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MARKUP OF H. RES. 132, OMNIBUS RESOLUTION FOR COMMITTEE FUNDING IN THE 114TH CONGRESS; COMMITTEE RES. 114–6, LIMITATION ON ALLOCATION OF FRANKED MAIL; H.R. 195, ELECTION ASSISTANCE COMMISSION TERMINATION ACT; AND H.R. 412, TO REDUCE FEDERAL SPENDING AND THE DEFICIT BY TERMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

MEETING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

Held in Washington, DC, March 4, 2015

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MARKUP OF H. RES. 132, OMNIBUS RESOLUTION FOR COMMITTEE FUNDING IN THE 114TH CONGRESS; COMMITTEE RES. 114–6, LIMITATION ON ALLOCATION OF FRANKED MAIL; H.R. 195, ELECTION ASSISTANCE COMMISSION TERMINATION ACT; AND H.R. 412, TO REDUCE FEDERAL SPENDING AND THE DEFICIT BY TERMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

WEDNESDAY, MARCH 4, 2015

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to call, at 10:28 a.m., in room 1310, Longworth House Office Building, Hon. Candice S. Miller (chairman of the Committee) presiding.

Present: Representatives Miller, Harper, Nugent, Davis, Comstock, Brady, and Vargas.

Staff Present: Sean Moran, Staff Director; John Clocker, Deputy Staff Director; Bob Sensenbrenner, Deputy General Counsel; John L. Dickhaus, Legislative Clerk; Erin Sayago, Communications Director; George Hadijski, Director of Member Services; Brad Walvort, Professional Staff; Cole Felder, Counsel; Nick Hawatmeh, Counsel; Kyle Anderson, Minority Staff Director; Matt Pinkus, Minority Senior Policy Advisor; Khalil Abboud, Minority Deputy Staff Director/Director of Legislative Operations; Mike Harrison, Minority Chief Counsel; and Eddie Flaherty, Minority Chief Clerk.

The CHAIRMAN. I call to order the Committee on House Administration for today's Committee markup, and a quorum is present so that we can proceed.

The meeting record will remain open for 5 legislative days so that Members might submit any materials that they wish to be included therein.

Today we are going to consider four items: House Resolution 132, which is the Omnibus Committee funding resolution, which will authorize committee budgets for the 114th Congress; Committee Resolution 114–6, to approve franked mail limitations for committees for the 114th; H.R. 195, which is the Election Assistance Commission Termination Act; as well as H.R. 412, a bill to Redirect Federal Dollars to Pediatric Research and Reduce the Deficit by

Terminating Taxpayer Financing of Presidential Election Campaigns.

Every Congress, this Committee holds hearings to receive input from the chair and ranking members of standing House committees to help set appropriate funding levels for each committee. The passage of this resolution is vital. Each committee needs appropriate resources for the entire 114th Congress, and throughout this process, our Committee has taken great care when examining the funding levels to be authorized for each committee so that the priorities of the House and the American people especially are put front and center.

I want to thank all of the committee chairs and the ranking members who appeared before us for their very thoughtful submissions to our Committee regarding their individual budgets and for their insightful testimony during our hearings that we had for 2 full days. I am glad that each committee has continued their commitment to upholding the equitable two-thirds/one-third allocation between majority and minority offices so that all of the views are properly represented and heard.

Also, every chair and ranking member has worked with one another in a cooperative and collaborative manner in developing their budget priorities, which will aid them greatly as they continue to focus on the important work before them in conducting their legislative and oversight work.

I believe strongly that the funding resolution that we will approve today will allow each committee the resources that they need to achieve legislative solutions to all of the challenging issues within their jurisdiction and which are facing our great Nation.

In the last several years, the Committee on House Administration has led by example, improving committee budgets over the last 4 fiscal years that reduce spending by committees and Member offices to levels below what was spent actually in 2007. We have worked hard to find solutions that deliver savings, allowing us to reprioritize spending so that we can do the important work carrying out the wishes of the American people. After much deliberation and consultations, we have to make decisions that reflect the mission of each committee as well as the House as a whole.

