

105TH CONGRESS  
1ST SESSION

# H. R. 223

To amend the Federal Election Campaign Act of 1971 to establish the Presidential Debate Commission on an ongoing basis and to amend the Internal Revenue Code of 1986 to reduce the amount of funds provided under such Act for party nominating conventions for any party whose nominee for President or Vice-President does not participate in any debate scheduled by the Commission, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. McCOLLUM introduced the following bill; which was referred to the  
Committee on House Oversight

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## A BILL

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Presidential Debate  
3 Reform Act”.

4 **SEC. 2. ESTABLISHMENT OF PRESIDENTIAL DEBATE COM-**  
5 **MISSION.**

6 Title III of the Federal Election Campaign Act of  
7 1971 (2 U.S.C. 431 et seq.) is amended by adding at the  
8 end the following new section:

9 “PRESIDENTIAL DEBATE COMMISSION

10 “SEC. 323. (a) ESTABLISHMENT.—Not later than  
11 one year before the date of each general election for the  
12 offices of President and Vice President of the United  
13 States (beginning with the general election held in 2000),  
14 a Presidential Debate Commission (hereafter in this sec-  
15 tion referred to as the ‘Commission’) shall be appointed  
16 in accordance with this section with respect to such elec-  
17 tion.

18 “(b) MEMBERSHIP.—

19 “(1) IN GENERAL.—The Commission shall be  
20 composed of 10 members appointed as follows:

21 “(A) 2 members shall be appointed by the  
22 Speaker of the House. At least one such mem-  
23 ber shall not be a member of the Republican or  
24 Democratic Parties.

1           “(B) 2 members shall be appointed by the  
2           House Minority Leader. At least one such mem-  
3           ber shall not be a member of the Republican or  
4           Democratic Parties.

5           “(C) 2 members shall be appointed by the  
6           Majority Leader of the Senate. At least one  
7           such member shall not be a member of the Re-  
8           publican or Democratic Parties.

9           “(D) 2 members shall be appointed by the  
10          Minority Leader of the Senate. At least one  
11          such member shall not be a member of the Re-  
12          publican or Democratic Parties.

13          “(E) 1 member shall be appointed by the  
14          President from among a list of nominees sub-  
15          mitted by the chair of the Republican National  
16          Committee.

17          “(F) 1 member shall be appointed by the  
18          President from among a list of nominees sub-  
19          mitted by the chair of the Democratic National  
20          Committee.

21          “(2) QUALIFICATIONS.—Members of the Com-  
22          mission may be from the public or private sector,  
23          and may include Federal, State, or local officers or  
24          employees, members of academia, nonprofit organi-  
25          zations, or other interested individuals.

1           “(3) VACANCIES.—Any vacancy shall be filled  
2           in the same manner as the original appointment not  
3           later than 10 days after the vacancy occurs.

4           “(4) COMPENSATION.—Members of the Com-  
5           mission shall receive no compensation for service on  
6           the Commission, but shall be allowed travel ex-  
7           penses, including per diem in lieu of subsistence, at  
8           rates authorized for employees of agencies under  
9           subchapter I of chapter 57 of title 5, United States  
10          Code, while away from their homes or regular places  
11          of business in the performance of service for the  
12          Commission.

13          “(c) POWERS; MEETINGS.—Except as provided in  
14          subsection (d), decisions made by the Commission shall  
15          be made by consent of no less than seven of the commis-  
16          sioners. The Commission shall meet at a time and a site  
17          agreed upon by no less than seven of the members.

18          “(d) STAFF.—

19                 “(1) EXECUTIVE DIRECTOR.—With the ap-  
20                 proval of the majority of the Commission’s members  
21                 and without regard to the provisions of title 5, Unit-  
22                 ed States Code, governing appointments in the com-  
23                 petitive service, the Commission shall appoint an ex-  
24                 ecutive director, who shall be paid at a rate not to  
25                 exceed the rate of basic pay payable for level V of

1 the Executive Schedule under section 5315 of title  
2 5, United States Code.

3 “(2) OTHER PERSONNEL.—With the approval  
4 of the majority of the Commission’s members, the  
5 Commission may appoint a secretarial assistant and  
6 such other staff as the Commission considers appro-  
7 priate, without regard to the provisions of title 5,  
8 United States Code, governing appointments in the  
9 competitive service and without regard to the provi-  
10 sions of chapter 51 and subchapter III of chapter 53  
11 of that title relating to classifications and General  
12 Schedule pay rates, except that the rate of pay for  
13 any such personnel may not exceed 75 percent of the  
14 rate of pay for the Executive Director.

15 “(3) TEMPORARY AND INTERMITTENT SERV-  
16 ICES.—The Commission may procure temporary and  
17 intermittent services to the same extent as is author-  
18 ized by section 3109(b) of title 5, United States  
19 Code.

