By Mr. CARDIN (for himself and Mr. BURR):

S. Res. 602. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month 2010; considered and agreed to.

By Mr. SPECTER (for himself, Mr. LUGAR, Mr. LEAHY, Mr. BURR, Mr. BAYH, Mr. PRYOR, Mr. BURRIS, Mrs. LINCOLN, Mr. DORGAN, Mrs. GILLIBRAND, Mr. DURBIN, Mr. BOND, Mrs. MCCASKILL, Mr. BENNETT, Mr. CASEY, Mr. COCHRAN, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. CANTWELL, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, and Mr. COBURN):

S. Res. 603. A resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as ''Citizen Diplomacy Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 1643

At the request of Ms. SNOWE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1643, a bill to amend the Internal Revenue Code of 1986 to allow a credit for the conversion of heating using oil fuel to using natural gas or biomass feedstocks, and for other purposes.

S. 3034

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3669

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3669, a bill to increase criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. RES. 579

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

AMENDMENT NO. 4567

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4567 proposed to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3680. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Family and Medical Leave Inclusion Act. This is a bill—previously introduced in the House of Representatives on a bipartisan basis—that would extend the important protections of the Family and Medical Leave Act to same-sex couples in America. Under current law, it is impossible for many employees to be with their partners during times of medical need.

The late Senator Edward Kennedy once said, ''It is wrong for our civil laws to deny any American the basic right to be part of a family, to have loved ones with whom to build a future and share life's joys and tears, and to be free from the stain of bigotry and discrimination.''

America has a rich history of embracing those once discriminated against and making them part of our nation's family. All Americans—regardless of their background—are deserving of dignity and respect.

In 1993, Congress passed the Family and Medical Leave Act to, among other things, protect American workers facing either a personal health crisis, or that of a close family member.

Thanks to the FMLA, those people in the workforce who suffer a serious illness or significant injury are able to take time to heal, recover, follow their doctors' orders, and return to their jobs strong, healthy, and ready to be productive again. Most importantly, they know that they will still have jobs to return to, because those are protected by the law.

Likewise, workers who learn the terrible news that a child, a parent, or a spouse is sick or injured, and in need of help from a loved one, can provide that care and support knowing that their jobs are not in jeopardy for doing so.

In passing the FMLA, Congress followed the lead of many large and small businesses which had already recognized and addressed this need. These companies had put in place systems that gave their employees time to heal themselves or their family members, and ensured that those employees would return to work as soon as they could. In standing by their employees in a time of need, these companies accomplished three laudable goals: they eased the burden of those employees in crisis, they reassured the rest of their employees that they too would be covered should they find themselves in need of that protection, and they ensured the return of these skilled and trusted employees, sparing business the expense and effort of recruiting and training new people. It was a win-win strategy.

The FMLA took that model and its benefits and brought the majority of the American workforce under the same protections.

Today, once again, we have the opportunity to learn from a number of forward-thinking, pioneering businesses—big and small and across the United States—who have taken it upon themselves to improve on the protections provided by law. While respecting the spirit and purpose of the FMLA, these companies have simply recognized the changing nature of the modern American family.

According to the Human Rights Campaign—a leading civil rights organization that strongly supports the Family and Medical Leave Inclusion Act—461 major American corporations, nine states, and the District of Columbia now extend FMLA benefits to include leave on behalf of a same-sex partner.

In 1993, the FMLA was narrowly tailored to apply only to those caring for a very close family member. The idea was to capture that inner circle of people, where the family member assuming the caretaker role would be one of very few, if not the only person, who could do so. That idea is still valid, and that idea has not changed.

What has changed are the people who might be in that inner circle. The nuclear American family has grown—sometimes by design, and sometimes by necessity. More and more, that inner circle of close family might include a grandparent or grandchild, siblings, or same-sex domestic partners in loving and committed relationships.

As the law stands right now, too many of these people are left outside of the protections of the FMLA.

Earlier this summer, the U.S. Department of Labor issued guidance clarifying that an individual serving as a parent, but who may not have a legal or biological relationship to a child, is eligible to take FMLA leave to care for that child or attend to a birth or adoption. As Labor Secretary Hilda Solis noted, ''No one who intends to raise a child should be denied the opportunity to be present when that child is born simply because the state or an employer fails to recognize his or her relationship with the biological parent. . . . The Labor Department's action today sends a clear message to workers and employers alike: All families, including LGBT families, are protected by the FMLA.''