Therefore, with few exceptions, most of the committees will be receiving funding levels—level funding with what it received for the 113th Congress. There is a need for targeted additional resources directed toward new priorities and emerging challenges. As a House, we have a responsibility to meet that need. Some of these increases that we will be talking about today are very modest, very targeted, and it doesn't require any new spending in the House's overall budget, only redirecting already approved resources to new priorities. We remain committed to ensuring the House operates in a fiscally responsible manner.

Each of our committees have the responsibility to produce legislation that will make our Nation stronger and conduct effective oversight that makes government work in the cost-effective way the American people are demanding.

Many of our committees have already expressed a need for more field hearings across the country. This would make sure that Washington hears directly from the American people, and that they

are gathering firsthand knowledge of how Federal programs are functioning and their impact on the American people.

Additionally, I would like to note that the dedicated committee staffers are a critical component to making sure each committee functions effectively and is working hard amidst the increasing challenges to conduct effective and needed oversight investigations as well as hearings, both in Washington and across the country. It takes professional staff to plan and to see through these actions, and that is not something that can be overlooked either.

In summary, what we are proposing is modest, targeted increases in some of the committees to meet the House committees' oversight needs. I hope that each Member of our Committee and of this House will concur in the priorities that we have set forth in this funding resolution and allow each of our committees to continue with their important work.

Now, the second item for consideration in today's markup is a committee resolution to approve franked mail limitations for committees for the 114th Congress. This resolution is limited to $5,000 per year for each committee's mail. I believe this is an appropriate level that will meet the needs of each of our committees.

Our third item for consideration is a bill introduced by our colleague from Mississippi, Mr. Harper, to eliminate the Election Assistance Commission, the EAC. The EAC is an agency that was created to help distribute funds allocated by Congress after the 2000 election through the Help America Vote Act. It is certainly clear that the EAC has far outlived its purpose and no longer benefits voters or election officials, yet, despite an original sunset date of 2005, it continues to exist even though until very recently the EAC was without commissioners for the past 4 years, during which time two Federal elections have been conducted. This fact proves that this agency is not necessary in conducting Federal elections, in my opinion.

The EAC has no more money to give out to States, and it is almost certain that no more money will be appropriated for this purpose.

The research division of the EAC has completed the reports required by the HAVA Act of 2002. Additional areas that could benefit from any new research and information sharing are being explored already by universities and private associations of election officials.

Our fourth and final item for consideration centers on the Presidential Election Campaign Fund, or the PECF. Last Congress, Mr. Harper again led the way for passage into law a bill that eliminated a portion of this. This bill, called the Gabriella Miller Kids First Research Act, H.R. 2019, redirected millions of dollars in taxpayer money previously provided to political parties for their national conventions to enhance funding for pediatric research.

Today we will revisit that issue by considering the bill H.R. 412. This legislation would eliminate the PECF all together. This bill, which was introduced by Representative Tom Cole from Oklahoma, take the current balance of the PECF, which is $263 million and redirects $88 million of it to pediatric research. The remaining balance of the PECF would be sent back to the U.S. Treasury for deficit reduction.

The original intent of the PECF was to instill greater public confidence in the Presidential election campaigns, but in recent decades, the PECF has lost the support of taxpayers and candidates alike.

A clear example of this fact is that the taxpayers are voting with their feet by not checking the box on their tax forms that is used to fund the PECF. At its peak of popularity in 1980, about 29 percent of the filers participated. In 2013, the most recent year in which we have data, that dropped to approximately 6 percent. So I believe we have a responsibility to listen to the American people, who are telling us this is a program they no longer support or wish to fund. Candidates are telling us they don't want it either, and I think we need to eliminate the PECF.

At this time, I would like to recognize my colleague and the Committee's ranking member, Mr. Brady, for the purpose of an opening statement.

Mr. BRADY. Thank you, Madam Chair.

