEC. 412. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Food Safety and Inspection Service.

''(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Food and Drugs.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) the government of a State (including a political subdivision of a State);

''(B) an educational institution;

''(C) a private for-profit organization;

''(D) a private non-profit organization; and

''(E) any other appropriate individual or entity, as determined by the Secretary.

''(b) ESTABLISHMENT.—The Secretary (acting through the Administrator of the Cooperative State Research, Education, and Extension Service), in consultation with the Administrator and the Commissioner, shall establish and administer a competitive grant program to provide grants to eligible entities to enable the eligible entities to carry out educational outreach partnerships and programs to provide to health providers, patients, and consumers information to enable those individuals and entities—

''(1) to recognize—

''(A) foodborne illness as a serious public health issue; and

''(B) each symptom of foodborne illness to ensure the proper treatment of foodborne illness;

''(2) to understand—

''(A) the potential for contamination of human and animal food products during each phase of the production of human and animal food products; and

''(B) the importance of using techniques that help ensure the safe handling of human and animal food products; and

''(3) to assess the risk of foodborne illness to ensure the proper selection by consumers of human and animal food products.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000 for fiscal year 2008 and each fiscal year thereafter.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 388—DESIGNATING THE WEEK OF FEBRUARY 4 THROUGH FEBRUARY 8, 2008, AS ''NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK''

Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 388

Whereas 1 in 3 female teenagers in a dating relationship has feared for her physical safety;

Whereas 1 in 2 teenagers in a serious relationship has compromised personal beliefs to please a partner;

Whereas 1 in 5 teenagers in a serious relationship reports having been hit, slapped, or pushed by a partner;

Whereas 27 percent of teenagers have been in dating relationships in which their partners called them names or put them down;

Whereas 29 percent of girls who have been in a relationship said that they have been pressured to have sex or to engage in sexual activities that they did not want;

Whereas technologies such as cell phones and the Internet have made dating abuse both more pervasive and more hidden;

Whereas 30 percent of teenagers who have been in a dating relationship say that they have been text-messaged between 10 and 30 times per hour by a partner seeking to find out where they are, what they are doing, or who they are with;

Whereas 72 percent of teenagers who reported they'd been checked up on by a boyfriend or girlfriend 10 times per hour by email or text messaging did not tell their parents;

Whereas parents are largely unaware of the cell phone and Internet harassment experienced by teenagers;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims, putting them at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Week will benefit schools, communities, and families regardless of socio-economic status, race, or sex: Now, therefore be it

Resolved, That the Senate—

(1) designates the week of February 4 through February 8, 2008, as ''National Teen Dating Violence Awareness and Prevention Week''; and

(2) calls upon the people of the United States, high schools, law enforcement, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

SENATE RESOLUTION 389—COMMEMORATING THE 25TH ANNIVERSARY OF THE UNITED STATES AIR FORCE SPACE COMMAND HEADQUARTERED AT PETERSON AIR FORCE BASE, COLORADO

Mr. ALLARD (for himself, Mr. SALAZAR, Mr. TESTER, Mr. ISAKSON, Ms. COLLINS, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, Mr. DORGAN, Mr. DOMENICI, Mr. HATCH, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 389

Whereas, on September 1, 1982, the United States Air Force created the United States Air Force Space Command to defend North America through its space and intercontinental ballistic missile operations;

Whereas 2007 marks the 25th year of excellence and service of Air Force Space Command to the United States of America;

Whereas the mission of Air Force Space Command is to deliver trained and ready airmen with unrivaled space capabilities to defend the United States;

Whereas Air Force Space Command organizes, trains, and equips forces to supply combatant commanders with the space and intercontinental ballistic missile capabilities to defend the United States and its national interests;

Whereas Air Force Space Command's Ground-based radar and Defense Support Program satellites monitor ballistic missile launches around the world to guard against a surprise missile attack on North America;

Whereas Air Force Space Command provides a significant portion of United States Strategic Command's war fighting capabilities, including missile warning, strategic deterrence, and space-based surveillance capabilities;

Whereas Air Force Space Command space radar provide vital information on the location of satellites and space debris for the Nation and the world;

Whereas the current war on terror requires extensive use of space-based communications, global positioning systems, and meteorological data to effectively prosecute military operations;

Whereas Air Force Space Command provides war fighters with ''high ground'' through satellite communications and positioning and timing data for ground and air operations and weapons delivery;

Whereas Air Force Space Command deployed helicopters to the Gulf Coast region during the aftermath of Hurricane Katrina to deliver meals, water, and medical supplies and to conduct search and rescue operations;

Whereas the work done by the men and women of Air Force Space Command is vital to our military, making the Nation more combat effective and helping save lives every day; and

Whereas Air Force Space Command advocates space capabilities and systems for all unified commands and military services, and collectively provides space capabilities America needs today and in the future: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions made by Air Force Space Command to the security of the United States; and

(2) commemorates Air Force Space Command's 25 years of excellence and service to the Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3803. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3803. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. ASSET TREATMENT OF HORSES.

(a) 3-YEAR DEPRECIATION FOR ALL RACE HORSES.—

(1) IN GENERAL.—Clause (i) of section 168(e)(3)(A) of the Internal Revenue Code of 1986 (relating to 3-year property) is amended to read as follows:

''(i) any race horse,''.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

(b) REDUCTION OF HOLDING PERIOD TO 12 MONTHS FOR PURPOSES OF DETERMINING WHETHER HORSES ARE SECTION 1231 ASSETS.—

(1) IN GENERAL.—Subparagraph (A) of section 1231(b)(3) of the Internal Revenue Code of 1986 (relating to definition of livestock) is amended by striking ''and horses''.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. _. ELIMINATION OF PRIVATE PAYMENT TEST FOR PROFESSIONAL SPORTS FACILITY BONDS.

(a) IN GENERAL.—Section 141(a) (defining private activity bond) is amended by adding at the end the following new flush sentence: ''In the case of any professional sports facility bond, paragraph (1) shall be applied without regard to subparagraph (B) thereof.''.

(b) PROFESSIONAL SPORTS FACILITY BOND DEFINED.—Section 141 is amended by adding at the end the following new subsection:

''(f) PROFESSIONAL SPORTS FACILITY BOND.—For purposes of subsection (a)—

''(1) IN GENERAL.—The term 'professional sports facility bond' means any bond issued as part of an issue any portion of the proceeds of which are to be used to provide a professional sports facility.

''(2) PROFESSIONAL SPORTS FACILITY.—The term 'professional sports facility' means real property and related improvements used, in whole or in part, for professional sports, professional sports exhibitions, professional games, or professional training.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act, other than bonds with respect to which a resolution was issued by an issuer or conduit borrower before January 24, 2007.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

Mr. CRAIG. Mr. President, I wish to notify the Senate of my intent to object to proceeding to S. 311, a bill to