

Calendar No. 223

92^D CONGRESS
1ST SESSION

S. 382

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

1 On page 28, strike lines 14 and 15, and insert in lieu
2 thereof the following:

3 (g) "Commission" means the Federal Elections Com-
4 mission;

5 On page 30, line 13, strike "Comptroller General" and
6 insert in lieu thereof "Commission".

7 On page 31, line 2, strike "Comptroller General" and
8 insert in lieu thereof "Federal Elections Commission".

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1 On page 31, line 13, strike "Comptroller General" and
2 insert in lieu thereof "Commission".

3 On page 31, lines 20 and 21, strike "Comptroller Gen-
4 eral" and insert in lieu thereof "Commission".

5 On page 31, line 21, strike "he" and insert in lieu
6 thereof "it".

7 On page 32, line 25, strike "Comptroller General" and
8 insert in lieu thereof "Commission".

9 On page 33, line 3, strike "Comptroller General" and
10 insert in lieu thereof "Commission".

11 On page 33, line 10, strike "Comptroller General" and
12 insert in lieu thereof "Commission".

13 On page 33, lines 21 and 22, strike "Comptroller Gen-
14 eral" and insert in lieu thereof "Commission".

15 On page 33, line 23, strike "him" and insert in lieu
16 thereof "it".

17 On page 34, line 3, strike "Comptroller General" and
18 insert in lieu thereof "Commission".

19 On page 36, line 7, strike "Comptroller General" and
20 insert in lieu thereof "Commission".

21 On page 36, line 10, strike "Comptroller General" and
22 insert in lieu thereof "Commission".

23 On page 37, line 1, strike "Comptroller General" and
24 insert in lieu thereof "Commission".

25 On page 37, line 12, strike "Comptroller General" and
26 insert in lieu thereof "Commission".

1 On page 38, lines 3 and 4, strike "Comptroller General"
2 and insert in lieu thereof "Commission".

3 On page 38, lines 21 and 22, strike "Comptroller Gen-
4 eral" and insert in lieu thereof "Commission".

5 On page 38, line 23, strike "Comptroller General" and
6 insert in lieu thereof "Commission".

7 On page 39, line 6, strike "Comptroller General" and
8 insert in lieu thereof "Commission".

9 On page 40, line 6, strike "Comptroller General" and
10 insert in lieu thereof "Commission".

11 On page 40, lines 10 and 11, strike "COMPTROLLER
12 GENERAL" and insert in lieu thereof "COMMISSION".

13 On page 40, line 13, strike "Comptroller General" and
14 insert in lieu thereof "Commission".

15 On page 40, line 15, strike "him" and insert in lieu
16 thereof "it".

17 On page 40, line 24, strike "him" and insert in lieu
18 thereof "it".

19 On page 41, line 18, strike "he" and insert in lieu
20 thereof "it".

21 On page 41, line 24, strike "he" and insert in lieu there-
22 of "it".

23 On page 42, line 9, strike "he" and insert in lieu thereof
24 "it".

25 On page 42, line 23, strike "Comptroller" and insert in
26 lieu thereof "Commission".

1 On page 42, line 24, strike "General".

2 On page 42, line 24, strike "Comptroller General" and
3 insert in lieu thereof "Commission".

4 On page 43, line 1, strike "he" and insert in lieu thereof
5 "it".

6 On page 43, lines 4 and 5, strike "Comptroller General"
7 and insert in lieu thereof "Commission".

8 On page 44, lines 16 and 17, strike "Comptroller Gen-
9 eral" and insert in lieu thereof "Commission".

10 On page 44, line 22, strike "Comptroller General" and
11 insert in lieu thereof "Commission".

12 On page 44, line 25, strike "he" and insert in lieu
13 thereof "it".

14 On page 45, between lines 21 and 22, insert the
15 following:

16 "FEDERAL ELECTIONS COMMISSION

17 "SEC. 310. (a) (1) There is hereby created a commis-
18 sion to be known as the Federal Elections Commission
19 (referred to hereafter in this Act as 'Commission'), which
20 shall be composed of five members, who shall be appointed
21 by the President, by and with the advice and consent of the
22 Senate.

23 "(2) A person may not be appointed to the Commis-
24 sion—

25 "(A) if at the time of his appointment he was not
26 a member of a major political party, or

1 “(B) if his appointment results in more than three
2 persons from his party being members of the Commis-
3 sion. For purposes of this paragraph, the term ‘major
4 political party’ means a national political party whose
5 candidate for President received either the largest or the
6 next largest popular vote in the preceding presidential
7 election.

8 “(3) One of the original members shall be appointed for
9 a term of two years, one for a term of four years, one for a
10 term of six years, one for a term of eight years, and one for
11 a term of ten years beginning from the effective date of this
12 title, but their successors shall be appointed for terms of
13 ten years each, except that any individual chosen to fill a
14 vacancy shall be appointed only for the unexpired term of
15 the member whom he shall succeed. The President shall
16 designate one member to serve as Chairman of the Commis-
17 sion, and one member to serve as Vice Chairman. The Vice
18 Chairman shall act as Chairman in the absence or disability
19 of the Chairman or in the event of a vacancy in that office.

20 “(b) A vacancy in the Commission shall not impair the
21 right of the remaining members to exercise all the powers
22 of the Commission.

23 “(c) The Commission shall have an official seal which
24 shall be judicially noticed.