I would like to begin by thanking you for the manner in which you have conducted these funding processes. I believe that we had a good opportunity to hear from committee chairs and ranking members on their funding needs. Everyone made a very compelling argument, which makes our jobs more difficult. While I think that all of us would like to be in a position to provide increases to support the hard work of our committees, the reality is we must prioritize. I believe that the funding levels established by this resolution will go a long way towards that goal, and I encourage my colleagues to support it.

And I yield back, and thank you.

The CHAIRMAN. Thank the gentleman very much.

Chair recognizes Mr. Harper from Mississippi for an opening statement.

Mr. HARPER. Thank you, Madam Chair.

You know, it has been 6 years since my first oversight hearing with the Election Assistance Commission as a member of this committee and 4 years since I first introduced legislation to terminate the EAC. Since that time, the agency's actions, or lack thereof, have proven that it is not necessary to the conduct of Federal elections. It is an unnecessary expenditure of taxpayer funds.

The EAC initially had a 3-year mandate, but as with most government programs, it found a way to maintain its existence. Unfortunately, it has become a bloated bureaucracy that mismanaged taxpayer dollars and has been the subject of two discrimination hiring lawsuits.

The remaining EAC functions, to the extent they are useful, can be performed more efficiently by other government or private entities.

The best course we can take as the EAC's committee of jurisdiction is to dissolve the agency and end its wasteful spending. The EAC has outlived its useful life. The commission was originally designed to distribute money and oversee the upgrade of States' voting machines to make sure we didn't have another butterfly ballot situation.

The EAC has distributed over $3.1 billion to States for machine upgrades and election improvements, and that stream of funding has long ended.

The EAC's Testing and Certification Program serves little purpose. This onerous, costly program is outdated and stifles innovation in the elections community. And, again, these functions can better be performed by other government or private entities, as they once were.

The EAC only recently gained a quorum of commissioners after going 4 years, from December 2010 to January 2015, without one. The Commission also has lacked an executive director since December 2011 and general counsel since May of 2012, prohibiting them from conducting official business for over 3 years. And the country does not seem to have noticed.

Yet despite this absence of any mission or leadership, the agency is still receiving an appropriation of $10 million. And remember that, in 2012, when there were some election issues in that election, the President didn't refer those over to the EAC. He created a commission.

Wasting money on ineffective, useless agencies like the EAC is yet another example of irresponsible government spending. We need to finally put an end to this. This agency has outlived its usefulness, and to continue to fund it is the definition of irresponsibility.

Now, this is not a conclusion that we have come to lightly. We put in the time and effort, through hearings and meetings with experts and election officials, and come to the conclusion this agency needs to go. It is an opinion that is shared by others. The National Association of Secretaries of State adopted resolutions not once but twice calling for the dissolution of the EAC in 2005 and again in 2010. It is simply time to end the EAC and save American taxpayers $10 million a year at a time when our Nation is bleeding money. It doesn't get any easier to find an example of wasteful spending. If we can't eliminate this agency, we might as well pack up and go home because this is as obvious as it gets.

Chairman Miller, thank you for more the time, and I yield back.

The CHAIRMAN. I thank the gentleman very much.

Is there any other members that wish to be recognized for an opening statement before we called up the funding resolution?

Hearing none, I now call up and lay before the Committee H. Resolution 132, which is the Omnibus Committee Funding Resolution.

Without objection, the first reading of the resolution is dispensed with, and the resolution is considered read and open for amendment at any time point.

[The information follows:]

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IV

114TH CONGRESS
1ST SESSION

H. RES. 132

Providing for the expenses of certain committees of the House of Representatives in the One Hundred Fourteenth Congress.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2015

Mrs. MILLER of Michigan submitted the following resolution; which was referred to the Committee on House Administration

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RESOLUTION

Providing for the expenses of certain committees of the House of Representatives in the One Hundred Fourteenth Congress.