I applaud the Labor Department and the Obama Administration for sending this important message, but unfortunately, the FMLA statute still does not allow an employee to take leave to care for a same-sex partner. We must act to truly make these important protections available to all families.

At times like these, when we as a nation are experiencing a difficult employment market, those with good jobs know the value of those jobs and are working as hard as they can to keep them. Those people should never have to weigh the value of their employment security against family duties to care for a loved one.

But even in the best of economic times, this bill makes sense. Injury or illness can come at any time, and families are rocked by the needs and decisions that come along with that reality.

There are many who would understandably question what this kind of change in the law would cost the business community. I would remind those people that the FMLA is already a very good law; it is in place and it is working. It provides unpaid leave when the need arises, and it only applies to businesses that have enough employees on hand to handle the absence of a single worker without too great a burden.

We have also seen that 90 percent of the leave time that has been taken under the FMLA has been so that employees can care for themselves or for a child in their care, and those situations are already covered under the law as it stands. What the Family and Medical Leave Inclusion Act would do is provide a little more flexibility, and recognize that there are a few more people in that inner circle of family who we might call upon, or who might call upon us. It will not make a big difference to the companies involved, but it will make all the difference in the world to those protected by it.

We often hear calls from some of our colleagues who feel that the Government tries to do too much, and that we try to force government to do for us what we should be doing for ourselves or for each other. That is exactly why this should be a law that we can all agree upon. Certainly we can all agree that family is the first and best safety net in times of personal crisis. Families need to be given the realistic ability to provide that assistance. What the Family and Medical Leave Inclusion Act does is give those family members the ability to help their loved ones in ways that only they can, without fear of losing their jobs in the process.

The Family and Medical Leave Inclusion Act takes a very good law and makes it even better. It contains reasonable changes that merely reflect the modern American family. It is the right thing to do, and I hope we can join together on a bipartisan basis to pass it.

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. 3680

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 ''Family and Medical Leave Inclusion Act''.

SEC. 2. LEAVE TO CARE FOR A SAME-SEX SPOUSE, DOMESTIC PARTNER, PARENT-IN-LAW, ADULT CHILD, SIBLING, OR GRANDPARENT.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 101(12) of such Act (29 U.S.C. 2611(12)) is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child.''.

(2) INCLUSION OF SAME-SEX SPOUSES.—Section 101(13) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(13)) is amended by inserting '', and includes a same-sex spouse as determined under applicable State law'' before the period.

(3) INCLUSION OF GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 101 of such Act (29 U.S.C. 2611) is further amended by adding at the end the following:

''(20) DOMESTIC PARTNER.—The term 'domestic partner', used with respect to an employee, means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Secretary) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner.

''(21) GRANDCHILD.—The term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee.

''(22) GRANDPARENT.—The term 'grandparent', used with respect to an employee, means a parent of a parent of the employee.

''(23) PARENT-IN-LAW.—The term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee.

''(24) SIBLING.—The term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent.

''(25) SON-IN-LAW OR DAUGHTER-IN-LAW.—The term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee.''.

(b) LEAVE REQUIREMENT.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling''; and

(B) in subparagraph (E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,'';

(2) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandchild, sibling,''; and

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking ''spouse, parent,'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, sibling,''; and

(B) in paragraph (3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,''.

(c) CERTIFICATION.—Section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(2) in subsection (b)—

(A) in paragraph (4)(A), by striking ''spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(B) in paragraph (7), by striking ''parent, or spouse'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

(d) EMPLOYMENT AND BENEFITS PROTECTION.—Section 104(c)(3) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(3)) is amended—

(1) in subparagraph (A)(i), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(2) in subparagraph (C)(ii), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

SEC. 3. FEDERAL EMPLOYEES.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 6381(6) of title 5, United States Code, is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child.''.

(2) INCLUSION OF GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 6381 of such title is further amended—

(A) in paragraph (11)(B), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(13) the term 'domestic partner', used with respect to an employee, means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Secretary) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner;

''(14) the term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee;

''(15) the term 'grandparent', used with respect to an employee, means a parent of a parent of the employee;

''(16) the term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee;

''(17) the term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent;

''(18) the term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee; and

''(19) the term 'spouse', used with respect to an employee, includes a same-sex spouse as determined under applicable State law.''.

