

110TH CONGRESS
1ST SESSION

S. 436

To amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2007

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Presidential Funding Act of 2007”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Revisions to system of Presidential primary matching payments.
- Sec. 3. Requiring participation in primary payment system as condition of eligibility for general election payments.
- Sec. 4. Revisions to expenditure limits.

- Sec. 5. Additional payments and increased expenditure limits for candidates participating in public financing who face certain nonparticipating opponents.
- Sec. 6. Establishment of uniform date for release of payments from Presidential Election Campaign Fund to eligible candidates.
- Sec. 7. Revisions to designation of income tax payments by individual taxpayers.
- Sec. 8. Amounts in Presidential Election Campaign Fund.
- Sec. 9. Repeal of priority in use of funds for political conventions.
- Sec. 10. Regulation of convention financing.
- Sec. 11. Disclosure of bundled contributions.
- Sec. 12. Offset.
- Sec. 13. Effective date.

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

3 (a) INCREASE IN MATCHING PAYMENTS.—

4 (1) IN GENERAL.—Section 9034(a) of the In-
 5 ternal Revenue Code of 1986 is amended—

6 (A) by striking “an amount equal to the
 7 amount” and inserting “an amount equal to
 8 400 percent of the amount”; and

9 (B) by striking “\$250” and inserting
 10 “\$200”.

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

15 “(b) ADDITIONAL PAYMENTS FOR CANDIDATES
 16 AFTER MARCH 31 OF THE ELECTION YEAR.—In addition
 17 to any payment under subsection (a), an individual who
 18 is a candidate after March 31 of the calendar year in
 19 which the presidential election is held and who is eligible

1 to receive payments under section 9033 shall be entitled
2 to payments under section 9037 in an amount equal to
3 the amount of each contribution received by such indi-
4 vidual after March 31 of the calendar year in which such
5 presidential election is held, disregarding any amount of
6 contributions from any person to the extent that the total
7 of the amounts contributed by such person after such date
8 exceeds \$200.”.

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

12 (A) by striking the last sentence of sub-
13 section (a); and

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

16 “(c) CONTRIBUTION DEFINED.—For purposes of this
17 section and section 9033(b), the term ‘contribution’ means
18 a gift of money made by a written instrument which iden-
19 tifies the person making the contribution by full name and
20 mailing address, but does not include a subscription, loan,
21 advance, or deposit of money, or anything of value or any-
22 thing described in subparagraph (B), (C), or (D) of sec-
23 tion 9032(4).”.

24 (b) ELIGIBILITY REQUIREMENTS.—

1 (1) AMOUNT OF AGGREGATE CONTRIBUTIONS
2 PER STATE.—Section 9033(b)(3) of such Code is
3 amended by striking “\$5,000” and inserting
4 “\$25,000”.

5 (2) AMOUNT OF INDIVIDUAL CONTRIBU-
6 TIONS.—Section 9033(b)(4) of such Code is amend-
7 ed by striking “\$250” and inserting “\$200”.

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

11 (A) by striking “and” at the end of para-
12 graph (3);

13 (B) by striking the period at the end of
14 paragraph (4) and inserting “, and”; and

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

17 “(5) if the candidate is nominated by a political
18 party for election to the office of President, the can-
19 didate will apply for and accept payments with re-
20 spect to the general election for such office in ac-
21 cordance with chapter 95, including the requirement
22 that the candidate and the candidate’s authorized
23 committees will not incur qualified campaign ex-
24 penses in excess of the aggregate payments to which
25 they will be entitled under section 9004.”.

1 (c) PERIOD OF AVAILABILITY OF PAYMENTS.—Sec-
2 tion 9032(6) of such Code is amended by striking “the
3 beginning of the calendar year in which a general election
4 for the office of President of the United States will be
5 held” and inserting “the date that is 6 months prior to
6 the date of the earliest State primary election”.

