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HOUSE OF REPRESENTATIVES
REPORT
114–361

ELECTION ASSISTANCE COMMISSION TERMINATION ACT

DECEMBER 3, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. MILLER of Michigan, from the Committee on House Administration, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 195]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 195) to terminate the Election Assistance Commission, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

BACKGROUND AND NEED FOR LEGISLATION

INTRODUCTION

Congress established the Election Assistance Commission (EAC) as part of the Help America Vote Act of 2002 (HAVA). HAVA allocated large sums of federal money to states to replace punch card and lever voting systems and to develop statewide voter registration databases. The administration of these payments to states was a principal function of the EAC. In addition, the EAC was established to operate a federal voting system testing and certification program, maintain a clearinghouse of election administration information, and perform a series of research studies mandated by HAVA.

Today, the flow of election administration funds to states from the federal government has ended. The EAC has completed its HAVA-required research (with one exception discussed below). Even with those programs, the EAC has overhead costs that exceed

its budget for program administration. Without them, the EAC is a bureaucracy in search of a mission.

Worse, it is a bureaucracy with a history of poor financial and managerial decisions and (apparently meritorious) claims of employment discrimination based on political viewpoint and military service. The EAC has repeatedly become mired in partisan controversies. The National Association of Secretaries of State has in 2005, 2010 and 2015 called on Congress to dissolve the EAC.

Heeding the Secretaries' call and recognizing the record before it, this Committee reported H.R. 672 in the 112th Congress to eliminate the EAC. The full House in the 112th Congress approved H.R. 3463, which would have eliminated the EAC along with the Presidential Election Campaign Fund. The Committee's report on H.R. 672, House Report 112–100, part 1, details the Committee's findings regarding the EAC's completion of its functions and history of mismanagement.

The EAC has existed with no commissioners from 2011 to 2014, no quorum of commissioners from 2010 to 2014, no executive director from 2011 to 2015 and no general counsel from 2012 to 2015.

ORGANIZATION AND BUDGET OF THE EAC

The EAC was established with four full-time commissioners appointed by the President and confirmed by the Senate. HAVA directs that one commissioner be appointed at the recommendation of each of the Speaker of the House, House Minority Leader, Majority Leader of the Senate, and Minority Leader of the Senate. HAVA also established the positions of executive director and general counsel, each appointed by the commissioners. All other staff positions are established and hired at the discretion of the executive director. The EAC has existed with no commissioners from 2011 through 2014, no quorum of commissioners from 2010 to 2014, no executive director from 2011 to 2015 and no general counsel from 2012 to 2015.

HAVA authorized appropriations for the EAC of up to $10 million in each of the years 2003, 2004 and 2005. No appropriations were authorized for years after 2005. Notwithstanding the authorization's limit of $10 million per year and its duration only through 2005, in FY 2010 the EAC's budget was $17.959 million. In FY 2012, the appropriated budget fell to $11.5 million. In FY 2014, the appropriated budget was $11.062 million. The FY 2015 current appropriated budget is $10 million. The EAC's budget request for FY 2016 is $9.6 million. Of that, $1.5 million is transferred to NIST for technical and scientific support of the testing and certification program and $8.1 million is for operation of the agency. The budget request the EAC submitted to Congress breaks the operating budget request into the following amounts:

''Indirect Costs'' (management/overhead)	57.2%	$4,955,552
Grants	3.3%	$287,055
Research	10.5%	$914,299
Testing and Certification	10%	$862,204
Communications	5.6%	$487,163
Inspector General	13.4%	$1,157,241

Adding up the budgets for the four program departments, they total $2,550,721. This means the agency has a management cost of $4.95 million for $2.5 million worth of programs. This is an unjustifiably inefficient organization by any measure, and an even worse ratio than in the last Congress.

