

106TH CONGRESS
1ST SESSION

H. R. 178

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

JANUARY 6, 1999

Mr. MCCOLLUM introduced the following bill; which was referred to the Committee on House Administration

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 6
11 months 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 the President shall appoint a Presidential Debate Commis-
15 sion (hereafter in this section referred to as the ‘Commis-
16 sion’) in accordance with this section with respect to such
17 election.

18 “(b) MEMBERSHIP.—

19 “(1) IN GENERAL.—The Commission shall be
20 composed of 3 members appointed by the President
21 as follows:

22 “(A) 1 member shall be from among a list
23 of nominees submitted by the chair of the Re-
24 publican National Committee.

1 “(B) 1 member shall be from among a list
2 of nominees submitted by the chair of the
3 Democratic National Committee.

4 “(C) 1 member (who shall not be a mem-
5 ber of the Republican or Democratic Parties)
6 shall be from among a list of nominees submit-
7 ted jointly by the chairs of the Republican Na-
8 tional Committee and the Democratic National
9 Committee.

10 “(2) QUALIFICATIONS.—Members of the Com-
11 mission may be from the public or private sector,
12 and may include Federal, State, or local officers or
13 employees, members of academia, nonprofit organi-
14 zations, or other interested individuals.

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

18 “(4) COMPENSATION.—Members of the Com-
19 mission shall receive no compensation for service on
20 the Commission, but shall be allowed travel ex-
21 penses, including per diem in lieu of subsistence, at
22 rates authorized for employees of agencies under
23 subchapter I of chapter 57 of title 5, United States
24 Code, while away from their homes or regular places

1 of business in the performance of service for the
2 Commission.

3 “(c) POWERS; MEETINGS.—Except as provided in
4 subsection (d), decisions made by the Commission shall
5 be made by unanimous consent of the commissioners. The
6 Commission shall meet at a time and a site agreed upon
7 by each of the members.

8 “(d) STAFF.—

9 “(1) EXECUTIVE DIRECTOR.—With the ap-
10 proval of the majority of the Commission’s members
11 and without regard to the provisions of title 5,
12 United States Code, governing appointments in the
13 competitive service, the Commission shall appoint an
14 executive director, who shall be paid at a rate not
15 to exceed the rate of basic pay payable for level V
16 of the Executive Schedule under section 5315 of title
17 5, United States Code.

18 “(2) OTHER PERSONNEL.—With the approval
19 of the majority of the Commission’s members, the
20 Commission may appoint a secretarial assistant and
21 such other staff as the Commission considers appro-
22 priate, without regard to the provisions of title 5,
23 United States Code, governing appointments in the
24 competitive service and without regard to the provi-
25 sions of chapter 51 and subchapter III of chapter 53

1 of that title relating to classifications and General
2 Schedule pay rates, except that the rate of pay for
3 any such personnel may not exceed 75 percent of the
4 rate of pay for the Executive Director.

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

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

13 “(1) One preliminary debate.

14 “(2) Not more than 2 Vice Presidential debates.

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

17 “(f) DEBATES DESCRIBED.—

18 “(1) PRELIMINARY DEBATES.—A preliminary
19 debate shall take place no sooner than 90 days and
20 no later than 60 days before a Presidential election.
21 The time and place of the preliminary debate shall
22 be announced by the Commission no later than 14
23 days before the scheduled preliminary debate. A pre-
24 liminary debate shall involve any person who has de-
25 clared himself a candidate for the position of Presi-

1 dent of the United States who is either on the ballot
2 in all 50 States or is the choice of 5 percent of likely
3 voters to be President of the United States, as deter-
4 mined by the Commission. Factors to be taken into
5 account include nationally recognized polling data.
6 The format shall be decided by the Commission. The
7 attendance by any candidate at the preliminary de-
8 bate is optional.

9 “(2) VICE PRESIDENTIAL DEBATES.—Vice
10 Presidential debates shall take place at least 7 days
11 following the preliminary debate. The time and date
12 of all Vice Presidential debates shall be announced
13 no later than 14 days prior to the first Vice Presi-
14 dential debate. All Vice Presidential debates shall in-
15 volve persons who are the Vice Presidential can-
16 didates to qualified Presidential candidates described
17 in paragraph (4). The format of debates shall be de-
18 cided by the Commission.

19 “(3) PRESIDENTIAL DEBATES.—Presidential
20 debates shall take place no sooner than 7 days fol-
21 lowing the preliminary debate. The time and date of
22 all qualified debates shall be announced no later
23 than 21 days prior to the first scheduled qualified
24 debate. The format of debates shall be decided by
25 the Commission, with at least 1 being of the single

1 moderator format. Presidential debates shall involve
2 persons who are qualified Presidential candidates de-
3 scribed in paragraph (4).

4 “(4) QUALIFIED PRESIDENTIAL CANDIDATE DE-
5 FINED.—In this subsection, a ‘qualified Presidential
6 candidate’ is a candidate for President of the United
7 States who is the choice of not less than 5 percent
8 of likely voters, to be determined by the Commission
9 taking into account only the polling data collected no
10 sooner than 1 day after the conclusion of the pre-
11 liminary debate.

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to each Commission ap-
14 pointed under this section such sums as may be necessary
15 to carry out its activities with respect to the election in-
16 volved.

17 “(h) TERMINATION.—Each Commission appointed
18 under this section shall terminate on the date following
19 the day of the election for which the Commission was ap-
20 pointed.”.

1 **SEC. 3. REDUCTION IN AMOUNT OF FEDERAL PAYMENTS**
2 **FOR PARTY CONVENTIONS OF PARTIES NOT**
3 **PARTICIPATING IN COMMISSION DEBATES.**

4 Section 9008 of the Internal Revenue Code of 1986
5 is amended by adding at the end the following new sub-
6 section:

7 “(i) REDUCTION IN PAYMENTS FOR PARTIES NOT
8 PARTICIPATING IN DEBATES CERTIFIED BY PRESI-
9 DENTIAL DEBATE COMMISSION.—

10 “(1) IN GENERAL.—If the nominee for Presi-
11 dent of the United States or Vice President of the
12 United States of a party receiving payments under
13 this section does not certify to the Commission that
14 the nominee will participate in all applicable debates
15 scheduled by the Presidential Debate Commission
16 pursuant to section 323 of the Federal Election
17 Campaign Act of 1971 with respect to a general
18 election (other than a preliminary debate described
19 in section 323(f)(1) of such Act), the amount of the
20 payment to which the party is otherwise entitled
21 under this section for the nominating convention for
22 the following general election shall be reduced by the
23 percentage described in paragraph (2).

24 “(2) REDUCTION PERCENTAGE DESCRIBED.—
25 The percentage described in this paragraph with re-

1 spect to a party is the amount (expressed as a per-
2 centage) equal to—

3 “(A) the number of Presidential and Vice
4 Presidential debates scheduled by the Presi-
5 dential Debate Commission with respect to an
6 election that the party’s nominee did not at-
7 tend; divided by

8 “(B) the total number of such debates
9 scheduled by the Commission with respect to
10 the election.”.

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