25 “(d) The Commission shall at the close of each fiscal

1. year report to the Congress and to the President concerning
2. the action it has taken; the names, salaries, and duties of all
3. individuals in its employ and the moneys it has disbursed;
4. and shall make such further reports on the matters within
5. its jurisdiction and such recommendations for further legisla-
6. tion as may appear desirable.

7. “(e) (1) Members of the Commission shall, while serv-
8. ing on the business of the Commission, be entitled to receive
9. compensation at a rate fixed by the Director of the Office of
10. Management and Budget, but not exceeding \$100 per day,
11. including traveltime; and, while so serving away from their
12. homes or regular places of business, they may be allowed
13. travel expenses, including per diem in lieu of subsistence, as
14. authorized by section 5703 of title 5, United States Code.

15. “(2) The Commission shall, in accordance with chapter
16. 51 of title 5, United States Code, and subchapter III of
17. chapter 53 of title 5, United States Code, appoint and fix
18. the compensation of an Executive Director and such other
19. officers, agents, attorneys, and employees as it deems neces-
20. sary to assist it in the performance of its functions.

21. “(3) The Executive Director shall be the chief adminis-
22. trative officer of the Commission. He shall perform his duties
23. under the direction and supervision of the Commission, and
24. the Commission may delegate any of its functions, other than
25. the making of regulations to him.

1 “(f) The principal office of the Commission shall be in
2 or near the District of Columbia, but it may meet or exer-
3 cise any or all of its powers at any other place.

4 “(g) All officers, agents, attorneys, and employees of
5 the Commission shall be subject to the provisions of sections
6 7324 and 7325 of title 5, United States Code, notwithstand-
7 ing any exemption contained therein.

8 “(h) It shall be the duty of the Commission—

9 “(1) to develop prescribed forms for the making
10 of the reports and statements required by this title;

11 “(2) to prepare and publish a manual setting forth
12 recommended uniform methods of bookkeeping and re-
13 porting for use by persons required to make reports and
14 statements required by this title;

15 “(3) to develop a filing, coding, and cross-indexing
16 system consonant with the purposes of this title;

17 “(4) to make reports and statements filed with it
18 available for public inspection and copying during regu-
19 lar office hours within 24 hours after filing and to make
20 copying facilities available;

21 “(5) to preserve such reports and statements for a
22 period of ten years from date of receipt;

23 “(6) to prepare and publish, within ten working
24 days after the thirty-first day of January and the tenth
25 days of March, June, and September of each year, and

1 within three calendar days after the due dates of the
2 reports required to be filed on the fifteenth and fifth days
3 preceding an election, summaries of the respective re-
4 ports received which shall contain, in addition to such
5 other information as the Commission may determine,
6 compilations disclosing the total receipts and expendi-
7 tures appearing in each report by categories of amounts
8 as the Commission shall determine, and shall also include
9 the full name and address and amount of contribution of
10 each person, listed alphabetically, shown to have con-
11 tributed the sum of \$100 or more; and such summaries
12 shall be grouped according to candidates and parties;

13 “(7) to prepare and publish an annual report in-
14 cluding compilations of (A) total reported contribu-
15 tions and expenditures for all candidates, political com-
16 mittees, and other persons during the year; (B) total
17 amounts expended according to such categories as the
18 Commission shall determine and broken down into can-
19 didate, party, and nonparty expenditures; (C) total
20 amounts contributed according to such categories of
21 amounts as the Commission shall determine; and (D)
22 aggregate amounts contributed by any contributor shown
23 to have contributed the sum of \$100 or more during
24 any calendar year;

25 “(8) to prepare and publish from time to time spe-

1 cial reports comparing the various totals and categories
2 of contributions and expenditures made with respect to
3 preceding elections;

4 “(9) to prepare and publish such other reports
5 as it may deem appropriate;

6 “(10) to assure wide dissemination of summaries
7 and reports;

8 “(11) to make from time to time audits and field
9 investigations with respect to reports and statements
10 filed under the provisions of this title, and with respect
11 to alleged failures to file any report or statement re-
12 quired under the provisions of this title;

13 “(12) to report suspected violations of law to the
14 appropriate law enforcement authorities; and

15 “(13) to prescribe rules and regulations to carry out
16 the provisions of this title.

17 “(i) For the purpose of any audit or investigation pro-
18 vided for in paragraph (11) of subsection (h) of this section
19 or in section 308 (b), the provisions of sections 9 and 10
20 of the Federal Trade Commission Act (15 U.S.C. 49, 50)
21 are hereby made applicable to the jurisdiction, powers, and
22 duties of the Commission, or any officer designated by it,
23 except that the attendance of a witness may not be required
24 outside of the State where he is found, resides, or transacts

1 business, and the production of evidence may not be re-
2 quired outside the State where such evidence is kept.”

3 On page 45, line 23, strike “SEC. 310.” and insert in
4 lieu thereof “SEC. 311.”

5 On page 46, line 4, strike “SEC. 311.” and insert in
6 lieu thereof “SEC. 312.”

7 On page 46, line 8, strike “SEC. 312.” and insert in
8 lieu thereof “SEC. 313.”

9 On page 46, line 13, strike “Comptroller General” and
10 insert in lieu thereof “Commission”.

11 On page 46, line 20, strike “SEC. 313.” and insert in
12 lieu thereof “SEC. 314.”

13 On page 47, line 2, strike “SEC. 314.” and insert in lieu
14 thereof “SEC. 315.”

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