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED FOURTEENTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Fourteenth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

1 (b) COMMITTEES AND AMOUNTS.—The committees
2 and amounts referred to in subsection (a) are: Committee
3 on Agriculture, $10,173,096; Committee on Armed Serv-
4 ices, $14,208,340; Committee on the Budget,
5 $10,380,424; Committee on Education and the Workforce,
6 $14,044,580; Committee on Energy and Commerce,
7 $19,531,442; Committee on Ethics, $6,201,326; Com-
8 mittee on Financial Services, $15,086,852; Committee on
9 Foreign Affairs, $14,923,986; Committee on Homeland
10 Security, $14,407,846; Committee on House Administra-
11 tion, $9,293,130; Permanent Select Committee on Intel-
12 ligence, $9,197,310; Committee on the Judiciary,
13 $14,395,572; Committee on Natural Resources,
14 $13,422,774; Committee on Oversight and Government
15 Reform, $18,059,682; Committee on Rules, $5,846,964;
16 Committee on Science, Space, and Technology,
17 $10,671,164; Committee on Small Business, $6,045,228;
18 Committee on Transportation and Infrastructure,
19 $16,728,260; Committee on Veterans' Affairs,
20 $6,958,062; and Committee on Ways and Means,
21 $17,515,290.

22 **SEC. 2. FIRST SESSION LIMITATIONS.**

23 (a) IN GENERAL.—Of the amount provided for in
24 section 1 for each committee named in subsection (b), not
25 more than the amount specified in such subsection shall

1 be available for expenses incurred during the period begin-
2 ning at noon on January 3, 2015, and ending immediately
3 before noon on January 3, 2016.

4 (b) COMMITTEES AND AMOUNTS.—The committees
5 and amounts referred to in subsection (a) are: Committee
6 on Agriculture, $5,086,548; Committee on Armed Serv-
7 ices, $7,104,170; Committee on the Budget, $5,190,212;
8 Committee on Education and the Workforce, $7,022,290;
9 Committee on Energy and Commerce, $9,765,721; Com-
10 mittee on Ethics, $3,100,663; Committee on Financial
11 Services, $7,543,426; Committee on Foreign Affairs,
12 $7,461,993; Committee on Homeland Security,
13 $7,203,923; Committee on House Administration,
14 $4,646,565; Permanent Select Committee on Intelligence,
15 $4,598,655; Committee on the Judiciary, $7,197,786;
16 Committee on Natural Resources, $6,711,387; Committee
17 on Oversight and Government Reform, $9,029,841; Com-
18 mittee on Rules, $2,960,982; Committee on Science,
19 Space, and Technology, $5,335,582; Committee on Small
20 Business, $3,022,614; Committee on Transportation and
21 Infrastructure, $8,364,130; Committee on Veterans' Af-
22 fairs, $3,479,031; and Committee on Ways and Means,
23 $8,757,645.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2016, and ending immediately before noon on January 3, 2017.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,086,548; Committee on Armed Services, $7,104,170; Committee on the Budget, $5,190,212; Committee on Education and the Workforce, $7,022,290; Committee on Energy and Commerce, $9,765,721; Committee on Ethics, $3,100,663; Committee on Financial Services, $7,543,426; Committee on Foreign Affairs, $7,461,993; Committee on Homeland Security, $7,203,923; Committee on House Administration, $4,646,565; Permanent Select Committee on Intelligence, $4,598,655; Committee on the Judiciary, $7,197,786; Committee on Natural Resources, $6,711,387; Committee on Oversight and Government Reform, $9,029,841; Committee on Rules, $2,885,982; Committee on Science, Space, and Technology, $5,335,582; Committee on Small Business, $3,022,614; Committee on Transportation and Infrastructure, $8,364,130; Committee on Veterans' Af-

1 fairs, $3,479,031; and Committee on Ways and Means,
2 $8,757,645.