(b) LEAVE REQUIREMENT.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee, if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling''; and

(B) in subparagraph (E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,'';

(2) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandchild, sibling,''; and

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking ''spouse, parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, sibling''; and

(B) in paragraph (3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,''.

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(2) in subsection (b)(4)(A), by striking ''spouse, or parent, and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

By Mr. FEINGOLD:

S. 3681. 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. The Presidential Funding Act of 2010 will ensure that this system will continue to fulfill its promise in the 21st century. The bill will take effect in January 2011, so it will first apply in the 2012 presidential election.

It is important to note that the cost of this bill is completely offset by reforms to the federal irrigation subsidy program. Friends of the Earth in its 2003 Green Scissors report estimated that these provisions would save at least $4.4 billion over 10 years, which is more than sufficient to cover the estimated cost of this bill—$1.1 billion over 4 years.

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. Until the 2008 election, every major party nominee for President since 1976 had 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.

In 2008, several of the leading candidates for President, including President Obama, Secretary Clinton, Senator MCCAIN and Governors Huckabee and Romney, did not participate in the primary system. While Senator MCCAIN accepted the public grant for the general election, President Obama became the first major party candidate not to participate in the general election public funding system.

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.

In the post-Citizens United world, the likelihood of general election candidates participating in the system if it is not changed is greatly reduced as well. The current system completely prohibits private fundraising, requiring candidates to fund their campaigns solely with the general election grant, which was $84.1 million in 2008. Senator MCCAIN, who accepted the grant, raised approximately $220 million for the primaries in 2008. President Obama, who did not participate in either the primary or general election public funding system, raised a total of approximately $746 million for the entire 2008 campaign. The public funding system is clearly not keeping pace with the current cost of campaigns or the ability of candidates to raise private money.

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 all spending limits in the law for both the primary and the general elections. 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. It increases the match of small contributions from 1:1 to 4:1 and provides up to $100 million in matching funds for a participating candidate in the primaries and $200 million in total grants for the general election.

In exchange for the much more generous public grants provided by the bill, participating candidates are required to focus their fundraising on small donors. First, they must agree to accept contributions of only up to $1,000 in the primaries. The current individual contribution limit, established by the Bipartisan Campaign Reform Act of 2002, is $2,400. In addition, only contributors of $200 or less can have their contributions matched. Since each $200 contribution will yield $800 in matching funds, there will be a great incentive for candidates to seek out small donors. The 2008 campaign saw an explosion of small donations to the campaigns of both parties. This bill should help promote and extend this trend, which is a positive development for our democracy.

Under the bill, for the first time, matching funds will also be part of the general election system. In addition to a $50 million grant, general election candidates can receive up to $150 million in matching funds, again based on a 4:1 match of contributions of $200 or less. General election candidates can also raise contributions of up to $500 from other donors whose contributions will not be matched. General election candidates, therefore, will be able to spend up to $200 million in public funds plus whatever they can raise in contributions of $500 or less. Even in light of the specter of corporate spending permitted by Citizens United, these should be adequate resources for a campaign that lasts only a few months.

One very important provision of the bill ties the primary and general election systems together and requires candidates to make a single decision on whether to participate. Candidates who opt out of the primary system and decide to rely solely on private money cannot return to the system for the general election. And candidates must commit to participate in the system in the general election if they want to receive Federal matching funds in the primaries.

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. By eliminating spending limits in the primaries, the bill makes sure that candidates can continue raising and spending the money they need to remain competitive. In addition, the political parties will be permitted to spend up to $50 million coordinated with their candidates, an increase from the current limit of $15 million.

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 six months before the date of the first primary or caucus, which is 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 legislation enacted in 2007. It requires presidential candidates to disclosure all bundlers of $50,000 or more.

Additional provisions, and those I have discussed in summary form here, are explained in a section-by-section analysis of the bill that I will ask to be printed in the RECORD, following my statement.

The purpose of this bill is to improve the campaign finance system, not to advance one party's interests. The current President raised and spent more money than any other candidate in history. But he has a history of supporting the presidential public funding system, and he recognizes the importance of reforming and updating the current system. I am optimistic that he will endorse this bill, and will participate in the system if he runs for reelection.

