

105TH CONGRESS  
2D SESSION

# H. R. 3502

To establish the Independent Commission on Campaign Finance Reform to recommend reforms in the laws relating to the financing of political activity.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1998

Mr. WHITE (for himself, Mrs. MALONEY of New York, Mr. FRANKS of New Jersey, Mr. DINGELL, Mr. HORN, Mr. ACKERMAN, Mr. BARCIA, Mr. BARRETT of Wisconsin, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BROWN of California, Mr. BROWN of Ohio, Ms. CARSON, Mr. CASTLE, Ms. CHRISTIAN-GREEN, Mr. CLEMENT, Mr. CONYERS, Mr. DEFazio, Ms. DEGETTE, Mr. DOOLEY of California, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. ETHERIDGE, Mr. FOLEY, Mr. FOX of Pennsylvania, Mr. FRELINGHUYSEN, Mr. GIBBONS, Mr. GILCHREST, Mr. GREENWOOD, Mr. HAMILTON, Mr. HINCHEY, Mr. HOUGHTON, Ms. KAPTUR, Mr. KLUG, Mr. LOBIONDO, Ms. LOFGREN, Mr. LUTHER, Mr. MALONEY of Connecticut, Mr. MANTON, Ms. MCCARTHY of Missouri, Mr. McHALE, Mr. METCALF, Ms. MILLENDER-McDONALD, Mr. MILLER of California, Mr. MINGE, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. NADLER, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. POSHARD, Mr. RAMSTAD, Mr. RIGGS, Ms. RIVERS, Mr. ROTHMAN, Mr. RUSH, Mr. SAWYER, Mr. SCHUMER, Mr. SERRANO, Mr. SKAGGS, Mr. SMITH of Michigan, Mr. SNYDER, Ms. STABENOW, Mr. STRICKLAND, Mr. TAUZIN, Mr. TAYLOR of Mississippi, and Ms. WOOLSEY) 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

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## A BILL

To establish the Independent Commission on Campaign Fi-

nance Reform to recommend reforms in the laws relating to the financing of political activity.

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 “Independent Commis-  
 5 sion on Campaign Finance Reform Act of 1998”.

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

7 There is established a commission to be known as the  
 8 “Independent Commission on Campaign Finance Reform”  
 9 (referred to in this Act as the “Commission”). The pur-  
 10 poses of the Commission are to study the laws relating  
 11 to the financing of political activity and to report and rec-  
 12 ommend legislation to reform those laws.

13 **SEC. 3. MEMBERSHIP OF COMMISSION.**

14 (a) COMPOSITION.—The Commission shall be com-  
 15 posed of 12 members appointed within 15 days after the  
 16 date of the enactment of this Act by the President from  
 17 among individuals who are not incumbent Members of  
 18 Congress and who are specially qualified to serve on the  
 19 Commission by reason of education, training, or experi-  
 20 ence.

21 (b) APPOINTMENT.—

22 (1) IN GENERAL.—Members shall be appointed  
 23 as follows:

1 (A) 3 members (one of whom shall be a  
2 political independent) shall be appointed from  
3 among a list of nominees submitted by the  
4 Speaker of the House of Representatives.

5 (B) 3 members (one of whom shall be a  
6 political independent) shall be appointed from  
7 among a list of nominees submitted by the ma-  
8 jority leader of the Senate.

9 (C) 3 members (one of whom shall be a po-  
10 litical independent) shall be appointed from  
11 among a list of nominees submitted by the mi-  
12 nority leader of the House of Representatives.

13 (D) 3 members (one of whom shall be a  
14 political independent) shall be appointed from  
15 among a list of nominees submitted by the mi-  
16 nority leader of the Senate.

17 (2) FAILURE TO SUBMIT LIST OF NOMINEES.—  
18 If an official described in any of the subparagraphs  
19 of paragraph (1) fails to submit a list of nominees  
20 to the President during the 15-day period which be-  
21 gins on the date of the enactment of this Act—

22 (A) such subparagraph shall no longer  
23 apply; and

24 (B) the President shall appoint 3 members  
25 (one of whom shall be a political independent)

1           who meet the requirements described in sub-  
2           section (a) and such other criteria as the Presi-  
3           dent may apply.

4           (3) POLITICAL INDEPENDENT DEFINED.—In  
5           this subsection, the term “political independent”  
6           means an individual who at no time after January  
7           1992—

8                   (A) has held elective office as a member of  
9           the Democratic or Republican party;

10                   (B) has received any wages or salary from  
11           the Democratic or Republican party or from a  
12           Democratic or Republican party office-holder or  
13           candidate; or

14                   (C) has provided substantial volunteer  
15           services or made any substantial contribution to  
16           the Democratic or Republican party or to a  
17           Democratic or Republican party office-holder or  
18           candidate.

19           (c) CHAIRMAN.—At the time of the appointment, the  
20           President shall designate one member of the Commission  
21           as Chairman of the Commission.

22           (d) TERMS.—The members of the Commission shall  
23           serve for the life of the Commission.

1 (e) VACANCIES.—A vacancy in the Commission shall  
2 be filled in the manner in which the original appointment  
3 was made.

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

7 **SEC. 4. POWERS OF COMMISSION.**

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

16 (b) QUORUM.—Seven members of the Commission  
17 shall constitute a quorum, but a lesser number may hold  
18 hearings. The approval of at least 9 members of the Com-  
19 mission is required when approving all or a portion of the  
20 recommended legislation. Any member of the Commission  
21 may, if authorized by the Commission, take any action  
22 which the Commission is authorized to take under this sec-  
23 tion.