3 (c) REVIEW OF USE OF FUNDS IN FIRST SESSION.—

4 (1) REVIEW.—None of the amounts provided
5 for in section 1 for a committee named in subsection
6 (b) may be available for expenses of the committee
7 after March 15, 2016, unless the chair or ranking
8 minority member of the committee appears and pre-
9 sents testimony at a hearing of the Committee on
10 House Administration held prior to such date to re-
11 view the committee's use of the amounts provided
12 for in section 1 during the first session of the One
13 Hundred Fourteenth Congress and to determine
14 whether the amount specified in subsection (b) with
15 respect to the committee should be updated on the
16 basis of the review.

17 (2) WAIVER.—The Committee on House Ad-
18 ministration may waive the application of paragraph
19 (1) to any or all of the committees named in sub-
20 section (b).

21 **SEC. 4. VOUCHERS.**

22 Payments under this resolution shall be made on
23 vouchers authorized by the committee involved, signed by
24 the chairman of such committee, and approved in the

1 manner directed by the Committee on House Administra-
2 tion.

3 **SEC. 5. REGULATIONS.**

4 Amounts made available under this resolution shall
5 be expended in accordance with regulations prescribed by
6 the Committee on House Administration.

7 **SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.**

8 (a) ESTABLISHMENT.—There is hereby established a
9 reserve fund for unanticipated expenses of committees for
10 the One Hundred Thirteenth Congress.

11 (b) AMOUNT.—The reserve fund under this section
12 shall have a balance of $1,000,000, of which—

13 (1) $500,000 shall be available for unantici-
14 pated expenses incurred during the period beginning
15 at noon on January 3, 2015, and ending imme-
16 diately before noon on January 3, 2016; and

17 (2) $500,000 shall be available for unantici-
18 pated expenses incurred during the period beginning
19 at noon on January 3, 2016, and ending imme-
20 diately before noon on January 3, 2017.

21 (c) ALLOCATION TO COMMITTEES.—Amounts in the
22 reserve fund under this section shall be paid to a com-
23 mittee pursuant to an allocation approved by the Com-
24 mittee on House Administration.

1 **SEC. 7. ADJUSTMENT AUTHORITY.**

2 The Committee on House Administration shall have
3 authority to make adjustments in amounts under section
4 1, if necessary to comply with an order of the President
5 issued under section 251A or 254 of the Balanced Budget
6 and Emergency Deficit Control Act of 1985 or to conform
7 to any change in appropriations for the purposes of such
8 section 1.

○

The CHAIRMAN. Is there any debate?

I know all the members have received copies of the funding resolution. I think we have had a lot of discussion certainly when we had our hearings as well as in the last couple of weeks individually as we tried to do our very best to meet the needs of what the committees were looking for and a very limited amount of money that we had to go around.

Any debate at all?

Any members that want to offer an amendment to the resolution?

If not, I move that the Committee favorably report H. Res. 132.

The question is on the motion.

All those in favor, signify by saying aye.

Opposed, say nay.

In the opinion of the chair, the ayes have it. The ayes have it. The motion is agreed to.

Without objection, the motion to reconsider is laid upon the table.

Is there any member that wishes to file a supplemental or a minority or additional views for inclusion in the committee report to the House?

Mr. Brady.

Mr. BRADY. Madam Chair, I announce that the Democratic Members have requested 2 additional calendar days, provided by clause 2(l) of rule XI of the rules of the House in order to file rules—views.

The CHAIRMAN. I appreciate the gentleman offering, and pursuant to clause 2 of rule XI, the Member is entitled to 2 additional calendar days to file such views in writing and signed by that Member with the clerk of the Committee.

I now call up and lay before the Committee the Committee Resolution 114–6, which is a resolution to approve the franked mail limitations for committees for the 114th Congress.

Without objection, the first reading of the resolution is dispensed with, and the resolution is considered read and open for amendment at any point.

