

105TH CONGRESS  
1ST SESSION

# S. 812

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

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IN THE SENATE OF THE UNITED STATES

MAY 23, 1997

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

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## 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 1997”.

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”).

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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 the date that is 30 days after  
5 the date of enactment 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 the 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, Code of  
 24 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 branch or legislative branch of the  
 11 Federal Government.

12 (B) PARTY AFFILIATIONS.—Not more than  
 13 4 members of the Commission shall be members  
 14 of, or associated with, the same political party  
 15 (as defined in section 301 of the Federal Elec-  
 16 tion Campaign Act of 1971 (2 U.S.C. 431)).

17 (3) CHAIRPERSON AND VICE CHAIRPERSON.—

18 (A) DESIGNATION BY COMMISSION MEM-  
 19 BERS.—The members of the Commission shall  
 20 designate a chairperson and a vice chairperson  
 21 from among the members of the Commission.

22 (B) PARTY AFFILIATIONS.—The chair-  
 23 person shall be a member of, or associated with,  
 24 a political party other than the political party  
 25 of the vice chairperson.

1           (4) FINANCIAL DISCLOSURE.—Not later than  
 2           60 days after appointment to the Commission, a  
 3           member of the Commission shall file with the Sec-  
 4           retary of the Senate, the Office of the Clerk of the  
 5           House of Representatives, and the Federal Election  
 6           Commission a report containing the information re-  
 7           quired by section 102 of the Ethics in Government  
 8           Act of 1978 (5 U.S.C. App.).

9           (5) PERIOD OF APPOINTMENT; VACANCIES.—

10           (A) PERIOD OF APPOINTMENT.—A mem-  
 11           ber of the Commission shall be appointed for  
 12           the life of the Commission.

13           (B) VACANCY.—Any vacancy in the Com-  
 14           mission shall—

15                   (i) not affect the powers of the Com-  
 16                   mission; and

17                   (ii) be filled in the same manner as  
 18                   the original appointment.

19           (6) TERMINATION OF COMMISSION.—The Com-  
 20           mission shall terminate on the date that is 1 year  
 21           after the date of enactment of this Act.

22           (c) POWERS.—

23           (1) HEARINGS.—The Commission may hold  
 24           such hearings, sit and act at such times and places,  
 25           take such testimony, and receive such evidence as

1 the Commission considers advisable to carry out this  
2 Act.

3 (2) INFORMATION FROM FEDERAL AGENCIES.—

4 (A) IN GENERAL.—The Commission may  
5 secure directly from any Federal department or  
6 agency any information that the Commission  
7 considers necessary to carry out this Act.

8 (B) REQUEST OF THE CHAIRPERSON.—On  
9 request of the chairperson of the Commission,  
10 the head of a Federal department or agency  
11 shall furnish the requested information to the  
12 Commission.

13 (3) POSTAL SERVICES.—The Commission may  
14 use the United States mails in the same manner and  
15 under the same conditions as other Federal depart-  
16 ments and agencies.

17 (d) PAY AND TRAVEL EXPENSES.—

18 (1) MEMBERS.—Each member of the Commis-  
19 sion, other than the chairperson, shall be paid at a  
20 rate equal to the daily equivalent of the annual rate  
21 of basic pay prescribed for level IV of the Executive  
22 Schedule under section 5315 of title 5, United  
23 States Code, for each day (including travel time)  
24 during which the member is engaged in the actual  
25 performance of duties vested in the Commission.

1           (2) CHAIRPERSON.—The chairperson shall be  
 2       paid for each day referred to in paragraph (1) at a  
 3       rate equal to the daily equivalent of the annual rate  
 4       of basic pay prescribed for level III of the Executive  
 5       Schedule under section 5315 of title 5, United  
 6       States Code.

7       (e) STAFF.—

8           (1) EXECUTIVE DIRECTOR.—The chairperson of  
 9       the Commission may, without regard to the civil  
 10      service laws (including regulations), appoint and ter-  
 11      minate an executive director of the Commission, who  
 12      shall be paid at the rate of basic pay prescribed for  
 13      level IV of the Executive Schedule under section  
 14      5315 of title 5, United States Code.

15          (2) OTHER PERSONNEL.—

16               (A) APPOINTMENT AND PAY.—Subject to  
 17      subparagraph (B), the executive director may,  
 18      without regard to the civil service laws (includ-  
 19      ing regulations), appoint and fix the pay of ad-  
 20      ditional personnel as may be necessary to en-  
 21      able the Commission to perform the duties of  
 22      the Commission.