Fixing the presidential public financing system will cost money. The total cost of the system, based on data from the 2008 elections, is projected to be around $1.1 billion over the 4-year election cycle. Though this is a large number, it 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 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 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:

PRESIDENTIAL FUNDING ACT OF 2010 SECTION BY SECTION ANALYSIS

SECTION 1: SHORT TITLE; TABLE OF CONTENTS

TITLE I—PRIMARY ELECTIONS

Section 101: Increase in and modifications to matching payments—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 a $200 individual contribution can be matched with $800 from public funds. Contributions are ''matchable contributions,'' however, only if the donor has made $200 or less in aggregate contributions to the candidate, and the candidate certifies that he or she will not accept more than $200 from that donor. In addition, ''matchable contributions'' may not be bundled by anyone other than an individual.

A participating candidate can receive up to $100 million in matching funds.

''Contribution'' is defined as ''a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address.''

Section 102: ELigibility requirements for matching payments—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 be eligible for matching funds, candidates must agree not to accept more than $1,000 in aggregate contributions from a single donor. That amount will be indexed for inflation. Participating candidates must also agree to not accept contributions either made by or bundled by lobbyists and PACs.

Finally, to receive matching funds in the primary, candidates must also pledge to apply for and accept public money in the general election if nominated.

Section 103: Inflation adjustment for contribution limitations and matching contributions—Contribution limits will be indexed for inflation, with 2012 as the base year.

Section 104: Repeal of expenditure limitations—Under current law, participating candidates cannot spend in excess of the primary spending limit, which was $54 million in 2008. The bill eliminates that spending limit.

Section 105: Period of availability of matching 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. That date for the 2008 elections would have been July 3, 2007.

Section 106: Examination and audits of matchable contributions—Current law requires that the Commission conduct an audit of the qualified campaign expenses of candidates and authorized committees that received payments under section 9037. This Section would require the Commission to also audit matchable contributions accepted by candidates and authorized committees.

Section 107: Modification to limitation on contributions for presidential primary candidates—Under current law, all elections held in a calendar year for President are considered to be a single election for purposes of the contribution limits. This Section addresses the possibility that a primary or caucus might be actually be held the year before the general election by changing ''calendar year'' to ''four year election cycle.''

TITLE II—GENERAL ELECTIONS

Section 201: Modification of eligibility requirements for public financing—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.

Furthermore, the candidate must agree to (1) furnish the Commission with evidence of qualified campaign expenses, if requested; (2) agree to keep any records, books and other information the Commission may request; and (3) agree to an audit by the Commission and pay any amounts required to be paid as a result of that audit.

To receive public funding in the general election, candidates must certify that they will not (1) accept contributions or bundled contributions from lobbyists or contributions from a political committee other than a political party; (2) solicit funds for a joint fundraising committee that includes a political party after June 1 of the election year ; and (3) solicit funds for any political party committee after they have received their general election grant.

Section 202: Repeal of expenditure limitations and use of qualified campaign contributions—Currently, candidates who receive public funds are prohibited from raising any private funds for general election campaign expenses. Under the bill, such candidates may continue to raise ''qualified contributions'' for the general election. Qualified contributions are defined as contributions of no more than $500 in the aggregate that are received after June 1 of the election year. To accept a qualified contribution, candidates must certify that the donor has not contributed more than $500 in the aggregate to the candidate for the general election, and the candidate will not accept additional contributions from that donor once $500 has been received from that donor.

Section 203: Matching payments and other modifications to payment amounts—The major party candidates for President will be entitled to equal payments of $50 million, plus matching funds of up to $150 million for a maximum total of $200 million in public funding. Individual contributions raised after June 1 of the election year of up to $200 will be matched at a 4–to–1 ratio. Contributions are ''matchable contributions,'' however, only if the candidate certifies that the donor has made contributions of $200 or less in aggregate for the general election, the candidate will not accept more than $200 from that donor, and the contribution has not been bundled or forwarded by anyone other than an individual fundraiser.

Minor party candidates can receive grants and matching funds for the general election after the fact, based on the percentage of

votes received by those candidates in the election. If a minor party fielded a candidate in the previous election, general election funds can be received by that party's candidate based on the performance of the candidate in the previous election. These rules mirror current law on the availability of general election funding for minor party candidates.

Section 204: Inflation adjustment for payment amounts and qualified contributions—The general election grant amount, ($50 million in 2012), general election matching fund maximum amount ($150 million in 2012), and qualified contribution limit for the general election ($500 in 2012) will be indexed for inflation.