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

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

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

14 (2) by inserting before paragraph (2) (as so re-
15 designated) the following new paragraph:

16 “(1) the candidate received payments under
17 chapter 96 for the campaign for nomination;”.

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

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

22 (2) by inserting before paragraph (2) (as so re-
23 designated) the following new paragraph:

24 “(1) the candidate received payments under
25 chapter 96 for the campaign for nomination;”.

1 **SEC. 4. REVISIONS TO EXPENDITURE LIMITS.**

2 (a) INCREASE IN EXPENDITURE LIMITS FOR PAR-
3 TICIPATING CANDIDATES; ELIMINATION OF STATE-SPE-
4 CIFIC LIMITS.—

5 (1) IN GENERAL.—Section 315(b)(1) of the
6 Federal Election Campaign Act of 1971 (2 U.S.C.
7 441a(b)(1)) is amended by striking “may make ex-
8 penditures in excess of” and all that follows and in-
9 serting “may make expenditures—

10 “(A) with respect to a campaign for nomination
11 for election to such office—

12 “(i) in excess of \$100,000,000 before April
13 1 of the calendar year in which the presidential
14 election is held; and

15 “(ii) in excess of \$150,000,000 before the
16 date described in section 9006(b) of the Inter-
17 nal Revenue Code of 1986; and

18 “(B) with respect to a campaign for election to
19 such office, in excess of \$100,000,000.”.

20 (2) CLERICAL CORRECTION.—Section
21 9004(a)(1) of the Internal Revenue Code of 1986 is
22 amended by striking “section 320(b)(1)(B) of the
23 Federal Election Campaign Act of 1971” and insert-
24 ing “section 315(b)(1)(B) of the Federal Election
25 Campaign Act of 1971”.

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

5 “(2)(A) The national committee of a political party
6 may not make any expenditure in connection with the gen-
7 eral election campaign of any candidate for President of
8 the United States who is affiliated with such party which
9 exceeds \$25,000,000.

10 “(B) Notwithstanding the limitation under subpara-
11 graph (A), during the period beginning on April 1 of the
12 year in which a presidential election is held and ending
13 on the date described in section 9006(b) of the Internal
14 Revenue Code of 1986, the national committee of a polit-
15 ical party may make additional expenditures in connection
16 with the general election campaign of a candidate for
17 President of the United States who is affiliated with such
18 party in an amount not to exceed \$25,000,000.

19 “(C)(i) Notwithstanding subparagraph (B) or the
20 limitation under subparagraph (A), if any nonpartici-
21 pating primary candidate (within the meaning of sub-
22 section (b)(3)) affiliated with the national committee of
23 a political party receives contributions or makes expendi-
24 tures with respect to such candidate’s campaign in an ag-
25 gregate amount greater than 120 percent of the expendi-

1 ture limitation in effect under subsection (b)(1)(A)(ii),
2 then, during the period described in clause (ii), the na-
3 tional committee of any other political party may make
4 expenditures in connection with the general election cam-
5 paign of a candidate for President of the United States
6 who is affiliated with such other party without limitation.

7 “(ii) The period described in this clause is the pe-
8 riod—

9 “(I) beginning on the later of April 1 of the
10 year in which a presidential election is held or the
11 date on which such nonparticipating primary can-
12 didate first receives contributions or makes expendi-
13 tures in the aggregate amount described in clause
14 (i); and

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

21 “(iii) If the nonparticipating primary candidate de-
22 scribed in clause (i) ceases to be a candidate for nomina-
23 tion to the office of President of the United States and
24 is not a candidate for such office, clause (i) shall not apply
25 and the limitations under subparagraphs (A) and (B) shall

1 apply. It shall not be considered to be a violation of this
2 Act if the application of the preceding sentence results in
3 the national committee of a political party violating the
4 limitations under subparagraphs (A) and (B) solely by
5 reason of expenditures made by such national committee
6 during the period in which clause (i) applied.