[The information follows:]

COMMITTEE ON HOUSE ADMINISTRATION
114TH CONGRESS
COMMITTEE RESOLUTION 114-6
MARCH 4, 2015

Resolution to Approve Franked Mail Allowances for Committees for the 114th Congress

Resolved, pursuant to Public Law 101-520 § 311 (e) (codified at 2 U.S.C. 59e (e)), that effective January 3, 2015, and during the first session of the One Hundred Fourteenth Congress, the allocation of the Official Mail Allowance for the following committees of the House of Representatives is:

Committee on Agriculture	$5000
Committee on Armed Services	$5000
Committee on the Budget	$5000
Committee on Education and the Workforce	$5000
Committee on Energy and Commerce	$5000
Committee on Ethics	$5000
Committee on Financial Services	$5000
Committee on Foreign Affairs	$5000
Committee on Homeland Security	$5000
Committee on House Administration	$5000
Committee on the Judiciary	$5000
Committee on Natural Resources	$5000
Committee on Oversight and Government Reform	$5000
Committee on Rules	$5000
Committee on Science, Space, and Technology	$5000
Committee on Small Business	$5000
Committee on Transportation and Infrastructure	$5000
Committee on Veterans' Affairs	$5000
Committee on Ways and Means	$5000
House Permanent Select Committee on Intelligence	$5000
House Select Committee on Events Surrounding the 2012 Terrorist Attack in Benghazi	$5000

Resolved further, pursuant to Public Law 101-520 § 311 (e) (codified at 2 U.S.C. 59e (e)), that effective January 3, 2016, and during the second session of the One Hundred Fourteenth

Congress, the allocation of the Official Mail Allowance for the following committees of the House of Representatives is:

Committee on Agriculture	$5000
Committee on Armed Services	$5000
Committee on the Budget	$5000
Committee on Education and the Workforce	$5000
Committee on Energy and Commerce	$5000
Committee on Ethics	$5000
Committee on Financial Services	$5000
Committee on Foreign Affairs	$5000
Committee on Homeland Security	$5000
Committee on House Administration	$5000
Committee on the Judiciary	$5000
Committee on Natural Resources	$5000
Committee on Oversight and Government Reform	$5000
Committee on Rules	$5000
Committee on Science, Space, and Technology	$5000
Committee on Small Business	$5000
Committee on Transportation and Infrastructure	$5000
Committee on Veterans' Affairs	$5000
Committee on Ways and Means	$5000
House Permanent Select Committee on Intelligence	$5000
House Select Committee on Events Surrounding the 2012 Terrorist Attack in Benghazi	$5000

The CHAIRMAN. Is there any debate?

Are there any members that want to offer an amendment to the resolution?

If not, I move the Committee adopt the resolution, and the question is on the motion.

All those in favor, signify by saying aye.

Opposed, say nay.

Motion carried in the opinion—in my opinion, and without objection, the motion to reconsider is laid upon the table.

I now call up and lay before the Committee H.R. 195, which is the Election Assistance Commission Termination Act.

Without objection, the first reading of the bill is dispensed with, and the bill is considered read and open for amendment at any point.

[The information follows:]

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I

114TH CONGRESS
1ST SESSION

H. R. 195

To terminate the Election Assistance Commission.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2015

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

---

A BILL

To terminate the Election Assistance Commission.

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

1 Commission termination date. All such contracts shall
2 continue in effect until modified, superseded, terminated,
3 set aside, or revoked in accordance with law by an author-
4 ized Federal official, a court of competent jurisdiction, or
5 operation of law.

6 "(b) OBLIGATIONS OF RECIPIENTS OF PAYMENTS.—

7 "(1) IN GENERAL.—The termination of the
8 Commission under this title shall not affect the au-
9 thority of any recipient of a payment made by the
10 Commission under this Act prior to the Commission
11 termination date to use any portion of the payment
12 that remains unobligated as of the Commission ter-
13 mination date, and the terms and conditions that
14 applied to the use of the payment at the time the
15 payment was made shall continue to apply.

