H. R. 634

To terminate the Election Assistance Commission.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Election Assistance Commission Termination Act”.

SEC. 2. TERMINATION OF ELECTION ASSISTANCE COMMISSION.

(a) TERMINATION.—The Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) is amended by adding at the end the following new title:
“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 All such contracts shall continue in effect until modified, superseded, terminated, set aside, or revoked in accordance with law by an authorized Federal official, a court of competent jurisdiction, or operation of law.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 Of-
fice of Management and Budget, shall be the general
terms and conditions applicable under Federal law,
rules, and regulations to payments made by the Fed-
eral Government to a State, except that to the ex-
tent that such general terms and conditions are in-
consistent with the terms and conditions that are
specified under part 1 of subtitle D of title II or sec-
tion 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 Com-
mission is a party that is pending on the Commissi-
ion 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 Man-
agement 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, termi-
nated, superseded, or revoked by an authorized Fed-
eral official, a court of competent jurisdiction, or op-
eration 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 require-
ments 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.”.

(b) Termination of Technical Guidelines Development Committee.—Section 221 of such Act (52 U.S.C. 20961) is amended by adding at the end the following new subsection:

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

(c) Clerical Amendment.—The table of contents of such Act is amended by adding at the end the following:

"TITLE X—TERMINATION OF COMMISSION
SEC. 3. CONFORMING AMENDMENTS RELATING TO RETURN OF CERTAIN AUTHORITY TO FEDERAL ELECTION COMMISSION.

(a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—Section 311(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30111(a)) is amended—

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

(2) by striking the period at the end of paragraph (9) and inserting a semicolon; and

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

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

(b) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 9(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20508(a)) is amended by striking “Election Assistance Commission” and inserting “Federal Election Commission”.

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