7 “(D) For purposes of this paragraph—

8 “(i) any expenditure made by or on behalf of a
9 national committee of a political party and in con-
10 nection with a presidential election shall be consid-
11 ered to be made in connection with the general elec-
12 tion campaign of a candidate for President of the
13 United States who is affiliated with such party; and

14 “(ii) any communication made by or on behalf
15 of such party shall be considered to be made in con-
16 nection with the general election campaign of a can-
17 didate for President of the United States who is af-
18 filiated with such party if any portion of the commu-
19 nication is in connection with such election.

20 “(E) Any expenditure under this paragraph shall be
21 in addition to any expenditure by a national committee
22 of a political party serving as the principal campaign com-
23 mittee of a candidate for the office of President of the
24 United States.”.

1 (c) CONFORMING AMENDMENTS RELATING TO TIM-
2 ING OF COST-OF-LIVING ADJUSTMENT.—

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

5 (A) in subparagraph (B), by striking “(b),
6 (d),” and inserting “(d)(3)”; and

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

9 “(D) In any calendar year after 2008—

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

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

15 “(iii) if any amount after adjustment under
16 clause (i) is not a multiple of \$100, such amount
17 shall be rounded to the nearest multiple of \$100.”.

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

20 (A) in clause (i)—

21 (i) by striking “subsections (b) and
22 (d)” and inserting “subsection (d)(3)”;
23 and

24 (ii) by striking “and” at the end;

1 (B) in clause (ii), by striking the period at
2 the end and inserting “; and”; and

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

5 “(iii) for purposes of subsection (b) and
6 (d)(2), calendar year 2007.”.

7 (d) REPEAL OF EXCLUSION OF FUNDRAISING COSTS
8 FROM TREATMENT AS EXPENDITURES.—Section
9 301(9)(B)(vi) of the Federal Election Campaign Act of
10 1971 (2 U.S.C. 431(9)(B)(vi)) is amended by striking “in
11 excess of an amount equal to 20 percent of the expenditure
12 limitation applicable to such candidate under section
13 315(b)” and inserting the following: “who is seeking nomi-
14 nation for election or election to the office of President
15 or Vice President of the United States”.

16 **SEC. 5. ADDITIONAL PAYMENTS AND INCREASED EXPENDI-**
17 **TURE LIMITS FOR CANDIDATES PARTICI-**
18 **PATING IN PUBLIC FINANCING WHO FACE**
19 **CERTAIN NONPARTICIPATING OPPONENTS.**

20 (a) CANDIDATES IN PRIMARY ELECTIONS.—

21 (1) ADDITIONAL PAYMENTS.—

22 (A) IN GENERAL.—Section 9034 of the In-
23 ternal Revenue Code of 1986, as amended by
24 section 2, is amended by redesignating sub-
25 section (c) as subsection (d) and by inserting

1 after subsection (b) the following new sub-
2 section:

3 “(c) ADDITIONAL PAYMENTS FOR CANDIDATES FAC-
4 ING NONPARTICIPATING OPPONENTS.—

5 “(1) IN GENERAL.—In addition to any pay-
6 ments provided under subsections (a) and (b), each
7 candidate described in paragraph (2) shall be enti-
8 tled to—

9 “(A) a payment under section 9037 in an
10 amount equal to the amount of each contribu-
11 tion received by such candidate on or after the
12 beginning of the calendar year preceding the
13 calendar year of the presidential election with
14 respect to which such candidate is seeking nom-
15 ination and before the qualifying date, dis-
16 regarding any amount of contributions from
17 any person to the extent that the total of the
18 amounts contributed by such person exceeds
19 \$200, and

20 “(B) payments under section 9037 in an
21 amount equal to the amount of each contribu-
22 tion received by such candidate on or after the
23 qualifying date, disregarding any amount of
24 contributions from any person to the extent

1 that the total of the amounts contributed by
2 such person exceeds \$200.

