

105TH CONGRESS
1ST SESSION

H. R. 419

To establish a temporary commission to recommend reforms in the laws relating to elections for Federal office.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1997

Mrs. MALONEY of New York (for herself, Mr. HORN, Mr. MINGE, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a temporary 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 “Federal Election Law
5 Reform Commission Act”.

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

7 There is established a commission to be known as the
8 “Federal Election Law Reform Commission” (hereinafter

1 in this Act referred to as the “Commission”). The pur-
2 poses of the Commission are to study the laws relating
3 to elections for Federal office and to recommend reforms
4 in those laws.

5 **SEC. 3. MEMBERSHIP OF COMMISSION.**

6 (a) APPOINTMENT.—The Commission shall be com-
7 posed of 8 members appointed by the President, by and
8 with the advice and consent of the Senate, from among
9 individuals who are not officers or employees of any gov-
10 ernment and who are specially qualified to serve on the
11 Commission by reason of education, training, or experi-
12 ence. In making appointments, the President shall con-
13 sult—

14 (1) the Speaker of the House of Representa-
15 tives with respect to the appointment of 2 members;

16 (2) the majority leader of the Senate with re-
17 spect to the appointment of 2 members;

18 (3) the minority leader of the House of Rep-
19 resentatives with respect to the appointment of one
20 member; and

21 (4) the minority leader of the Senate with re-
22 spect to the appointment of one member.

23 (b) CHAIRMAN.—At the time of the appointment, the
24 President shall designate one member of the Commission
25 as Chairman of the Commission.

1 (c) TERMS.—The members of the Commission shall
2 serve for the life of the Commission.

3 (d) VACANCIES.—A vacancy in the Commission shall
4 be filled in the manner in which the original appointment
5 was made.

6 (e) POLITICAL AFFILIATION.—Not more than 4
7 members of the Commission may be of the same political
8 party.

9 **SEC. 4. POWERS OF COMMISSION.**

10 (a) HEARINGS.—The Commission may, for the pur-
11 pose of carrying out this Act, hold hearings, sit and act
12 at times and places, take testimony, and receive evidence
13 as the Commission considers appropriate. In carrying out
14 the preceding sentence, the Commission shall ensure that
15 a substantial number of its meetings are open meetings,
16 with significant opportunities for testimony from members
17 of the general public.

18 (b) QUORUM.—Five members of the Commission
19 shall constitute a quorum, but a lesser number may hold
20 hearings. Any member of the Commission may, if author-
21 ized by the Commission, take any action which the Com-
22 mission is authorized to take under this section.

1 **SEC. 5. REPORT AND RECOMMENDED LEGISLATION.**

2 Not later than one year after the date of the enact-
3 ment of this Act, the Commission shall submit to the Con-
4 gress a report of the activities of the Commission, together
5 with a draft of—

6 (1) any legislation (including technical and con-
7 forming provisions) recommended by the Commis-
8 sion to reform the Federal Election Campaign Act
9 of 1971 (2 U.S.C. 431 et seq.) and any other laws
10 relating to elections for Federal office; and

11 (2) any proposed amendment to the Constitu-
12 tion recommended by the Commission as necessary
13 to reform the laws referred to in paragraph (1).

14 **SEC. 6. MATTERS TO BE CONSIDERED BY THE COMMIS-**
15 **SION.**

16 In formulating its draft of legislation under section
17 5, the Commission shall consider—

18 (1) the growth pattern of expenditures in elec-
19 tions for Federal office;

20 (2) the appropriateness of public financing,
21 communications vouchers, and postage subsidies
22 with respect to elections for Federal office;

23 (3) the option of expenditure limitations for
24 achieving a balance of campaign resources between
25 challengers and incumbents in elections for Federal
26 office;

1 (4) possible mechanisms of enforcement with
2 respect to expenditures in elections for Federal of-
3 fice, including (A) voluntary compliance through in-
4 centives such as direct public financing, communica-
5 tions vouchers, and postage subsidies, and (B) man-
6 datory compliance through imposition of penalties,
7 such as taxes on excess expenditures;