Section 205: Increase in limit on coordinated party expenditures—Current law provides a single coordinated spending limit for national party committees. In 2008, that limit was about $15 million. The bill increases the limit to $50 million. 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. Party spending limits will be indexed for inflation.

Section 205: Establishment of uniform date for release of payments—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 their grants and whatever matching funds they are entitled to at that time on the Friday before Labor Day, or 24 hours after both major party candidates have been nominated, whichever is later.

Section 206: 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 also 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 207: Use of general election payments for general election legal and accounting compliance—Current FEC regulations permit general election candidates to raise money for a separate fund to pay their legal and accounting expenses (so-called ''GELAC funds''). The bill specifies that all such expenses will now considered general election expenses and must be paid for out of their general election funds.

TITLE III—POLITICAL CONVENTIONS

Section 301: Repeal of public financing of party conventions—This section eliminates the public financing of party conventions.

Section 302: Contributions for political conventions—This section allows the national political parties to establish a separate account to receive contributions that can only be used to fund their party conventions. Individuals may contribute up to $25,000 in a four year election cycle to that account. The aggregate annual contribution limit applicable to an individual who contributes to a political convention account will be increased by the amount of such contributions, meaning that the contributions essentially will not count toward the aggregate limit.

Section 303: Prohibition on use of soft money—Federal candidates and officeholders and national parties and their officers 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.

TITLE IV—OTHER PROVISIONS

Section 401: 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 2010.

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. These provisions will take effect immediately upon enactment of this bill.

Section 402: Regulations with respect to best efforts for identifying persons making contributions—Within six months of enactment, the FEC must promulgate new regulations on what constitutes ''best efforts'' for determining the identity of persons making contributions, including persons making contributions over the Internet or by credit card. The regulations must require the entity receiving the contribution to verify that the name on the credit card matches the name of the donor.

Section 403: Prohibition on joint fundraising committees—Federal candidates are prohibited from forming a joint fundraising committee with any political committee other than an authorized candidate committee.

Section 404: Disclosure of bundled contributions to presidential campaigns—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 405: Judicial review of actions related to campaign finance laws—Current law provides four separate judicial review provisions: (1) Section 403 of the Bipartisan Campaign Reform Act (''BCRA''), which applies to actions challenging the constitutionality of any provision of that Act; (2) 2 U.S.C. §437h, which applies to actions challenging the constitutionality of any other provision of the Federal Election Campaign Act (''FECA''); (3) 26 U.S.C. §9011, which applies to certifications or other actions taken by the FEC in connection with the general election public financing program; and (4) 26 U.S.C. §9041, which applies to certifications and other actions by the FEC in connection with the primary public funding system.

The bill replaces all four of those provisions with a single judicial review provision. All actions shall be filed in the U.S. District Court for the District of Columbia, with an appeal permitted to the Court of Appeals for the District of Columbia Circuit and then to the Supreme Court. All courts are required to expedite any such actions to the greatest extent possible, and Members of Congress are granted the right to intervene as of right in any case challenging the constitutionality of any provision of FECA or the public financing provisions in the Internal Revenue Code. Members of Congress may themselves bring such a case.

TITLE V—OFFSETS

Section 501: Offsets—This section would reform a federal irrigation subsidy program by closing a loophole in the 1982 Reclamation Reform Act to require a means test to qualify for federal irrigation subsidies. This would ensure that small family farmers, not huge agribusinesses, benefit from federal water pricing policies intended to help small entities struggling to survive. This new approach limits the amount of subsidized irrigation water delivered to any operation in excess of the 960 acre limit that claimed $500,000 or more in gross income. Friends of the Earth in its 2003 Green Scissors report estimated that these provisions would save at least $4.4 billion over 10 years, which is more than sufficient to cover the estimated cost of this bill—$1.1 billion over 4 years.

TITLE VI—SEVERABILITY AND EFFECTIVE DATE

Section 601: Severability—If any provision of the bill is held unconstitutional, the remainder of the bill will not be affected.

Section 602: Effective date—The amendments contained in this bill will apply to presidential elections occurring after January 1, 2010.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 602—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL INFANT MORTALITY AWARENESS MONTH 2010

Mr. CARDIN (for himself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 602

Whereas ''infant mortality'' refers to the death of a baby before the baby's first birthday;

Whereas the United States ranks 29th among industrialized countries in the rate of infant mortality;

Whereas premature birth, low birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine of the National Academies, costs the United States more than $26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services such as outreach, home visitation,