3 “(2) CANDIDATES TO WHOM THIS SUBSECTION
4 APPLIES.—A candidate is described in this para-
5 graph if such candidate—

6 “(A) is eligible to receive payments under
7 section 9033, and

8 “(B) is opposed by a nonparticipating pri-
9 mary candidate of the same political party who
10 receives contributions or makes expenditures
11 with respect to the campaign—

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

18 “(ii) before the date described in sec-
19 tion 9006(b), in an aggregate amount
20 greater than 120 percent of the expendi-
21 ture limitation under section
22 315(b)(1)(A)(ii) of such Act.

23 “(3) NONPARTICIPATING PRIMARY CAN-
24 DIDATE.—In this subsection, the term ‘nonpartici-
25 pating primary candidate’ means a candidate for

1 nomination for election for the office of President
2 who is not eligible under section 9033 to receive pay-
3 ments from the Secretary under this chapter.

4 “(4) QUALIFYING DATE.—In this subsection,
5 the term ‘qualifying date’ means the first date on
6 which the contributions received or expenditures
7 made by the nonparticipating primary candidate de-
8 scribed in paragraph (2)(B) exceed the amount de-
9 scribed under either clause (i) or clause (ii) of such
10 paragraph.”.

11 (B) CONFORMING AMENDMENT.—Section
12 9034(b) of such Code, as amended by section 2,
13 is amended by striking “subsection (a)” and in-
14 serting “subsections (a) and (c)”.

15 (2) INCREASE IN EXPENDITURE LIMIT.—Sec-
16 tion 315(b) of the Federal Election Campaign Act of
17 1971 (2 U.S.C. 441a(b)) is amended by adding at
18 the end the following new paragraph:

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

22 “(i) by \$50,000,000, if any nonparticipating
23 primary candidate of the same political party as
24 such candidate receives contributions or makes ex-
25 penditures with respect to the campaign in an aggre-

1 gate amount greater than 120 percent of the ex-
2 penditure limitation applicable to eligible candidates
3 under clause (i) or (ii) of paragraph (1)(A) (before
4 the application of this clause), and

5 “(ii) by \$100,000,000, if such nonparticipating
6 primary candidate receives contributions or makes
7 expenditures with respect to the campaign in an ag-
8 gregate amount greater than 120 percent of the ex-
9 penditure limitation applicable to eligible candidates
10 under clause (i) or (ii) of paragraph (1)(A) after the
11 application of clause (i).

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

15 “(C) In this paragraph, the term ‘eligible candidate’
16 means, with respect to any period, a candidate—

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

19 “(ii) who is opposed by a nonparticipating pri-
20 mary candidate; and

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

23 “(D) In this paragraph, the term ‘nonparticipating
24 primary candidate’ means, with respect to any eligible can-
25 didate, a candidate for nomination for election for the of-

1 fice of President who is not eligible under section 9033
2 of the Internal Revenue Code of 1986 to receive payments
3 from the Secretary of the Treasury under chapter 96 of
4 such Code.”.

5 (b) CANDIDATES IN GENERAL ELECTIONS.—

6 (1) ADDITIONAL PAYMENTS.—

7 (A) IN GENERAL.—Section 9004(a)(1) of
8 the Internal Revenue Code of 1986 is amend-
9 ed—

10 (i) by striking “(1) The eligible can-
11 didates” and inserting “(1)(A) Except as
12 provided in subparagraph (B), the eligible
13 candidates”; and

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

16 “(B) In addition to the payments described in
17 subparagraph (A), each eligible candidate of a major
18 party in a presidential election with an opponent in
19 the election who is not eligible to receive payments
20 under section 9006 and who receives contributions
21 or makes expenditures with respect to the primary
22 and general elections in an aggregate amount great-
23 er than 120 percent of the combined expenditure
24 limitations applicable to eligible candidates under
25 section 315(b)(1) of the Federal Election Campaign

1 Act of 1971 shall be entitled to an equal payment
2 under section 9006 in an amount equal to 100 per-
3 cent of the expenditure limitation applicable under
4 such section with respect to a campaign for election
5 to the office of President.”.