THE EAC'S ROLE IN ELECTIONS

Since the enactment of HAVA, there have been three major contested elections that called into doubt the functioning of the election process: for Governor of the State of Washington in 2004, for the House of Representatives in the 13th District of Florida in 2006 and for the U.S. Senate in Minnesota in 2008. Each resulted in a protracted dispute that was not resolved until months after the election, and each led to charges of system breakdowns in the election process and partisan manipulation by election officials. Neither HAVA nor the EAC prevented the problems uncovered in those elections, and the EAC had no role in resolving them.

The EAC does not register voters, nor does it have any enforcement authority over laws governing voter registration. The EAC has no role in the casting or counting of ballots, or resolving election disputes. Election officials have direct functional connections to the EAC when they receive funds from it and when they seek to use voting systems certified by it. Other contact is informational, and the informational function does not need to be performed by the federal government.

Likewise, voters have direct functional connections to the EAC only when they use the EAC's website to download the national voter registration form—which is available from other sources and can be made available on any government web site. Other contact between the EAC and voters is informational, and the information from the EAC is second-hand because the actual rules and procedures for elections are set by state and local jurisdictions.

When the President deemed it necessary to conduct a review of the 2012 election, he did not turn to the EAC to perform it. Instead he created, through executive order, a Presidential Commission on Election Administration. This shows both a lack of confidence in the EAC and the lack of a need for it to address perceived issues in election administration.

EAC PROGRAM AREAS

Grants

Some election officials have questioned the elimination of the EAC because of the hardship their jurisdictions will suffer without continued federal funding. No funds have been provided since 2010 and it appears unlikely they will be provided in the future. The lack of funding is not caused by the proposed termination of the EAC. Rather, the absence of funds available in a strained federal budget is merely one more reason why operation of the EAC is an unnecessary and wasteful use of scarce taxpayer resources. With no funds left to distribute, there is no reason to retain the EAC to disburse them.

Research

HAVA required the EAC to perform five specified research studies: (1) facilitating military and overseas voting, (2) human factors in voting system design, (3) using Social Security numbers in voter registration, (4) electronic and Internet voting and (5) free or reduced postage for absentee ballots. Four of those studies have been completed. The fifth study, on the use of Social Security numbers in voter registration, is now some eight years overdue. In the face of this delay, it seems unlikely the final study will be completed in the foreseeable future.

The EAC also produces documents called Election Management Guidelines and Quick Start Guides. The agency has completed all of these documents that it plans to produce. Even if they had not been completed, their value has been questioned in congressional testimony and elsewhere.

With the required research effectively complete, and other materials likewise complete, there is no reason to retain the EAC to perform research. There is no Congressional mandate for further research, and any research conducted likely would be designed to justify the EAC's continued existence rather than to fulfill an important and uniquely federal need.

Testing and certification

Prior to the enactment of HAVA, the National Association of State Election Directors operated a program to test and certify voting systems so that election officials purchasing such systems had some independent validation of their quality and performance. The Federal Election Commission also played a role in the process prior to the enactment of HAVA through the voting system standards it issued in 1990.

HAVA created a federal program to perform this function. The program involves four parts: developing the standards voting systems are required to meet in order to be certified (the Voluntary Voting System Guidelines or VVSG), accrediting labs to test voting systems against those standards, conducting the tests, and certifying that systems satisfy the standards.

Twenty states and territories make no use of the federal testing and certification program. The other 35 states and territories use the federal standards and certification process in some way—some by requiring federal certification of the systems they purchase, some by requiring that systems be tested to federal standards in a federally-accredited lab and some by requiring testing to federal standards without specifying the type of lab that may conduct the tests.

The last full adoption of a VVSG occurred in 2005, leaving the EAC process far behind the development of technology in voting systems. The federal testing and certification program using standards developed under the HAVA system is not effectively supporting voting system quality. For states who want to participate in a joint process rather than create and test to their own standards, there are alternative institutions to the federal government such as one or more academic facilities, an association of election officials, or a consortium of states established for the purpose. The state stakeholders who bear the burdens of selecting and paying for voting systems are in the best position to decide upon and manage

the appropriate process. Even if the testing and certification program were to continue as a function of the federal government, it does not justify operating a separate federal agency.