23               (B) MAXIMUM RATE OF PAY.—The pay of  
 24      any individual appointed under this paragraph  
 25      shall be not more than the maximum annual

1 rate of basic pay prescribed for grade GS–15 of  
 2 the General Schedule under section 5332 of  
 3 title 5, United States Code.

4 (3) DETAIL OF FEDERAL EMPLOYEES.—Any  
 5 Federal Government employee may be detailed to  
 6 the Commission without reimbursement, and the de-  
 7 tail shall be without interruption or loss of civil serv-  
 8 ice status or privilege.

9 (f) PROCUREMENT OF TEMPORARY AND INTERMIT-  
 10 TENT SERVICES.—The chairperson of the Commission  
 11 may procure temporary and intermittent services under  
 12 section 3109(b) of title 5, United States Code, at rates  
 13 for individuals that do not exceed the daily equivalent of  
 14 the annual rate of basic pay prescribed for level V of the  
 15 Executive Schedule under section 5316 of title 5, United  
 16 States Code.

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

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

19 (1) identify the appropriate goals and values for  
 20 Federal election campaign finance laws;

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



1           (3) make recommendations to Congress for the  
2           achievement of those goals, taking into consideration  
3           the impact of the Federal Election Campaign Act of  
4           1971.

5           (b) CONSIDERATIONS.—In making recommendations  
6           under subsection (a)(3), the Commission shall consider  
7           with respect to election campaigns for Federal office—

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

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

12                (3) the role of other funding sources, including  
13                political parties, candidates, and individuals from in-  
14                side and outside the State in which the contribution  
15                is made;

16                (4) public financing and benefits; and

17                (5) problems in existing election campaign fi-  
18                nance law, such as soft money, bundling, and inde-  
19                pendent expenditures.

20           (c) REPORT AND RECOMMENDATIONS.—Not later  
21           than the date that is 1 year after the date of enactment  
22           of this Act, the Commission shall submit to Congress—

23                (1) a report on the activities of the Commission;  
24                and

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

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

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

9           (1) as an exercise of the rulemaking power of  
10          the House of Representatives and of the Senate, re-  
11          spectively, and as such it shall be considered as part  
12          of the rules of each House, respectively, or of the  
13          House to which it specifically applies, and the rules  
14          shall supersede other rules only to the extent that  
15          they are inconsistent; and

16          (2) with full recognition of the constitutional  
17          right of either House to change the rules (so far as  
18          the rules relate to that House) at any time, in the  
19          same manner, and to the same extent as in the case  
20          of any other rule of that House.

21          (b) DEFINITIONS.—In this section, the term “Fed-  
22          eral election bill” means only a bill of either House of Con-  
23          gress that is introduced as provided in subsection (c) to  
24          carry out the recommendations of the Commission as set

1 forth in the draft legislation submitted under section  
2 5(c)(2).

3 (c) INTRODUCTION AND REFERRAL.—Not later than  
4 3 days after the Commission submits draft legislation  
5 under section 5(c)(2), a Federal election bill shall be intro-  
6 duced (by request) in the House of Representatives by the  
7 Majority Leader of the House, shall be introduced (by re-  
8 quest) in the Senate by the Majority Leader of the Senate,  
9 and shall be referred to the appropriate committee.

10 (d) AMENDMENTS PROHIBITED.—No amendment to  
11 a Federal election bill shall be in order in either the House  
12 of Representatives or the Senate, no motion to suspend  
13 the application of this subsection shall be in order in either  
14 House, and it shall not be in order in either House to  
15 entertain a request to suspend the application of this sub-  
16 section by unanimous consent.

17 (e) PERIOD FOR COMMITTEE AND FLOOR CONSIDER-  
18 ATION.—

19 (1) AUTOMATIC DISCHARGE.—If the committee  
20 of either House to which a Federal election bill is re-  
21 ferred has not reported the bill by the close of the  
22 30th day after introduction, the committee shall be  
23 automatically discharged from further consideration  
24 of the bill, and the bill shall be placed on the appro-  
25 priate calendar.

