

104TH CONGRESS
2D SESSION

S. 1905

To establish an independent commission to recommend reforms in the laws relating to elections for Federal office.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 1996

Mr. KOHL introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish an independent commission to recommend reforms in the laws relating to elections for Federal office.

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.**

4 This Act may be cited as the “Campaign Finance Re-
5 form Commission Act of 1996”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 (a) ESTABLISHMENT.—There is established a Com-
8 mission to be known as the “Federal Election Law Reform
9 Commission” (referred to in this Act as the “Commis-
10 sion”).

1 (b) MEMBERSHIP.—

2 (1) APPOINTMENTS.—The Commission shall be
3 comprised of 8 qualified members, who shall be ap-
4 pointed not later than 30 days after the date of en-
5 actment of this Act as follows:

6 (A) APPOINTMENTS BY MAJORITY LEADER
7 AND SPEAKER.—The Majority Leader of the
8 Senate and the Speaker of the House of Rep-
9 resentatives shall jointly appoint to the Com-
10 mission—

11 (i) 1 member who is a retired Federal
12 judge as of the date on which the appoint-
13 ment is made;

14 (ii) 1 member who is a former Mem-
15 ber of Congress as of the date on which
16 the appointment is made; and

17 (iii) 1 member who is from the aca-
18 demic community.

19 (B) APPOINTMENTS BY MINORITY LEAD-
20 ERS.—The Minority Leader of the Senate and
21 the Minority Leader of the House of Represent-
22 atives shall jointly appoint to the Commission—

23 (i) 1 member who is a retired Federal
24 judge as of the date on which the appoint-
25 ment is made; and

1 (ii) 1 member who is a former Mem-
2 ber of Congress as of the date on which
3 the appointment is made.

4 (C) APPOINTMENT BY PRESIDENT.—The
5 President shall appoint to the Commission 1
6 member who is from the academic community.

7 (D) APPOINTMENTS BY COMMISSION MEM-
8 BERS.—The members appointed under subpara-
9 graphs (A), (B), and (C) shall jointly appoint 2
10 members to the Commission, neither of whom
11 shall have held any elected or appointed public
12 or political party office, including any position
13 with an election campaign for Federal office,
14 during the 10 years preceding the date on
15 which the appointment is made.

16 (2) QUALIFICATIONS.—

17 (A) IN GENERAL.—A person shall not be
18 qualified for an appointment under this sub-
19 section if that person, during the 10-year period
20 preceding the date on which the appointment is
21 made—

22 (i) held a position under schedule C of
23 subpart C of part 213 of title 5 of the
24 Code of Federal Regulations;

1 (ii) was an employee of the legislative
2 branch of the Federal Government, not in-
3 cluding any service as a Member of Con-
4 gress; or

5 (iii) was required to register under the
6 Lobbying Disclosure Act of 1995 (2 U.S.C.
7 1601 et seq.) or derived a significant in-
8 come from influencing, or attempting to in-
9 fluence, members or employees of the exec-
10 utive or legislative branches of the Federal
11 Government.

12 (B) PARTY AFFILIATIONS.—Not more than
13 3 members of the Commission shall be members
14 of, or associated with, the same political party
15 (as that term is defined in section 301(16) of
16 the Federal Election Campaign Act of 1971 (2
17 U.S.C. 431(16)).

18 (3) CHAIRPERSON AND VICE CHAIRPERSON.—
19 The members of the Commission shall designate a
20 chairperson and a vice chairperson from among the
21 membership of the Commission. The chairperson
22 shall be from a political party other than the politi-
23 cal party of the vice chairperson.

24 (4) FINANCIAL DISCLOSURE.—Not later than
25 60 days after appointment to the Commission, each

1 member of the Commission shall file with the Sec-
2 retary of the Senate, the Office of the Clerk of the
3 House of Representatives, and the Federal Election
4 Commission a report containing the information con-
5 tained in section 102 of title 5, United States Code.

6 (5) PERIOD OF APPOINTMENT; VACANCIES.—
7 Members of the Commission shall be appointed for
8 the life of the Commission. Any vacancy in the Com-
9 mission shall not affect its powers, but shall be filled
10 in the same manner as the original appointment.

11 (6) TERMINATION OF COMMISSION.—The Com-
12 mission shall terminate 1 year after the date of en-
13 actment of this Act.

14 (c) POWERS.—

15 (1) HEARINGS.—The Commission may hold
16 such hearings, sit and act at such times and places,
17 take such testimony, and receive such evidence as
18 the Commission considers advisable to carry out the
19 purposes of this Act.