Communications

Prior to the enactment of HAVA, the Federal Election Commission operated a clearing house of election administration information for state and local election officials. This clearinghouse has been absorbed into the EAC's web site. The operation of a web site collecting data on election administration does not justify operating a separate federal agency.

MANAGEMENT AND PARTISAN CONTROVERSY

As described in the report accompanying H.R. 672 in the 112th Congress, a series of incidents at the EAC have shown a pattern of questionable decision-making, poor financial choices and partisan controversy. These include questionable spending, claims of retaliation and a hostile work environment, and politicized decision-making. Most disturbingly, in two separate attempts to hire a general counsel the EAC discriminated against applicants, first on the basis of political affiliation and then on the basis of military service. Both resulted in the payment of substantial sums of taxpayer funds to the applicants.

CONCLUSION

The EAC has completed most of its major functions. Its operations and budget show that its mission cannot justify maintaining a federal agency. The EAC has a record of discrimination based on political affiliation and military service and a history of partisan controversy. The functions of the EAC that continue to be necessary and valuable can be performed elsewhere more efficiently and at least as effectively.

INTRODUCTION AND REFERRAL

On January 7, 2015, Congressman Gregg Harper of Mississippi introduced H.R. 195, which was referred to the Committee on House Administration.

HEARINGS

There were no legislative hearings held on H.R. 195

COMMITTEE CONSIDERATION

On March 4, 2015, the Committee on House Administration met to consider H.R. 195. The Committee ordered the bill reported favorably to the House without amendment by voice vote with a quorum present.

COMMITTEE RECORD VOTES

In compliance with House rule XIII, clause 3(b), requiring the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the Committee report, the Committee states that there were no record votes during the Committee's consideration of H.R. 195.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with House rule XIII, clause 3(c)(1), the Committee states that the findings and recommendations of the Committee, based on oversight activities under House Rule X, clause 2(b)(1), are incorporated into the general discussion section of this report.

STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

The bill does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures and a statement under House rule XIII, clause 3(c)(2), and section 308(a)(1) of the Congressional Budget Act of 1974 is not required.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 24, 2015.

Hon. CANDICE MILLER,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 195, the Election Assistance Commission Termination Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 195—Election Assistance Commission Termination Act

Summary: H.R. 195 would eliminate the Election Assistance Commission (EAC) and transfer some of its responsibilities to the Federal Election Commission (FEC). The Office of Management and Budget (OMB) would be responsible for winding down the commission's contracts and agreements. The EAC would terminate within 60 days of the bill's enactment.

CBO estimates that implementing H.R. 195 would reduce spending that is subject to appropriation by $40 million over the 2016–2020 period. Enacting the bill would affect direct spending and revenues because we expect some EAC employees would retire earlier than they otherwise would; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net changes in the deficit would not be significant.

H.R. 195 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the federal government: The estimated budgetary impact of H.R. 195 is shown in the following table. The costs of this legislation fall within budget function 800 (general government).

	By fiscal year, in millions of dollars—					
	2016	2017	2018	2019	2020	2016–2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Terminating Election Assistance Commission						
Estimated Authorization Level	−8	−8	−9	−9	−9	−43
Estimated Outlays	−8	−8	−9	−9	−9	−43
Federal Election Commission						
Estimated Authorization Level	*	*	*	*	*	1
Estimated Outlays	*	*	*	*	*	1
Office of Management and Budget						
Estimated Authorization Level	1	1	*	*	0	2
Estimated Outlays	1	1	*	*	0	2
Total Changes						
Estimated Authorization Level	−7	−7	−9	−9	−9	−40
Estimated Outlays	−7	−7	−9	−9	−9	−40

Note: * = less than $500,000.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted late in fiscal year 2015, that amounts not needed after eliminating the EAC would not be appropriated, that the necessary amounts for activities that would be transferred to other agencies would be appropriated near the start of each fiscal year, and that the new spending would follow historical patterns for similar activities.