8 (5) the nature and extent of election related
9 spending (for party building, get-out-the-vote, and
10 similar activities) that is not currently regulated
11 under Federal law (commonly known as “soft
12 money”);

13 (6) the impact of non-party multicandidate po-
14 litical committees (commonly known as “political ac-
15 tion committees”) on elections for Federal office;

16 (7) the adequacy of existing limitations on the
17 contributions and activities of such committees, as
18 well as the adequacy of existing limitations on the
19 contributions and activities of individuals and other
20 persons;

21 (8) the influence of independent expenditures
22 on elections for Federal office, through television ad-
23 vertising and otherwise, and the possibility of taking

1 independent expenditures into account in the com-
2 putation of contribution and expenditures with re-
3 spect to candidates who benefit from independent
4 expenditures;

5 (9) the impact of out-of-State and out-of-dis-
6 trict contributions on congressional elections; and

7 (10) such other matters as are consistent with
8 the purposes of the Commission under section 2.

9 **SEC. 7. FAST-TRACK PROCEDURES.**

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

12 (1) as an exercise of the rulemaking power of
13 the House of Representatives and the Senate, re-
14 spectively, and as such they shall be considered as
15 part of the rules of each House, respectively, or of
16 that House to which they specifically apply, and
17 such rules shall supersede other rules only to the ex-
18 tent that they are inconsistent therewith; and

19 (2) with full recognition of the constitutional
20 right of either House to change the rules (so far as
21 relating to such House) at any time, in the same
22 manner and to the same extent as in the case of any
23 other rule of that House.

1 (b) DEFINITIONS.—As used in this section, the term
2 “Federal election bill” means only a bill (or joint resolu-
3 tion, in the case of a proposed amendment to the Constitu-
4 tion) of either House of Congress which is introduced as
5 provided in subsection (c) to carry out the recommenda-
6 tions of the Commission as set forth in the draft of legisla-
7 tion referred to in section 5.

8 (c) INTRODUCTION AND REFERRAL.—Within 3 days
9 after the Commission submits its draft legislation under
10 section 5, a Federal election bill shall be introduced (by
11 request) in the House by the majority leader of the House
12 and shall be introduced (by request) in the Senate by the
13 majority leader of the Senate. Such bills shall be referred
14 to the appropriate committees.

15 (d) AMENDMENTS PROHIBITED.— No amendment to
16 a Federal election bill shall be in order in either the House
17 of Representatives or the Senate; and no motion to sus-
18 pend the application of this subsection shall be in order
19 in either House; nor shall it be in order in either House
20 to entertain a request to suspend the application of this
21 subsection by unanimous consent.

22 (e) PERIOD FOR COMMITTEE AND FLOOR CONSIDER-
23 ATION.—

1 (1) If the committee of either House to which
2 a Federal election bill has been referred has not re-
3 ported it at the close of the 20th day after its intro-
4 duction, such committee shall be automatically dis-
5 charged from further consideration of the bill and it
6 shall be placed on the appropriate calendar. If prior
7 to the passage by one House of a Federal election
8 bill of that House, that House receives the same
9 Federal election bill from the other House, then—

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

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

15 (2) For purposes of paragraph (1), in comput-
16 ing a number of days in either House, there shall be
17 excluded the days on which that House is not in ses-
18 sion because of an adjournment of more than 3 days
19 to a day certain or an adjournment of the Congress
20 sine die.

21 (f) FLOOR CONSIDERATION IN THE HOUSE.—

22 (1) A motion in the House of Representatives
23 to proceed to the consideration of a Federal election
24 bill shall be highly privileged except that a motion to
25 proceed to consider may only be made on the second

1 legislative day after the calendar day on which the
2 Member making the motion announces to the House
3 his intention to do so. The motion to proceed to con-
4 sider is not debatable. An amendment to the motion
5 shall not be in order, nor shall it be in order to move
6 to reconsider the vote by which the motion is agreed
7 to or disagreed to.