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

9 (i) by striking “(A) The eligible can-
10 didates” and inserting “(A)(i) Except as
11 provided in clause (ii), the eligible can-
12 didates”; and

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

15 “(ii) In addition to the payments described in
16 clause (i), each eligible candidate of a minor party
17 in a presidential election with an opponent in the
18 election who is not eligible to receive payments
19 under section 9006 and who receives contributions
20 or makes expenditures with respect to the primary
21 and general elections in an aggregate amount great-
22 er than 120 percent of the combined expenditure
23 limitations applicable to eligible candidates under
24 section 315(b)(1) of the Federal Election Campaign
25 Act of 1971 shall be entitled to an equal payment

1 under section 9006 in an amount equal to 100 per-
 2 cent of the payment to which such candidate is enti-
 3 tled under clause (i).”.

4 (2) EXCLUSION OF ADDITIONAL PAYMENT
 5 FROM DETERMINATION OF EXPENDITURE LIMITS.—

6 Section 315(b) of the Federal Election Campaign
 7 Act of 1971 (2 U.S.C. 441a(b)), as amended by sub-
 8 section (a), is amended by adding at the end the fol-
 9 lowing new paragraph:

10 “(4) In the case of a candidate who is eligible to re-
 11 ceive payments under section 9004(a)(1)(B) or
 12 9004(a)(2)(A)(ii) of the Internal Revenue Code of 1986,
 13 the limitation under paragraph (1)(B) shall be increased
 14 by the amount of such payments received by the can-
 15 didate.”.

16 (c) PROCESS FOR DETERMINATION OF ELIGIBILITY
 17 FOR ADDITIONAL PAYMENT AND INCREASED EXPENDI-
 18 TURE LIMITS.—Section 304 of the Federal Election Cam-
 19 paign Act of 1971 (2 U.S.C. 434) is amended by adding
 20 at the end the following new subsection:

21 “(i) REPORTING AND CERTIFICATION FOR ADDI-
 22 TIONAL PUBLIC FINANCING PAYMENTS FOR CAN-
 23 DIDATES.—

24 “(1) PRIMARY CANDIDATES.—

1 “(A) NOTIFICATION OF EXPENDITURES BY
2 INELIGIBLE CANDIDATES.—

3 “(i) EXPENDITURES IN EXCESS OF
4 120 PERCENT OF LIMIT.—If a candidate
5 for a nomination for election for the office
6 of President who is not eligible to receive
7 payments under section 9033 of the Inter-
8 nal Revenue Code of 1986 receives con-
9 tributions or makes expenditures with re-
10 spect to the primary election in an aggre-
11 gate amount greater than 120 percent of
12 the expenditure limitation applicable to eli-
13 gible candidates under clause (i) or (ii) of
14 section 315(b)(1)(A), the candidate shall
15 notify the Commission in writing that the
16 candidate has received aggregate contribu-
17 tions or made aggregate expenditures in
18 such an amount not later than 24 hours
19 after first receiving aggregate contribu-
20 tions or making aggregate expenditures in
21 such an amount.

22 “(ii) EXPENDITURES IN EXCESS OF
23 120 PERCENT OF INCREASED LIMIT.—If a
24 candidate for a nomination for election for
25 the office of President who is not eligible

1 to receive payments under section 9033 of
2 the Internal Revenue Code of 1986 re-
3 ceives contributions or makes expenditures
4 with respect to the primary election in an
5 aggregate amount greater than 120 per-
6 cent of the expenditure limitation applica-
7 ble to eligible candidates under section
8 315(b) after the application of paragraph
9 (3)(A)(i) thereof, the candidate shall notify
10 the Commission in writing that the can-
11 didate has received aggregate contributions
12 or made aggregate expenditures in such an
13 amount not later than 24 hours after first
14 receiving aggregate contributions or mak-
15 ing aggregate expenditures in such an
16 amount.