20 (2) INFORMATION FROM FEDERAL AGENCIES.—
21 The Commission may secure directly from any Fed-
22 eral department or agency such information as the
23 Commission considers necessary to carry out this
24 Act. Upon request of the Chairperson of the Com-

1 mission, the head of such department or agency
2 shall furnish such information to the Commission.

3 (3) POSTAL SERVICES.—The Commission may
4 use the United States mails in the same manner and
5 under the same conditions as other departments and
6 agencies of the Federal Government.

7 (d) PAY AND TRAVEL EXPENSES.—

8 (1) MEMBERS.—Each member of the Commis-
9 sion, other than the Chairperson, shall be paid at a
10 rate equal to the daily equivalent of the annual rate
11 of basic pay payable for level IV of the Executive
12 Schedule under section 5315 of title 5, United
13 States Code, for each day (including travel time)
14 during which the member is engaged in the actual
15 performance of duties vested in the Commission.

16 (2) CHAIRPERSON.—The Chairperson shall be
17 paid for each day referred to in paragraph (1) at a
18 rate equal to the daily equivalent of the annual rate
19 of basic pay payable for level III of the Executive
20 Schedule under section 5315 of title 5, United
21 States Code.

22 (e) STAFF.—

23 (1) EXECUTIVE DIRECTOR.—The Chairperson
24 of the Commission may, without regard to the civil
25 service laws and regulations, appoint and terminate

1 an executive director of the Commission, who shall
2 be paid at the rate of basic payable for level IV of
3 the Executive Schedule under section 5315 of title
4 5, United States Code.

5 (2) OTHER PERSONNEL.—(A) Subject to sub-
6 paragraph (B), the executive director may, without
7 regard to the civil service laws and regulations, ap-
8 point and fix the pay of such other additional per-
9 sonnel as may be necessary to enable the Commis-
10 sion to perform its duties.

11 (B) The pay of any individual appointed under
12 this paragraph shall be not more than the maximum
13 annual rate of basic pay payable for grade GS-15 of
14 the General Schedule under section 5332 of title 5,
15 United States Code.

16 (3) DETAIL OF FEDERAL EMPLOYEES.—Any
17 Federal Government employee may be detailed to
18 the Commission without reimbursement, and such
19 detail shall be without interruption or loss of civil
20 service status or privilege.

21 (f) PROCUREMENT OF TEMPORARY AND INTERMIT-
22 TENT SERVICES.—The Chairperson of the Commission
23 may procure temporary and intermittent services under
24 section 3109(b) of title 5, United States Code, at rates
25 for individuals which do not exceed the daily equivalent

1 of the annual rate of basic pay prescribed for level V of
2 the Executive Schedule under section 5316 of such title.

3 **SEC. 3. DUTIES OF COMMISSION.**

4 (a) IN GENERAL.—The Commission shall—

5 (1) identify the appropriate goals and values for
6 Federal campaign finance laws;

7 (2) evaluate the extent to which the Federal
8 Election Campaign Act of 1971 (2 U.S.C. 431 et
9 seq.) has promoted or hindered the attainment of
10 the goals identified under paragraph (1); and

11 (3) make recommendations to the Congress for
12 the achievement of those goals, taking into consider-
13 ation the impact of the Federal Election Campaign
14 Act of 1971.

15 (b) CONSIDERATIONS.—In making recommendations
16 under subsection (a)(3), the Commission shall consider
17 with respect to Federal election campaigns—

18 (1) whether campaign spending levels should be
19 limited, and, if so, to what extent;

20 (2) the role of interest groups and whether that
21 role should be limited or regulated;

22 (3) the role of other funding sources, including
23 political parties, candidates, individuals from inside
24 and outside the State in which the contribution is
25 made;

1 (4) public financing and benefits; and

2 (5) problems in existing campaign finance law,
3 such as soft money, bundling, and independent ex-
4 penditures.

5 (c) REPORT AND RECOMMENDATIONS.—Not later
6 than 1 year after the date of enactment of this Act, the
7 Commission shall submit to the Congress—

8 (1) a report on the activities of the Commission;
9 and

10 (2) a draft of legislation (including technical
11 and conforming provisions) recommended by the
12 Commission to amend the Federal Election Cam-
13 paign Act of 1971 (2 U.S.C. 431 et seq.) and any
14 other law relating to elections for Federal office.

15 **SEC. 4. FAST-TRACK PROCEDURES.**

16 (a) RULES OF HOUSE OF REPRESENTATIVES AND
17 SENATE.—This section is enacted by the Congress—

18 (1) as an exercise of the rulemaking power of
19 the House of Representatives and the Senate, re-
20 spectively, and as such it shall be considered as part
21 of the rules of each House, respectively, or of that
22 House to which it specifically applies, and such rules
23 shall supersede other rules only to the extent that
24 they are inconsistent therewith; and

1 (2) with full recognition of the constitutional
2 right of either House to change the rules (so far as
3 relating to such House) at any time, in the same
4 manner and to the same extent as in the case of any
5 other rule of that House.