1 **SEC. 5. ADMINISTRATIVE PROVISIONS.**

2 (a) PAY AND TRAVEL EXPENSES OF MEMBERS.—(1)

3 Each member of the Commission shall be paid at a rate  
4 equal to the daily equivalent of the annual rate of basic  
5 pay payable for level IV of the Executive Schedule under  
6 section 5315 of title 5, United States Code, for each day  
7 (including travel time) during which the member is en-  
8 gaged in the actual performance of duties vested in the  
9 Commission.

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

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

20 (c) STAFF OF COMMISSION; SERVICES.—

21 (1) IN GENERAL.—With the approval of the  
22 Commission, the staff director of the Commission  
23 may appoint and fix the pay of additional personnel.  
24 The Director may make such appointments without  
25 regard to the provisions of title 5, United States  
26 Code, governing appointments in the competitive

1 service, and any personnel so appointed may be paid  
 2 without regard to the provisions of chapter 51 and  
 3 subchapter III of chapter 53 of that title relating to  
 4 classification and General Schedule pay rates, except  
 5 that an individual so appointed may not receive pay  
 6 in excess of the maximum annual rate of basic pay  
 7 payable for grade GS-15 of the General Schedule  
 8 under section 5332 of title 5, United States Code.

9 (2) EXPERTS AND CONSULTANTS.—The Com-  
 10 mission may procure by contract the temporary or  
 11 intermittent services of experts or consultants pursu-  
 12 ant to section 3109 of title 5, United States Code.

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

14 (a) REPORT.—Not later than the expiration of the  
 15 180-day period which begins on the date on which the sec-  
 16 ond session of the One Hundred Fifth Congress adjourns  
 17 sine die, the Commission shall submit to the President,  
 18 the Speaker and minority leader of the House of Rep-  
 19 resentatives, and the majority and minority leaders of the  
 20 Senate a report of the activities of the Commission.

21 (b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—  
 22 The report under subsection (a) shall include any rec-  
 23 ommendations for changes in the laws (including regula-  
 24 tions) governing the financing of political activity, includ-  
 25 ing any changes in the rules of the Senate or the House

1 of Representatives, to which 9 or more members of the  
2 Commission may agree, together with drafts of—

3 (1) any legislation (including technical and con-  
4 forming provisions) recommended by the Commis-  
5 sion to implement such recommendations; and

6 (2) any proposed amendment to the Constitu-  
7 tion recommended by the Commission as necessary  
8 to implement such recommendations, except that if  
9 the Commission includes such a proposed amend-  
10 ment in its report, it shall also include recommenda-  
11 tions (and drafts) for legislation which may be im-  
12 plemented prior to the adoption of such proposed  
13 amendment.

14 (c) GOALS OF RECOMMENDATIONS AND LEGISLA-  
15 TION.—In making recommendations and preparing drafts  
16 of legislation under this section, the Commission shall con-  
17 sider the following to be its primary goals:

18 (1) Encouraging fair and open Federal elections  
19 which provide voters with meaningful information  
20 about candidates and issues.

21 (2) Eliminating the disproportionate influence  
22 of special interest financing of Federal elections.

23 (3) Creating a more equitable electoral system  
24 for challengers and incumbents.

1 **SEC. 7. EXPEDITED CONGRESSIONAL CONSIDERATION OF**  
2 **LEGISLATION.**

3 (a) IN GENERAL.—If any legislation is introduced the  
4 substance of which implements a recommendation of the  
5 Commission submitted under section 6(b) (including a  
6 joint resolution proposing an amendment to the Constitu-  
7 tion), subject to subsection (b), the provisions of section  
8 2908 (other than subsection (a)) of the Defense Base Clo-  
9 sure and Realignment Act of 1990 shall apply to the con-  
10 sideration of the legislation in the same manner as such  
11 provisions apply to a joint resolution described in section  
12 2908(a) of such Act.

13 (b) SPECIAL RULES.—For purposes of applying sub-  
14 section (a) with respect to such provisions, the following  
15 rules shall apply:

16 (1) Any reference to the Committee on Armed  
17 Services of the House of Representatives shall be  
18 deemed a reference to the Committee on House  
19 Oversight of the House of Representatives and any  
20 reference to the Committee on Armed Services of the  
21 Senate shall be deemed a reference to the Committee  
22 on Rules and Administration of the Senate.

23 (2) Any reference to the date on which the  
24 President transmits a report shall be deemed a ref-  
25 erence to the date on which the recommendation in-  
26 volved is submitted under section 6(b).

1           (3) Notwithstanding subsection (d)(2) of sec-  
2       tion 2908 of such Act—

3           (A) debate on the legislation in the House  
4       of Representatives, and on all debatable mo-  
5       tions and appeals in connection with the legisla-  
6       tion, shall be limited to not more than 10  
7       hours, divided equally between those favoring  
8       and those opposing the legislation;

9           (B) debate on the legislation in the Senate,  
10      and on all debatable motions and appeals in  
11      connection with the legislation, shall be limited  
12      to not more than 10 hours, divided equally be-  
13      tween those favoring and those opposing the  
14      legislation; and

15          (C) debate in the Senate on any single de-  
16      batable motion and appeal in connection with  
17      the legislation shall be limited to not more than  
18      1 hour, divided equally between the mover and  
19      the manager of the bill (except that in the event  
20      the manager of the bill is in favor of any such  
21      motion or appeal, the time in opposition thereto  
22      shall be controlled by the minority leader or his  
23      designee), and the majority and minority leader  
24      may each allot additional time from time under  
25      such leader's control to any Senator during the

1           consideration of any debatable motion or ap-  
2           peal.

3 **SEC. 8. 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. 9. 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.

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