20 “(e) DUTIES.—It shall be the duty of the Commission  
21 to establish a schedule of debates in accordance with sub-  
22 section (f) as follows:

23 “(1) One preliminary debate.

24 “(2) Not less than 1 or more than 2 Vice Presi-  
25 dential debates.

1           “(3) Not less than 2 or more than 4 Presi-  
2           dential debates.

3           “(f) DEBATES DESCRIBED.—

4           “(1) PRELIMINARY DEBATES.—A preliminary  
5           debate shall take place no sooner than 60 days and  
6           no later than 45 days before a Presidential election.  
7           The time and place of the preliminary debate shall  
8           be announced by the Commission no later than 90  
9           days before the scheduled preliminary debate. A pre-  
10          liminary debate shall involve any person who has de-  
11          clared himself a candidate for the position of Presi-  
12          dent of the United States who is either on the ballot  
13          in all 50 States or is the choice of 5 percent of likely  
14          voters to be President of the United States, as deter-  
15          mined by the Commission. Factors to be taken into  
16          account include nationally recognized polling data.  
17          The format shall be decided by the Commission. The  
18          attendance by any candidate at the preliminary de-  
19          bate is optional.

20          “(2) VICE PRESIDENTIAL DEBATES.—Vice  
21          Presidential debates shall take place at least 7 days  
22          following the preliminary debate. The time and date  
23          of all Vice Presidential debates shall be announced  
24          no later than 90 days prior to the first Vice Presi-  
25          dential debate. The Commission may alter the time

1 and date of such debates for good cause with the  
2 consent of seven members. All Vice Presidential de-  
3 bates shall involve persons who are the Vice Presi-  
4 dential candidates to qualified Presidential can-  
5 didates described in paragraph (4). The format of  
6 debates shall be decided by the Commission.

7 “(3) PRESIDENTIAL DEBATES.—Presidential  
8 debates shall take place no sooner than 7 days fol-  
9 lowing the preliminary debate. The time and date of  
10 all qualified debates shall be announced no later  
11 than 90 days prior to the first scheduled qualified  
12 debate. The Commission may alter the time and  
13 date of such debates for good cause with the consent  
14 of seven members. The format of debates shall be  
15 decided by the Commission, with at least 1 being of  
16 the single moderator format. Presidential debates  
17 shall involve persons who are qualified Presidential  
18 candidates described in paragraph (4).

19 “(4) QUALIFIED PRESIDENTIAL CANDIDATE DE-  
20 FINED.—In this subsection, a ‘qualified Presidential  
21 candidate’ is a candidate for President of the United  
22 States who is on the ballot in at least 40 States and  
23 is the choice of not less than 10 percent of likely

1 voters, the latter to be determined by the Commis-  
2 sion taking into account only the polling data col-  
3 lected no sooner than 1 day after the conclusion of  
4 the preliminary debate.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to each Commission ap-  
7 pointed under this section such sums as may be necessary  
8 to carry out its activities with respect to the election in-  
9 volved.

10 “(h) TERMINATION.—Each Commission appointed  
11 under this section shall terminate on the date following  
12 the day of the election for which the Commission was ap-  
13 pointed.”.

14 **SEC. 3. REDUCTION IN AMOUNT OF FEDERAL PAYMENTS**  
15 **FOR PARTY CONVENTIONS OF PARTIES NOT**  
16 **PARTICIPATING IN COMMISSION DEBATES.**

17 Section 9008 of the Internal Revenue Code of 1986  
18 is amended by adding at the end the following new sub-  
19 section:

20 “(i) REDUCTION IN PAYMENTS FOR PARTIES NOT  
21 PARTICIPATING IN DEBATES CERTIFIED BY PRESI-  
22 DENTIAL DEBATE COMMISSION.—

23 “(1) IN GENERAL.—If the nominee for Presi-  
24 dent of the United States or Vice President of the  
25 United States of a party receiving payments under

1 this section does not certify to the Commission that  
2 the nominee will participate in all applicable debates  
3 scheduled by the Presidential Debate Commission  
4 pursuant to section 323 of the Federal Election  
5 Campaign Act of 1971 with respect to a general  
6 election (other than a preliminary debate described  
7 in section 323(f)(1) of such Act), the amount of the  
8 payment to which the party is otherwise entitled  
9 under this section for the nominating convention for  
10 the following general election shall be reduced by the  
11 percentage described in paragraph (2).

12 “(2) REDUCTION PERCENTAGE DESCRIBED.—  
13 The percentage described in this paragraph with re-  
14 spect to a party is the amount (expressed as a per-  
15 centage) equal to—

16 “(A) the number of Presidential and Vice  
17 Presidential debates scheduled by the Presi-  
18 dential Debate Commission with respect to an  
19 election that the party’s nominee did not at-  
20 tend; divided by

21 “(B) the total number of such debates  
22 scheduled by the Commission with respect to  
23 the election.”.

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