

113TH CONGRESS
1ST SESSION

H. R. 1994

To terminate the Election Assistance Commission.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2013

Mr. HARPER introduced the following bill; which was referred to the
Committee on House Administration

A BILL

To terminate the Election Assistance Commission.

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; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Election Assistance Commission Termination Act”.

6 (b) **FINDINGS.**—Congress finds the following:

7 (1) The Help America Vote Act of 2002
8 (HAVA) authorized annual appropriations of not
9 more than \$10,000,000 for the Election Assistance
10 Commission (EAC) for fiscal years 2003, 2004, and
11 2005. Funding for additional years has not been au-

1 thorized, and in fiscal year 2011 the EAC's budget
2 grew to nearly \$18,000,000.

3 (2) Between 2007 and 2011, the number of
4 staff at the EAC grew from 26 to 48 without an in-
5 crease in statutory responsibility.

6 (3) 55 percent of the EAC's fiscal year 2014
7 budget request is devoted to management costs, the
8 third consecutive year for which management costs
9 have exceeded one-half of the EAC's budget.

10 (4) The EAC has distributed more than \$3.2
11 billion in election reform grants to the States. The
12 most recent year for which appropriations for these
13 grants were enacted or were requested in the Presi-
14 dent's annual budget was fiscal year 2010.

15 (5) The EAC last issued voluntary voting sys-
16 tem guidelines in 2005. A total of 11 voting systems
17 currently hold a certification from the EAC.

18 (6) The research division of the EAC has sub-
19 stantially completed the reports required by HAVA.

20 (7) The National Association of Secretaries of
21 State adopted resolutions calling for the dissolution
22 of the EAC in 2005 and 2010.

23 (8) The EAC has not had a quorum of commis-
24 sioners since December 2010, and has not had any
25 commissioners since December 2011. The EAC has

1 not had an Executive Director since December 2011,
2 and has not had a General Counsel since May 2012.

3 (9) The existence of the EAC is not necessary
4 to the conduct of Federal elections and is an unne-
5 cessary expenditure of taxpayer funds. Any functions
6 of the EAC worth continuing can be performed by
7 other government entities, consortia of government
8 entities, or private associations.

9 **SEC. 2. TERMINATION OF ELECTION ASSISTANCE COMMIS-**
10 **SION.**

11 (a) **TERMINATION.**—The Help America Vote Act of
12 2002 (42 U.S.C. 15301 et seq.) is amended by adding at
13 the end the following new title:

14 **“TITLE X—TERMINATION OF**
15 **COMMISSION**

16 **“SEC. 1001. TERMINATION.**

17 “Effective on the Commission termination date, the
18 Commission (including the Election Assistance Commis-
19 sion Standards Board and the Election Assistance Com-
20 mission Board of Advisors under part 2 of subtitle A of
21 title II) is terminated and may not carry out any programs
22 or activities.

1 **“SEC. 1002. OFFICE OF MANAGEMENT AND BUDGET TO**
2 **PERFORM TRANSITION FUNCTIONS.**

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

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

11 “(2) take the necessary steps to wind up the af-
12 fairs of the Commission.

13 **“SEC. 1003. SAVINGS PROVISIONS.**

14 “(a) **PRIOR CONTRACTS.**—The termination of the
15 Commission under this title shall not affect any contract
16 that has been entered into by the Commission before the
17 Commission termination date. All such contracts shall
18 continue in effect until modified, superseded, terminated,
19 set aside, or revoked in accordance with law by an author-
20 ized Federal official, a court of competent jurisdiction, or
21 operation of law.

22 “(b) **OBLIGATIONS OF RECIPIENTS OF PAYMENTS.**—

23 “(1) **IN GENERAL.**—The termination of the
24 Commission under this title shall not affect the au-
25 thority of any recipient of a payment made by the
26 Commission under this Act prior to the Commission

1 termination date to use any portion of the payment
2 that remains unobligated as of the Commission ter-
3 mination date, and the terms and conditions that
4 applied to the use of the payment at the time the
5 payment was made shall continue to apply.

6 “(2) SPECIAL RULE FOR STATES RECEIVING
7 REQUIREMENTS PAYMENTS.—In the case of a re-
8 quirements payment made to a State under part 1
9 of subtitle D of title II, the terms and conditions ap-
10 plicable to the use of the payment for purposes of
11 the State’s obligations under this subsection (as well
12 as any obligations in effect prior to the termination
13 of the Commission under this subtitle), and for pur-
14 poses of any applicable requirements imposed by
15 regulations promulgated by the Director of the Of-
16 fice of Management and Budget, shall be the general
17 terms and conditions applicable under Federal law,
18 rules, and regulations to payments made by the Fed-
19 eral Government to a State, except that to the ex-
20 tent that such general terms and conditions are in-
21 consistent with the terms and conditions that are
22 specified under part 1 of subtitle D of title II or sec-
23 tion 902, the terms and conditions specified under
24 such part and such section shall apply.