1           (2) PROCEDURE WHEN THERE IS PRIOR PAS-  
 2           SAGE OF BILL BY OTHER HOUSE.—If, prior to the  
 3           passage by 1 House of a Federal election bill of that  
 4           House, that House receives the same Federal elec-  
 5           tion bill from the other House—

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

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

11           (3) COMPUTATION.—For purposes of paragraph  
 12           (1), in computing a number of days in either House,  
 13           there shall be excluded the days on which that  
 14           House is not in session because of an adjournment  
 15           of more than 3 days to a day certain or an adjourn-  
 16           ment of the Congress sine die.

17           (f) FLOOR CONSIDERATION IN THE HOUSE.—

18                   (1) MOTION TO PROCEED TO CONSIDER.—

19                   (A) PRIVILEGE.—A motion in the House  
 20                   of Representatives to proceed to the consider-  
 21                   ation of a Federal election bill shall be highly  
 22                   privileged and not debatable, except that a mo-  
 23                   tion to proceed to consider may be made only  
 24                   on the 2d legislative day after the calendar day  
 25                   on which the Member making the motion an-

1 nounces to the House the Member's intention to  
2 do so.

3 (B) NO AMENDMENT OR MOTION TO RE-  
4 CONSIDER.—An amendment to the motion shall  
5 not be in order, and it shall not be in order to  
6 move to reconsider the vote by which the mo-  
7 tion is agreed to or disagreed to.

8 (2) DEBATE.—

9 (A) TIME.—Consideration of a Federal  
10 election bill in the House of Representatives  
11 shall be in the House, with debate limited to  
12 not more than 10 hours, which shall be divided  
13 equally between the proponents and opponents  
14 of the bill.

15 (B) NO INTERVENING MOTION.—The pre-  
16 vious question on the Federal election bill shall  
17 be considered as ordered to final passage with-  
18 out intervening motion.

19 (C) MOTION TO RECONSIDER NOT IN  
20 ORDER.—It shall not be in order to move to re-  
21 consider the vote by which a Federal election  
22 bill is agreed to or disagreed to.

23 (3) APPEALS FROM DECISION OF CHAIR.—All  
24 appeals from the decisions of the Chair relating to  
25 the application of the rules of the House of Rep-

1        representatives to the procedure relating to a Federal  
2        election bill shall be decided without debate.

3        (g) FLOOR CONSIDERATION IN THE SENATE.—

4                (1) MOTION TO PROCEED TO CONSIDER-  
5        ATION.—

6                (A) PRIVILEGE.—A motion in the Senate  
7        to proceed to the consideration of a Federal  
8        election bill shall be privileged and not debat-  
9        able.

10               (B) NO AMENDMENT OR MOTION TO RE-  
11        CONSIDER.—An amendment to the motion shall  
12        not be in order, and it shall not be in order to  
13        move to reconsider the vote by which the mo-  
14        tion is agreed to or disagreed to.

15        (2) DEBATE OF BILL.—

16               (A) TIME.—Debate in the Senate on a  
17        Federal election bill, and all debatable motions  
18        and appeals in connection with the bill, shall be  
19        limited to not more than 10 hours.

20               (B) DIVISION OF TIME.—The time shall be  
21        equally divided between, and controlled by, the  
22        Majority Leader and the Minority Leader or  
23        their designees.

24        (3) DEBATE OF MOTION OR APPEAL.—

1           (A) TIME.—Debate in the Senate on any  
2           debatable motion or appeal in connection with  
3           a Federal election bill shall be limited to not  
4           more than 1 hour, to be equally divided be-  
5           tween, and controlled by, the proponent of the  
6           motion and the manager of the bill, except that  
7           if the manager of the bill is in favor of the mo-  
8           tion or appeal, the time in opposition to the mo-  
9           tion or appeal, shall be controlled by the Minor-  
10          ity Leader or a designee of the Minority Lead-  
11          er.

12           (B) ALLOTMENT OF ADDITIONAL TIME.—  
13          The leaders under subparagraph (A), or either  
14          of them, may, from time under their control on  
15          the passage of a Federal election bill, allot addi-  
16          tional time to a Senator during the consider-  
17          ation of a debatable motion or appeal.

18          (4) MOTION TO LIMIT DEBATE.—A motion in  
19          the Senate to further limit debate is not debatable.

20          (5) MOTION TO RECOMMIT NOT IN ORDER.—A  
21          motion to recommit a Federal election bill is not in  
22          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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