

104TH CONGRESS
2D SESSION

H. R. 4310

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1996

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

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.

25 “(B) 2 members shall be appointed by the
26 House Minority Leader. At least one such mem-

1 ber shall not be a member of the Republican or
2 Democratic Parties.

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

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

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

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

19 “(2) QUALIFICATIONS.—Members of the Com-
20 mission may be from the public or private sector,
21 and may include Federal, State, or local officers or
22 employees, members of academia, nonprofit organi-
23 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 more than 2 Vice Presidential 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
24 voters, the latter to be determined by the Commis-
25 sion taking into account only the polling data col-

1 lected no sooner than 1 day after the conclusion of
2 the preliminary debate.

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

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

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

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

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

21 “(1) IN GENERAL.—If the nominee for Presi-
22 dent of the United States or Vice President of the
23 United States of a party receiving payments under
24 this section does not certify to the Commission that
25 the nominee will participate in all applicable debates

1 scheduled by the Presidential Debate Commission
2 pursuant to section 323 of the Federal Election
3 Campaign Act of 1971 with respect to a general
4 election (other than a preliminary debate described
5 in section 323(f)(1) of such Act), the amount of the
6 payment to which the party is otherwise entitled
7 under this section for the nominating convention for
8 the following general election shall be reduced by the
9 percentage described in paragraph (2).

10 “(2) REDUCTION PERCENTAGE DESCRIBED.—

11 The percentage described in this paragraph with re-
12 spect to a party is the amount (expressed as a per-
13 centage) equal to—

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

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

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