25 “(c) PENDING PROCEEDINGS.—

1 “(1) NO EFFECT ON PENDING PROCEEDINGS.—
2 The termination of the Commission under this title
3 shall not affect any proceeding to which the Com-
4 mission is a party that is pending on the Commis-
5 sion termination date, including any suit to which
6 the Commission is a party that is commenced prior
7 to such date, and the Director of the Office of Man-
8 agement and Budget shall be substituted or added
9 as a party to the proceeding.

10 “(2) TREATMENT OF ORDERS.—In the case of
11 a proceeding described in paragraph (1), an order
12 may be issued, an appeal may be taken, judgments
13 may be rendered, and payments may be made as if
14 the Commission had not been terminated. Any such
15 order shall continue in effect until modified, termi-
16 nated, superseded, or revoked by an authorized Fed-
17 eral official, a court of competent jurisdiction, or op-
18 eration of law.

19 “(3) CONSTRUCTION RELATING TO DIS-
20 CONTINUANCE OR MODIFICATION.—Nothing in this
21 subsection shall be deemed to prohibit the dis-
22 continuance or modification of any proceeding de-
23 scribed in paragraph (1) under the same terms and
24 conditions and to the same extent that such pro-

1 ceeding could have been discontinued or modified if
2 the Commission had not been terminated.

3 “(4) REGULATIONS FOR TRANSFER OF PRO-
4 CEEDINGS.—The Director of the Office of Manage-
5 ment and Budget may issue regulations providing
6 for the orderly transfer of proceedings described in
7 paragraph (1).

8 “(d) JUDICIAL REVIEW.—Orders and actions of the
9 Director of the Office of Management and Budget in the
10 exercise of functions of the Commission under section
11 1002 shall be subject to judicial review to the same extent
12 and in the same manner as if such orders and actions had
13 been issued or taken by the Commission. Any require-
14 ments relating to notice, hearings, action upon the record,
15 or administrative review that apply to any function of the
16 Commission shall apply to the exercise of such function
17 by the Director.

18 **“SEC. 1004. RETURN TO FEDERAL ELECTION COMMISSION**
19 **OF AUTHORITY TO CARRY OUT CERTAIN**
20 **FUNCTIONS UNDER NATIONAL VOTER REG-**
21 **ISTRATION ACT OF 1993.**

22 “Effective on the Commission termination date, there
23 are transferred to the Federal Election Commission any
24 functions transferred to the Election Assistance Commis-
25 sion under section 802 (relating to functions described in

1 section 9(a) of the National Voter Registration Act of
2 1993).

3 **“SEC. 1005. COMMISSION TERMINATION DATE.**

4 “The ‘Commission termination date’ is the first date
5 following the expiration of the 60-day period that begins
6 on the date of the enactment of this title.”.

7 (b) **TERMINATION OF TECHNICAL GUIDELINES DE-**
8 **VELOPMENT COMMITTEE.**—Section 221 of such Act (42
9 U.S.C. 15361) is amended by adding at the end the fol-
10 lowing new subsection:

11 “(g) **TERMINATION.**—Effective on the Commission
12 termination date described in section 1005, the Develop-
13 ment Committee is terminated.”.

14 (c) **CLERICAL AMENDMENT.**—The table of contents
15 of such Act is amended by adding at the end the following:

“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.”.

16 **SEC. 3. CONFORMING AMENDMENTS RELATING TO RETURN**
17 **OF CERTAIN AUTHORITY TO FEDERAL ELEC-**
18 **TION COMMISSION.**

19 (a) **FEDERAL ELECTION CAMPAIGN ACT OF 1971.**—
20 Section 311(a) of the Federal Election Campaign Act of
21 1971 (2 U.S.C. 438(a)) is amended—

1 (1) by striking “and” at the end of paragraph
2 (8);

3 (2) by striking the period at the end of para-
4 graph (9) and inserting a semicolon; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(10) carry out the duties described in section
8 9(a) of the National Voter Registration Act of
9 1993.”.

10 (b) NATIONAL VOTER REGISTRATION ACT OF
11 1993.—Section 9(a) of the National Voter Registration
12 Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by strik-
13 ing “Election Assistance Commission” and inserting
14 “Federal Election Commission”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on the Commission termi-
17 nation date described in section 1005 of the Help America
18 Vote Act of 2002 (as added by section 2(a)).

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