

104TH CONGRESS
1ST SESSION

H. R. 1100

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1995

Mrs. MALONEY (for herself, Mr. JOHNSON of South Dakota, Mr. MEEHAN, Mr. TORRICELLI, Ms. RIVERS, Mrs. LOWEY, Mr. BARRETT of Wisconsin, Mr. SERRANO, Ms. WOOLSEY, and Mr. FATTAH) 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.

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

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

20 Not later than one year after the date of the enact-
21 ment of this Act, the Commission shall submit to the Con-
22 gress a report of the activities of the Commission, together
23 with a draft of legislation (including technical and con-
24 forming provisions) recommended by the Commission to
25 reform the Federal Election Campaign Act of 1971 (2

1 U.S.C. 431 et seq.) and any other laws relating to elec-
2 tions for Federal office.

3 **SEC. 6. MATTERS TO BE CONSIDERED BY THE COMMIS-**
4 **SION.**

5 In formulating its draft of legislation under section
6 5, the Commission shall consider—

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

9 (2) the appropriateness of public financing,
10 communications vouchers, and postage subsidies
11 with respect to elections for Federal office;

12 (3) the option of expenditure limitations for
13 achieving a balance of campaign resources between
14 challengers and incumbents in elections for Federal
15 office;

16 (4) possible mechanisms of enforcement with
17 respect to expenditures in elections for Federal of-
18 fice, including (A) voluntary compliance through in-
19 centives such as direct public financing, communica-
20 tions vouchers, and postage subsidies, and (B) man-
21 datory compliance through imposition of penalties,
22 such as taxes on excess expenditures;

23 (5) the nature and extent of election related
24 spending (for party building, get-out-the-vote, and
25 similar activities) that is not currently regulated

1 under Federal law (commonly known as “soft
2 money”);

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

6 (7) the adequacy of existing limitations on the
7 contributions and activities of such committees, as
8 well as the adequacy of existing limitations on the
9 contributions and activities of individuals and other
10 persons;

11 (8) the influence of independent expenditures
12 on elections for Federal office, through television ad-
13 vertising and otherwise, and the possibility of taking
14 independent expenditures into account in the com-
15 putation of contribution and expenditures with re-
16 spect to candidates who benefit from independent
17 expenditures; and

18 (9) the impact of out-of-State and out-of-Dis-
19 trict contributions on congressional elections.

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

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

23 (1) as an exercise of the rulemaking power of
24 the House of Representatives and the Senate, re-
25 spectively, and as such they shall be considered as

1 part of the rules of each House, respectively, or of
2 that House to which they specifically apply, and
3 such rules shall supersede other rules only to the ex-
4 tent that they are inconsistent therewith; and

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

10 (b) DEFINITIONS.—As used in this section, the term
11 “Federal election bill” means only a bill of either House
12 of Congress which is introduced as provided in subsection
13 (c) to carry out the recommendations of the Commission
14 as set forth in the draft of legislation referred to in section
15 5.

16 (c) INTRODUCTION AND REFERRAL.—Within 3 days
17 after the Commission submits its draft legislation under
18 section 5, a Federal election bill shall be introduced (by
19 request) in the House by the majority leader of the House
20 and shall be introduced (by request) in the Senate by the
21 majority leader of the Senate. Such bills shall be referred
22 to the appropriate committees.

23 (d) AMENDMENTS PROHIBITED.— No amendment to
24 a Federal election bill shall be in order in either the House
25 of Representatives or the Senate; and no motion to sus-

1 pend the application of this subsection shall be in order
2 in either House; nor shall it be in order in either House
3 to entertain a request to suspend the application of this
4 subsection by unanimous consent.

5 (e) PERIOD FOR COMMITTEE AND FLOOR CONSIDER-
6 ATION.—

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

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

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

21 (2) For purposes of paragraph (1), in comput-
22 ing a number of days in either House, there shall be
23 excluded the days on which that House is not in ses-
24 sion because of an adjournment of more than 3 days

1 to a day certain or an adjournment of the Congress
2 sine die.

3 (f) FLOOR CONSIDERATION IN THE HOUSE.—

4 (1) A motion in the House of Representatives
5 to proceed to the consideration of a Federal election
6 bill shall be highly privileged except that a motion to
7 proceed to consider may only be made on the second
8 legislative day after the calendar day on which the
9 Member making the motion announces to the House
10 his intention to do so. The motion to proceed to con-
11 sider is not debatable. An amendment to the motion
12 shall not be in order, nor shall it be in order to move
13 to reconsider the vote by which the motion is agreed
14 to or disagreed to.

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

1 (3) All appeals from the decisions of the Chair
2 relating to the application of the Rules of the House
3 of Representatives to the procedure relating to a
4 Federal election bill shall be decided without debate.

5 (g) FLOOR CONSIDERATION IN THE SENATE.—

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

12 (2) Debate in the Senate on a Federal election
13 bill, and all debatable motions and appeals in con-
14 nection therewith, shall be limited to not more than
15 10 hours. The time shall be equally divided between,
16 and controlled by, the majority leader and the mi-
17 nority leader or their designees.

18 (3) Debate in the Senate on any debatable mo-
19 tion or appeal in connection with a Federal election
20 bill shall be limited to not more than 1 hour, to be
21 equally divided between, and controlled by, the
22 mover and the manager of the bill, except that in
23 the event the manager of the bill is in favor of any
24 such motion or appeal, the time in opposition there-
25 to, shall be controlled by the minority leader or his

1 designee. Such leaders, or either of them, may, from
2 time under their control on the passage of a Federal
3 election bill, allot additional time to any Senator
4 during the consideration of any debatable motion or
5 appeal.

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

9 **SEC. 8. ADMINISTRATIVE PROVISIONS.**

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

23 (2) Members of the Commission shall receive travel
24 expenses, including per diem in lieu of subsistence, in ac-

1 cordance with sections 5702 and 5703 of title 5, United
2 States Code.

3 (b) STAFF DIRECTOR.—The Commission shall, with-
4 out regard to section 5311(b) of title 5, United States
5 Code, appoint a staff director, who shall be paid at the
6 rate of basic pay payable for level IV of the Executive
7 Schedule under section 5315 of title 5, United States
8 Code.

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

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

23 (d) DETAILS.—Upon request of the Director, the
24 head of any Federal department or agency may detail, on
25 a reimbursable basis, any of the personnel of that depart-

1 ment or agency to the Commission to assist the Commis-
2 sion in carrying out its duties under this Act.

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

7 **SEC. 9. TERMINATION.**

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

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

11 There are authorized to be appropriated to the Com-
12 mission such sums as are necessary to carry out its duties
13 under this Act.

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