

104TH CONGRESS
1ST SESSION

H. R. 2635

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 1995

Mr. WHITE introduced the following bill; which was referred to the Committee on 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 Congress.

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 “Fair Elections Act”.

5 **SEC. 2. FINDINGS.**

6 The Congress finds that—

7 (1) for Congress to address the existing prob-
8 lems in the Federal election laws, Congress must act
9 in a nonpartisan manner and engage in a debate

1 based on academic studies and empirical findings in-
2 stead of partisan rhetoric;

3 (2) when addressing Federal election laws, Con-
4 gress must be cognizant of the freedoms of speech
5 and association protected under the Constitution;
6 and

7 (3) the current Federal election laws unduly
8 favor incumbent Members of Congress, and, in pre-
9 vious years, Congress has not been able to eliminate
10 this bias when addressing the reform of the Federal
11 election laws.

12 **SEC. 3. ESTABLISHMENT AND PURPOSE OF COMMISSION.**

13 There is established a commission to be known as the
14 “Fair Elections Commission” (hereinafter in this Act re-
15 ferred to as the “Commission”). The purposes of the Com-
16 mission are to study the laws relating to elections for Con-
17 gress and to report and recommend legislation to reform
18 those laws.

19 **SEC. 4. MEMBERSHIP OF COMMISSION.**

20 (a) APPOINTMENT.—The Commission shall be com-
21 posed of 12 members appointed within 15 days after the
22 date of the enactment of this Act by the President, by
23 and with the advice and consent of the Senate, from
24 among individuals who are not incumbent Members of
25 Congress and who are specially qualified to serve on the

1 Commission by reason of education, training, or experi-
2 ence. In making appointments, the President shall con-
3 sult—

4 (1) the Speaker of the House of Representa-
5 tives with respect to the appointment of 3 members,
6 one of whom is not affiliated with either the Repub-
7 lican Party or the Democratic Party;

8 (2) the majority leader of the Senate with re-
9 spect to the appointment of 3 members, one of
10 whom is not affiliated with either the Republican
11 Party or the Democratic Party;

12 (3) the minority leader of the House of Rep-
13 resentatives with respect to the appointment of 2
14 members, one of whom is not affiliated with either
15 the Republican Party or the Democratic Party; and

16 (4) the minority leader of the Senate with re-
17 spect to the appointment of 2 members, one of
18 whom is not affiliated with either the Republican
19 Party or the Democratic Party.

20 (b) CHAIRMAN.—At the time of the appointment, the
21 President shall designate one member of the Commission
22 as Chairman of the Commission. The Chairman may not
23 be affiliated with either the Republican Party or the
24 Democratic Party.

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. 5. 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.—Seven members of the Commission
15 shall constitute a quorum, but a lesser number may hold
16 hearings. A majority of the full Commission is required
17 when approving all or a portion of the recommended legis-
18 lation. Any member of the Commission may, if authorized
19 by the Commission, take any action which the Commission
20 is authorized to take under this section.

21 **SEC. 6. REPORT AND RECOMMENDED LEGISLATION.**

22 Not later than 90 days after the date of the enact-
23 ment of this Act, the Commission shall submit to the Con-
24 gress a report of the activities of the Commission, together
25 with a draft of legislation (including technical and con-

1 forming provisions) recommended by the Commission to
2 reform the Federal Election Campaign Act of 1971 (2
3 U.S.C. 431 et seq.) and any other laws relating to elec-
4 tions for Congress.

5 **SEC. 7. PRIMARY OBJECTIVES OF THE COMMISSION.**

6 In formulating its draft of legislation under section
7 6, the Commission shall consider the following to be its
8 primary objectives:

9 (1) Encouraging fair and open Congressional
10 elections that provide voters with meaningful infor-
11 mation about candidates and issues.

12 (2) Eliminating the disproportionate influence
13 of special interest financing of Congressional elec-
14 tions.

15 (3) Creating a system in which incumbent
16 Members of Congress do not possess an inherent ad-
17 vantage over challengers.

18 **SEC. 8. FAST-TRACK PROCEDURES.**

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

21 (1) as an exercise of the rulemaking power of
22 the House of Representatives and the Senate, re-
23 spectively, and as such they shall be considered as
24 part of the rules of each House, respectively, or of
25 that House to which they specifically apply, and

1 such rules shall supersede other rules only to the ex-
2 tent that they are inconsistent therewith; and

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

8 (b) DEFINITIONS.—As used in this section, the term
9 “Federal election bill” means only a bill of either House
10 of Congress which is introduced as provided in subsection
11 (c) to carry out the recommendations of the Commission
12 as set forth in the draft of legislation referred to in section
13 6.

14 (c) INTRODUCTION AND REFERRAL.—Within 3 days
15 after the Commission submits its draft legislation under
16 section 6, a Federal election bill shall be introduced (by
17 request) in the House by the majority leader of the House
18 and shall be introduced (by request) in the Senate by the
19 majority leader of the Senate. Such bills shall be referred
20 to the appropriate committees.

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

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

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

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

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

25 (f) FLOOR CONSIDERATION IN THE HOUSE.—

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

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

22 (3) All appeals from the decisions of the Chair
23 relating to the application of the Rules of the House
24 of Representatives to the procedure relating to a
25 Federal election bill shall be decided without debate.

1 (g) FLOOR CONSIDERATION IN THE SENATE.—

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

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

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

1 during the consideration of any debatable motion or
2 appeal.

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

6 **SEC. 9. ADMINISTRATIVE PROVISIONS.**

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

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

24 (b) STAFF DIRECTOR.—The Commission shall, with-
25 out regard to section 5311(b) of title 5, United States

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

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

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

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

24 (e) EXPERTS AND CONSULTANTS.—The Commission
25 may procure by contract the temporary or intermittent

1 services of experts or consultants pursuant to section 3109
2 of title 5, United States Code.

3 **SEC. 10. TERMINATION.**

4 The Commission shall cease to exist 90 days after
5 the date of the submission of its report under section 6.

6 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