The EAC advises state and local governments on administering elections and provides grants to states to replace punch-card voting machines and to make other improvements to voting systems. The commission also develops voluntary standards for managing elections, serves as a clearinghouse for information, and reviews procedures for administering federal elections.

Terminating Election Assistance Commission

Eliminating the EAC would reduce the need for appropriated funds in future years. In fiscal year 2015, the commission received an appropriation of $8 million. Assuming appropriations would continue under current law at that level with an adjustment for anticipated inflation, CBO estimates that terminating the EAC would reduce discretionary spending by $43 million over the 2016–2020 period.

Federal Election Commission

H.R. 195 would transfer some of EAC's responsibilities to the FEC. Based on information from the EAC and the FEC, CBO expects that those responsibilities would require the FEC to hire one or two additional employees. CBO estimates that those additional employees would cost nearly $1 million over the next five years, assuming the availability of appropriated funds.

Office of Management and Budget

OMB would be responsible for closing down the EAC and fulfilling the agency's final contracts and agreements. Based on information from the EAC, final responsibilities would involve auditing

competitive grant programs, closing the office, and terminating its active contracts. CBO estimates that those activities would cost $2 million over the 2016–2020 period, assuming the appropriation of the necessary amounts.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. Enacting H.R. 195 would affect direct spending and revenues because some EAC employees would retire earlier under the legislation than they otherwise would; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any changes in direct spending and revenues would not be significant in any one year or over the next 10 years because fewer than a dozen of the agency's employees are eligible to retire. Based on information from the EAC, CBO expects most would probably not retire early.

Intergovernmental and private-sector impact: H.R. 195 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

In compliance with House rule XIII, clause 3(c)(4), the Committee states that the general discussion section of this report includes a statement of the general performance goals and objectives, including outcome-related goals and objectives, for which H.R. 195 authorizes funding.

CONSTITUTIONAL AUTHORITY STATEMENT

Congress has the power to enact this legislation pursuant to Amendment XVI of the U.S. Constitution relating to the collection of income tax and additionally to Article I, Section 4 of the U.S. Constitution granting Congress the authority to make laws governing the time, place and manner of holding Federal elections.

ADVISORY ON EARMARKS

In accordance with House rule XXI, clause 9, the Committee states that H.R. 195 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

HELP AMERICA VOTE ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Help America Vote Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

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TITLE X—TERMINATION OF COMMISSION

Sec. 1001. Termination.
Sec. 1002. Office of Management and Budget to perform transition functions.
Sec. 1003. Savings provisions.
Sec. 1004. Return to Federal Election Commission of authority to carry out certain functions under National Voter Registration Act of 1993.
Sec. 1005. Commission termination date.

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TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

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PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

SEC. 221. TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Technical Guidelines Development Committee (hereafter in this part referred to as the "Development Committee").

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) A representative of the Institute of Electrical and Electronics Engineers.

(D) Two representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

(E) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(2) TECHNICAL SUPPORT.—The technical support provided under paragraph (1) shall include intramural research and development in areas to support the development of the voluntary voting system guidelines under this part, including—

(A) the security of computers, computer networks, and computer data storage used in voting systems, including the computerized list required under section 303(a);

(B) methods to detect and prevent fraud;

(C) the protection of voter privacy;

(D) the role of human factors in the design and application of voting systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and

(E) remote access voting, including voting through the Internet.

(3) NO PRIVATE SECTOR INTELLECTUAL PROPERTY RIGHTS IN GUIDELINES.—No private sector individual or entity shall obtain any intellectual property rights to any guideline or the contents of any guideline (or any modification to any guideline) adopted by the Commission under this Act.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any voluntary voting system guideline pursuant to section 222, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.