6 (b) DEFINITIONS.—As used in this section, the term
7 “Federal election bill” means only a bill of either House
8 of the Congress which is introduced as provided in sub-
9 section (c) to carry out the recommendations of the Com-
10 mission as set forth in the draft legislation referred to in
11 section 5.

12 (c) INTRODUCTION AND REFERRAL.—Not later than
13 3 days after the Commission submits its draft legislation
14 under section 5, a Federal election bill shall be introduced
15 (by request) in the House of Representatives by the Ma-
16 jority Leader of the House and shall be introduced (by
17 request) in the Senate by the Majority Leader of the Sen-
18 ate. Such bills shall be referred to the appropriate commit-
19 tees.

20 (d) AMENDMENTS PROHIBITED.—No amendment to
21 a Federal election bill shall be in order in either the House
22 of Representatives or the Senate; and no motion to sus-
23 pend the application of this subsection shall be in order
24 in either House; nor shall it be in order in either House

1 to entertain a request to suspend the application of this
2 subsection by unanimous consent.

3 (e) PERIOD FOR COMMITTEE AND FLOOR CONSIDER-
4 ATION.—(1) If the committee of either House to which
5 a Federal election bill has been referred has not reported
6 it at the close of the 30th day after its introduction, such
7 committee shall be automatically discharged from further
8 consideration of the bill and it shall be placed on the ap-
9 propriate calendar. If prior to the passage by one House
10 of a Federal election bill of that House, that House re-
11 ceives the same Federal election bill from the other House,
12 then—

13 (A) the procedure in that House shall be the
14 same as if no Federal election bill had been received
15 from the other House; but

16 (B) the vote on final passage shall be on the
17 Federal election bill of the other House.

18 (2) For purposes of paragraph (1), in computing a
19 number of days in either House, there shall be excluded
20 the days on which that House is not in session because
21 of an adjournment of more than 3 days to a day certain
22 or an adjournment of the Congress sine die.

23 (f) FLOOR CONSIDERATION IN THE HOUSE.—(1) A
24 motion in the House of Representatives to proceed to the
25 consideration of a Federal election bill shall be highly priv-

1 ileged except that a motion to proceed to consider may
2 only be made on the second legislative day after the cal-
3 endar day on which the Member making the motion an-
4 nounces to the House his intention to do so. The motion
5 to proceed to consider is not debatable. An amendment
6 to the motion shall not be in order, nor shall it be in order
7 to move to reconsider the vote by which the motion is
8 agreed to or disagreed to.

9 (2) Consideration of a Federal election bill in the
10 House of Representatives shall be in the House with de-
11 bate limited to not more than 10 hours, which shall be
12 divided equally between those favoring and those opposing
13 the bill. The previous question on the Federal election bill
14 shall be considered as ordered to final passage without in-
15 tervening motion. It shall not be in order to move to recon-
16 sider the vote by which a Federal election bill is agreed
17 to or disagreed to.

18 (3) All appeals from the decisions of the Chairperson
19 relating to the application of the Rules of the House of
20 Representatives to the procedure relating to a Federal
21 election bill shall be decided without debate.

22 (g) FLOOR CONSIDERATION IN THE SENATE.—(1) A
23 motion in the Senate to proceed to the consideration of
24 a Federal election bill shall be privileged and not debat-
25 able. An amendment to the motion shall not be in order,

1 nor shall it be in order to move to reconsider the vote by
2 which the motion is agreed to or disagreed to.

3 (2) Debate in the Senate on a Federal election bill,
4 and all debatable motions and appeals in connection there-
5 with, shall be limited to not more than 10 hours. The time
6 shall be equally divided between, and controlled by, the
7 Majority Leader and the Minority Leader or their des-
8 ignees.

9 (3) Debate in the Senate on any debatable motion
10 or appeal in connection with a Federal election bill shall
11 be limited to not more than 1 hour, to be equally divided
12 between, and controlled by, the mover and the manager
13 of the bill, except that in the event the manager of the
14 bill is in favor of any such motion or appeal, the time in
15 opposition thereto, shall be controlled by the Minority
16 Leader or a designee of the Minority Leader. Such leaders,
17 or either of them, may, from time under their control on
18 the passage of a Federal election bill, allot additional time
19 to any Senator during the consideration of any debatable
20 motion or appeal.

21 (4) A motion in the Senate to further limit debate
22 is not debatable. A motion to recommit a Federal election
23 bill is not in order.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Com-
3 mission such sums as are necessary to carry out the duties
4 of the Commission under this Act.

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