17 “(B) CERTIFICATION.—Not later than 24
18 hours after receiving any written notice under
19 subparagraph (A) from a candidate, the Com-
20 mission shall—

21 “(i) certify to the Secretary of the
22 Treasury that opponents of the candidate
23 are eligible for additional payments under
24 section 9034(c) of the Internal Revenue
25 Code of 1986;

1 “(ii) notify each opponent of the can-
2 didate who is eligible to receive payments
3 under section 9033 of the Internal Rev-
4 enue Code of 1986 of the amount of the
5 increased limitation on expenditures which
6 applies pursuant to section 315(b)(3); and

7 “(iii) in the case of a notice under
8 subparagraph (A)(i), notify the national
9 committee of each political party (other
10 than the political party with which the can-
11 didate is affiliated) of the inapplicability of
12 expenditure limits under section 315(d)(2)
13 pursuant to subparagraph (C) thereof.

14 “(2) GENERAL ELECTION CANDIDATES.—

15 “(A) NOTIFICATION OF EXPENDITURES BY
16 INELIGIBLE CANDIDATES.—If a candidate in a
17 presidential election who is not eligible to re-
18 ceive payments under section 9006 of the Inter-
19 nal Revenue Code of 1986 receives contribu-
20 tions or makes expenditures with respect to the
21 primary and general elections in an aggregate
22 amount greater than 120 percent of the com-
23 bined expenditure limitations applicable to eligi-
24 ble candidates under section 315(b)(1), the can-
25 didate shall notify the Commission in writing

1 that the candidate has received aggregate con-
 2 tributions or made aggregate expenditures in
 3 such an amount not later than 24 hours after
 4 first receiving aggregate contributions or mak-
 5 ing aggregate expenditures in such an amount.

6 “(B) CERTIFICATION.—Not later than 24
 7 hours after receiving a written notice under
 8 subparagraph (A), the Commission shall certify
 9 to the Secretary of the Treasury for payment to
 10 any eligible candidate who is entitled to an ad-
 11 ditional payment under paragraph (1)(B) or
 12 (2)(A)(ii) of section 9004(a) of the Internal
 13 Revenue Code of 1986 that the candidate is en-
 14 titled to payment in full of the additional pay-
 15 ment under such section.”.

16 **SEC. 6. ESTABLISHMENT OF UNIFORM DATE FOR RELEASE**
 17 **OF PAYMENTS FROM PRESIDENTIAL ELEC-**
 18 **TION CAMPAIGN FUND TO ELIGIBLE CAN-**
 19 **DIDATES.**

20 (a) IN GENERAL.—The first sentence of section
 21 9006(b) of the Internal Revenue Code of 1986 is amended
 22 to read as follows: “If the Secretary of the Treasury re-
 23 ceives a certification from the Commission under section
 24 9005 for payment to the eligible candidates of a political
 25 party, the Secretary shall, on the last Friday occurring

1 before the first Monday in September, pay to such can-
 2 didates of the fund the amount certified by the Commis-
 3 sion.”.

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

9 **SEC. 7. REVISIONS TO DESIGNATION OF INCOME TAX PAY-**
 10 **MENTS BY INDIVIDUAL TAXPAYERS.**

11 (a) INCREASE IN AMOUNT DESIGNATED.—Section
 12 6096(a) of the Internal Revenue Code of 1986 is amend-
 13 ed—

14 (1) in the first sentence, by striking “\$3” each
 15 place it appears and inserting “\$10”; and

16 (2) in the second sentence—

17 (A) by striking “\$6” and inserting “\$20”;

18 and

19 (B) by striking “\$3” and inserting “\$10”.