(g) TERMINATION.—Effective on the Commission termination date described in section 1005, the Development Committee is terminated.

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TITLE X—TERMINATION OF COMMISSION

SEC. 1001. TERMINATION.

Effective on the Commission termination date, the Commission (including the Election Assistance Commission Standards Board and the Election Assistance Commission Board of Advisors under part 2 of subtitle A of title II) is terminated and may not carry out any programs or activities.

SEC. 1002. OFFICE OF MANAGEMENT AND BUDGET TO PERFORM TRANSITION FUNCTIONS.

Except as provided in section 1004, the Director of the Office of Management and Budget shall, effective upon the Commission termination date—

(1) perform the functions of the Commission with respect to contracts and agreements described in subsection 1003(a) until the expiration of such contracts and agreements, but shall not renew any such contract or agreement; and

(2) take the necessary steps to wind up the affairs of the Commission.

SEC. 1003. SAVINGS PROVISIONS.

(a) PRIOR CONTRACTS.—The termination of the Commission under this title shall not affect any contract that has been entered into by the Commission before the Commission termination date. All such contracts shall continue in effect until modified, superseded, terminated, set aside, or revoked in accordance with law by an authorized Federal official, a court of competent jurisdiction, or operation of law.

(b) OBLIGATIONS OF RECIPIENTS OF PAYMENTS.—

(1) IN GENERAL.—The termination of the Commission under this title shall not affect the authority of any recipient of a payment made by the Commission under this Act prior to the Commission termination date to use any portion of the payment that remains unobligated as of the Commission termination date, and the terms and conditions that applied to the use of the payment at the time the payment was made shall continue to apply.

(2) SPECIAL RULE FOR STATES RECEIVING REQUIREMENTS PAYMENTS.—In the case of a requirements payment made to a State under part 1 of subtitle D of title II, the terms and conditions applicable to the use of the payment for purposes of the State's obligations under this subsection (as well as any obligations in effect prior to the termination of the Commission under this subtitle), and for purposes of any applicable requirements imposed by regulations promulgated by the Director of the Office of Management and Budget, shall be the general terms and conditions applicable under Federal law, rules, and regulations to payments made by the Federal Government to a State, except

that to the extent that such general terms and conditions are inconsistent with the terms and conditions that are specified under part 1 of subtitle D of title II or section 902, the terms and conditions specified under such part and such section shall apply.

(c) PENDING PROCEEDINGS.—

(1) NO EFFECT ON PENDING PROCEEDINGS.—The termination of the Commission under this title shall not affect any proceeding to which the Commission is a party that is pending on the Commission termination date, including any suit to which the Commission is a party that is commenced prior to such date, and the Director of the Office of Management and Budget shall be substituted or added as a party to the proceeding.

(2) TREATMENT OF ORDERS.—In the case of a proceeding described in paragraph (1), an order may be issued, an appeal may be taken, judgments may be rendered, and payments may be made as if the Commission had not been terminated. Any such order shall continue in effect until modified, terminated, superseded, or revoked by an authorized Federal official, a court of competent jurisdiction, or operation of law.

(3) CONSTRUCTION RELATING TO DISCONTINUANCE OR MODIFICATION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if the Commission had not been terminated.

(4) REGULATIONS FOR TRANSFER OF PROCEEDINGS.—The Director of the Office of Management and Budget may issue regulations providing for the orderly transfer of proceedings described in paragraph (1).

(d) JUDICIAL REVIEW.—Orders and actions of the Director of the Office of Management and Budget in the exercise of functions of the Commission under section 1002 shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been issued or taken by the Commission. Any requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function of the Commission shall apply to the exercise of such function by the Director.

SEC. 1004. RETURN TO FEDERAL ELECTION COMMISSION OF AUTHORITY TO CARRY OUT CERTAIN FUNCTIONS UNDER NATIONAL VOTER REGISTRATION ACT OF 1993.