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

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

22 (g) FLOOR CONSIDERATION IN THE SENATE.—

1 (1) A motion in the Senate to proceed to the
2 consideration of a Federal election bill shall be privi-
3 leged and not debatable. An amendment to the mo-
4 tion shall not be in order, nor shall it be in order
5 to move to reconsider the vote by which the motion
6 is agreed to or disagreed to.

7 (2) Debate in the Senate on a Federal election
8 bill, and all debatable motions and appeals in con-
9 nection therewith, shall be limited to not more than
10 10 hours. The time shall be equally divided between,
11 and controlled by, the majority leader and the mi-
12 nority leader or their designees.

13 (3) Debate in the Senate on any debatable mo-
14 tion or appeal in connection with a Federal election
15 bill shall be limited to not more than 1 hour, to be
16 equally divided between, and controlled by, the
17 mover and the manager of the bill, except that in
18 the event the manager of the bill is in favor of any
19 such motion or appeal, the time in opposition there-
20 to, shall be controlled by the minority leader or his
21 designee. Such leaders, or either of them, may, from
22 time under their control on the passage of a Federal
23 election bill, allot additional time to any Senator
24 during the consideration of any debatable motion or
25 appeal.

1 (4) A motion in the Senate to further limit de-
2 bate is not debatable. A motion to recommit a Fed-
3 eral election bill is not in order.

4 **SEC. 8. ADMINISTRATIVE PROVISIONS.**

5 (a) **PAY AND TRAVEL EXPENSES OF MEMBERS.**—(1)
6 Each member of the Commission, other than the Chair-
7 man, shall be paid at a rate equal to the daily equivalent
8 of the annual rate of basic pay payable for level IV of
9 the Executive Schedule under section 5315 of title 5,
10 United States Code, for each day (including travel time)
11 during which the member is engaged in the actual per-
12 formance of duties vested in the Commission. The Chair-
13 man shall be paid for each day referred to in the preceding
14 sentence at a rate equal to the daily equivalent of the an-
15 nual rate of basic pay payable for level III of the Executive
16 Schedule under section 5314 of title 5, United States
17 Code.

18 (2) Members of the Commission shall receive travel
19 expenses, including per diem in lieu of subsistence, in ac-
20 cordance with sections 5702 and 5703 of title 5, United
21 States Code.

22 (b) **STAFF DIRECTOR.**—The Commission shall, with-
23 out regard to section 5311(b) of title 5, United States
24 Code, appoint a staff director, who shall be paid at the
25 rate of basic pay payable for level IV of the Executive

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

3 (c) STAFF.—(1) Subject to paragraph (2), the Direc-
4 tor, with the approval of the Commission, may appoint
5 and fix the pay of additional personnel.

6 (2) The Director may make such appointments with-
7 out regard to the provisions of title 5, United States Code,
8 governing appointments in the competitive service, and
9 any personnel so appointed may be paid without regard
10 to the provisions of chapter 51 and subchapter III of chap-
11 ter 53 of that title relating to classification and General
12 Schedule pay rates, except that an individual so appointed
13 may not receive pay in excess of the maximum annual rate
14 of basic pay payable for grade GS-15 of the General
15 Schedule under section 5332 of title 5, United States
16 Code.

17 (d) DETAILS.—Upon request of the Director, the
18 head of any Federal department or agency may detail, on
19 a reimbursable basis, any of the personnel of that depart-
20 ment or agency to the Commission to assist the Commis-
21 sion in carrying out its duties under this Act.

22 (e) EXPERTS AND CONSULTANTS.—The Commission
23 may procure by contract the temporary or intermittent
24 services of experts or consultants pursuant to section 3109
25 of title 5, United States Code.

1 **SEC. 9. TERMINATION.**

2 The Commission shall cease to exist 3 months after
3 the date of the submission of its report under section 5.

4 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to the Com-
6 mission such sums as are necessary to carry out its duties
7 under this Act.

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