20 (b) INDEXING.—Section 6096 of such Code is amend-
 21 ed by adding at the end the following new subsection:

22 “(d) INDEXING OF AMOUNT DESIGNATED.—

23 “(1) IN GENERAL.—With respect to each tax-
 24 able year after 2008, each amount referred to in
 25 subsection (a) shall be increased by the percent dif-

1 ference described in paragraph (2), except that if
2 any such amount after such an increase is not a
3 multiple of \$1, such amount shall be rounded to the
4 nearest multiple of \$1.

5 “(2) PERCENT DIFFERENCE DESCRIBED.—The
6 percent difference described in this paragraph with
7 respect to a taxable year is the percent difference
8 determined under section 315(e)(1)(A) of the Fed-
9 eral Election Campaign Act of 1971 with respect to
10 the calendar year during which the taxable year be-
11 gins, except that the base year involved shall be
12 2008.”.

13 (c) ENSURING TAX PREPARATION SOFTWARE DOES
14 NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION
15 QUESTION.—Section 6096 of such Code, as amended by
16 subsection (b), is amended by adding at the end the fol-
17 lowing new subsection:

18 “(e) ENSURING TAX PREPARATION SOFTWARE DOES
19 NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION
20 QUESTION.—The Secretary shall promulgate regulations
21 to ensure that electronic software used in the preparation
22 or filing of individual income tax returns does not auto-
23 matically accept or decline a designation of a payment
24 under this section.”.

1 (d) PUBLIC INFORMATION PROGRAM ON DESIGNA-
2 TION.—Section 6096 of such Code, as amended by sub-
3 sections (b) and (c), is amended by adding at the end the
4 following new subsection:

5 “(f) PUBLIC INFORMATION PROGRAM.—

6 “(1) IN GENERAL.—The Federal Election Com-
7 mission shall conduct a program to inform and edu-
8 cate the public regarding the purposes of the Presi-
9 dential Election Campaign Fund, the procedures for
10 the designation of payments under this section, and
11 the effect of such a designation on the income tax
12 liability of taxpayers.

13 “(2) USE OF FUNDS FOR PROGRAM.—Amounts
14 in the Presidential Election Campaign Fund shall be
15 made available to the Federal Election Commission
16 to carry out the program under this subsection, ex-
17 cept that the amount made available for this pur-
18 pose may not exceed \$10,000,000 with respect to
19 any Presidential election cycle. In this paragraph, a
20 ‘Presidential election cycle’ is the 4-year period be-
21 ginning with January of the year following a Presi-
22 dential election.”.

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

1 **SEC. 8. AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN**
 2 **FUND.**

3 (a) DETERMINATION OF AMOUNTS IN FUND.—Sec-
 4 tion 9006(c) of the Internal Revenue Code of 1986 is
 5 amended by adding at the end the following new sentence:
 6 “In making a determination of whether there are insuffi-
 7 cient moneys in the fund for purposes of the previous sen-
 8 tence, the Secretary shall take into account in determining
 9 the balance of the fund for a Presidential election year
 10 the Secretary’s best estimate of the amount of moneys
 11 which will be deposited into the fund during the year, ex-
 12 cept that the amount of the estimate may not exceed the
 13 average of the annual amounts deposited in the fund dur-
 14 ing the previous 3 years.”.

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

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

20 “(d) SPECIAL AUTHORITY TO BORROW.—

21 “(1) IN GENERAL.—Notwithstanding subsection
 22 (c), there are authorized to be appropriated to the
 23 fund, as repayable advances, such sums as are nec-
 24 essary to carry out the purposes of the fund during
 25 the period ending on the first presidential election

1 occurring after the date of the enactment of this
2 subsection.

3 “(2) REPAYMENT OF ADVANCES.—

4 “(A) IN GENERAL.—Advances made to the
5 fund shall be repaid, and interest on such ad-
6 vances shall be paid, to the general fund of the
7 Treasury when the Secretary determines that
8 moneys are available for such purposes in the
9 fund.