Effective on the Commission termination date, there are transferred to the Federal Election Commission any functions transferred to the Election Assistance Commission under section 802 (relating to functions described in section 9(a) of the National Voter Registration Act of 1993).

SEC. 1005. COMMISSION TERMINATION DATE.

The "Commission termination date" is the first date following the expiration of the 60-day period that begins on the date of the enactment of this title.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

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TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

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ADMINISTRATIVE PROVISIONS

SEC. 311. (a) The Commission shall—

(1) prescribe forms necessary to implement this Act;

(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

(3) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;

(4) within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Secretary or the Commission shall exclude these lists from the public record;

(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;

(6)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which index shall be published at regular intervals and made available for purchase directly or by mail;

(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d); **[**and**]**

(9) transmit to the President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legislative or other action the Commission considers appropriate**[**.**]***;*

(10) carry out the duties described in section 9(a) of the National Voter Registration Act of 1993.

(b) The Commission may conduct audits and field investigations of any political committee required to file a report under section

304 of this Act. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or chapter 96 of the Internal Revenue Code of 1954 shall be given priority. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commission. The Commission may, upon an affirmative vote of 4 of its members, conduct an audit and field investigation of any committee which does not meet the threshold requirements established by the Commission. Such audit shall be commenced within 30 days of such vote, except that any audit of an authorized committee of a candidate, under the provisions of this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

(c) Any forms prescribed by the Commission under subsection (a)(1), and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512 of title 44, United States Code.

(d)(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

(3) For purposes of this subsection, the term "legislative day" means, with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

(4) For purposes of this subsection, the terms "rule" and "regulation" mean a provision or series of interrelated provisions stating a single, separable rule of law.

(5)(A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and shall be decided without debate.

(B) Whenever a committee of the House of Representatives reports any resolution relating to any such form, rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

(e) Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

(f) In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Commission shall report to the Congress annually on the steps it has taken to comply with this section.

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SECTION 9 OF THE NATIONAL VOTER REGISTRATION ACT OF 1993

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The [Election Assistance Commission] *Federal Election Commission*—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this chapter on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this chapter; and

(4) shall provide information to the States with respect to the responsibilities of the States under this chapter.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;—

(2) shall include a statement that.—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 20507(a)(5)(A) and (B) of this title;

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

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MINORITY VIEWS

ELIMINATION OF THE ELECTION ASSISTANCE COMMISSION—H.R. 195

The Democratic Members of the Committee on House Administration oppose H.R. 195, which is the latest of the Majority's repeated and unsuccessful efforts to terminate the Election Assistance Commission (EAC). Instead, the agency, which was restored to bi-partisan function by Congress last December with the confirmation of three new commissioners, must be renewed and strengthened.

The EAC is not a regulatory agency. The EAC's mission is to assist states in administering their federal elections and to provide information to voters. While House Republicans insist that the Commission has "outlived its purpose," the facts tell a different story. One need only look at the flawed administration of the 2012 presidential election for confirmation of the continuing need for the EAC. Termination of the EAC is opposed by state and local election officials regardless of their party affiliation, as they realize that many of the costs of election administration will be shifted onto them.

The EAC was the creation of a bipartisan effort by Members of Congress who recognized the sanctity of the right to vote and were committed to its protection. We remain steadfast in upholding this legacy and ensuring that election officials have access to the resources they need, voters have access to information, and our federal elections are an efficient and transparent process.

To that end, Ranking Member Brady offered an amendment in the nature of a substitute to the bill during the markup that would reauthorize the EAC through fiscal years 2016–2020, require states to participate in post-general election surveys to uncover potential election administration issues, conduct studies to identify options for reducing election administration costs and identify efficiency and cost-saving measures within the EAC itself. Unfortunately, this amendment was defeated in a party-line vote during the markup of H.R. 195.

ROBERT A. BRADY,
Ranking Member.
ZOE LOFGREN.
JUAN VARGAS.