10 “(B) RATE OF INTEREST.—Interest on ad-
11 vances made to the fund shall be at a rate de-
12 termined by the Secretary of the Treasury (as
13 of the close of the calendar month preceding the
14 month in which the advance is made) to be
15 equal to the current average market yield on
16 outstanding marketable obligations of the
17 United States with remaining periods to matu-
18 rity comparable to the anticipated period during
19 which the advance will be outstanding and shall
20 be compounded annually.”.

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

1 **SEC. 9. REPEAL OF PRIORITY IN USE OF FUNDS FOR POLIT-**
 2 **ICAL CONVENTIONS.**

3 (a) IN GENERAL.—Section 9008(a) of the Internal
 4 Revenue Code of 1986 is amended by striking the period
 5 at the end of the second sentence and all that follows and
 6 inserting the following: “, except that the amount depos-
 7 ited may not exceed the amount available after the Sec-
 8 retary determines that amounts for payments under sec-
 9 tion 9006 and section 9037 are available for such pay-
 10 ments.”.

11 (b) CONFORMING AMENDMENT.—The second sen-
 12 tence of section 9037(a) of such Code is amended by strik-
 13 ing “section 9006(e) and for payments under section
 14 9008(b)(3)” and inserting “section 9006”.

15 **SEC. 10. REGULATION OF CONVENTION FINANCING.**

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

19 “(g) NATIONAL CONVENTIONS.—Any person de-
 20 scribed in subsection (e) shall not solicit, receive, direct,
 21 transfer, or spend any funds in connection with a presi-
 22 dential nominating convention of any political party, in-
 23 cluding funds for a host committee, civic committee, mu-
 24 nicipality, or any other person or entity spending funds
 25 in connection with such a convention, unless such funds—

1 “(1) are not in excess of the amounts permitted
2 with respect to contributions to the political com-
3 mittee established and maintained by a national po-
4 litical party committee under section 315; and

5 “(2) are not from sources prohibited by this Act
6 from making contributions in connection with an
7 election for Federal office.”.

8 **SEC. 11. DISCLOSURE OF BUNDLED CONTRIBUTIONS.**

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

12 (1) by striking “and” at the end of paragraph
13 (7);

14 (2) by striking the period at the end of para-
15 graph (8) and inserting “; and”; and

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

18 “(9) in the case of an authorized committee of
19 a candidate for President, the name, address, occu-
20 pation, and employer of each person who makes a
21 bundled contribution, and the aggregate amount of
22 the bundled contributions made by such person dur-
23 ing the reporting period.”.

24 (b) BUNDLED CONTRIBUTION.—Section 301 of the
25 Federal Election Campaign Act of 1971 (2 U.S.C. 431)

1 is amended by adding at the end the following new para-
 2 graph:

3 “(27) BUNDLED CONTRIBUTION.—The term
 4 ‘bundled contribution’ means a series of contribu-
 5 tions that are, in the aggregate, \$10,000 or more
 6 and—

7 “(A) are transferred to the candidate or
 8 the authorized committee of the candidate by
 9 one person; or

10 “(B) include a written or oral notification
 11 that the contribution was solicited, arranged, or
 12 directed by a person other than the donor.”.

13 **SEC. 12. OFFSET.**

14 (a) IN GENERAL.—Section 211(c)(1)(A) of the Agri-
 15 cultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is
 16 amended by striking “and \$200,000,000 for each of fiscal
 17 years 2006 and 2007” and inserting “\$200,000,000 for
 18 fiscal year 2006, and \$100,000,000 for fiscal year 2007”.

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

1 **SEC. 13. EFFECTIVE DATE.**

2 Except as otherwise provided in this Act, the amend-
3 ments made by this Act shall apply with respect to elec-
4 tions occurring after January 1, 2009.

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