16 "(2) SPECIAL RULE FOR STATES RECEIVING
17 REQUIREMENTS PAYMENTS.—In the case of a re-
18 quirements payment made to a State under part 1
19 of subtitle D of title II, the terms and conditions ap-
20 plicable to the use of the payment for purposes of
21 the State's obligations under this subsection (as well
22 as any obligations in effect prior to the termination
23 of the Commission under this subtitle), and for pur-
24 poses of any applicable requirements imposed by
25 regulations promulgated by the Director of the Of-

1 fice of Management and Budget, shall be the general
2 terms and conditions applicable under Federal law,
3 rules, and regulations to payments made by the Fed-
4 eral Government to a State, except that to the ex-
5 tent that such general terms and conditions are in-
6 consistent with the terms and conditions that are
7 specified under part 1 of subtitle D of title II or sec-
8 tion 902, the terms and conditions specified under
9 such part and such section shall apply.
10 "(c) PENDING PROCEEDINGS.—
11 "(1) NO EFFECT ON PENDING PROCEEDINGS.—
12 The termination of the Commission under this title
13 shall not affect any proceeding to which the Com-
14 mission is a party that is pending on the Commis-
15 sion termination date, including any suit to which
16 the Commission is a party that is commenced prior
17 to such date, and the Director of the Office of Man-
18 agement and Budget shall be substituted or added
19 as a party to the proceeding.
20 "(2) TREATMENT OF ORDERS.—In the case of
21 a proceeding described in paragraph (1), an order
22 may be issued, an appeal may be taken, judgments
23 may be rendered, and payments may be made as if
24 the Commission had not been terminated. Any such
25 order shall continue in effect until modified, termi-

1 nated, superseded, or revoked by an authorized Fed-
2 eral official, a court of competent jurisdiction, or op-
3 eration of law.

4 "(3) CONSTRUCTION RELATING TO DIS-
5 CONTINUANCE OR MODIFICATION.—Nothing in this
6 subsection shall be deemed to prohibit the dis-
7 continuance or modification of any proceeding de-
8 scribed in paragraph (1) under the same terms and
9 conditions and to the same extent that such pro-
10 ceeding could have been discontinued or modified if
11 the Commission had not been terminated.

12 "(4) REGULATIONS FOR TRANSFER OF PRO-
13 CEEDINGS.—The Director of the Office of Manage-
14 ment and Budget may issue regulations providing
15 for the orderly transfer of proceedings described in
16 paragraph (1).

17 "(d) JUDICIAL REVIEW.—Orders and actions of the
18 Director of the Office of Management and Budget in the
19 exercise of functions of the Commission under section
20 1002 shall be subject to judicial review to the same extent
21 and in the same manner as if such orders and actions had
22 been issued or taken by the Commission. Any require-
23 ments relating to notice, hearings, action upon the record,
24 or administrative review that apply to any function of the

1 Commission shall apply to the exercise of such function
2 by the Director.

3 **"SEC. 1004. RETURN TO FEDERAL ELECTION COMMISSION**
4 **OF AUTHORITY TO CARRY OUT CERTAIN**
5 **FUNCTIONS UNDER NATIONAL VOTER REG-**
6 **ISTRATION ACT OF 1993.**

7 "Effective on the Commission termination date, there
8 are transferred to the Federal Election Commission any
9 functions transferred to the Election Assistance Commis-
10 sion under section 802 (relating to functions described in
11 section 9(a) of the National Voter Registration Act of
12 1993).

13 **"SEC. 1005. COMMISSION TERMINATION DATE.**

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

17 (b) TERMINATION OF TECHNICAL GUIDELINES DE-
18 VELOPMENT COMMITTEE.—Section 221 of such Act (52
19 U.S.C. 20961) is amended by adding at the end the fol-
20 lowing new subsection:

21 "(g) TERMINATION.—Effective on the Commission
22 termination date described in section 1005, the Develop-
23 ment Committee is terminated.".

24 (c) CLERICAL AMENDMENT.—The table of contents
25 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.".

1 **SEC. 3. CONFORMING AMENDMENTS RELATING TO RETURN**
2 **OF CERTAIN AUTHORITY TO FEDERAL ELEC-**
3 **TION COMMISSION.**

4 (a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—
5 Section 311(a) of the Federal Election Campaign Act of
6 1971 (52 U.S.C. 30111(a)) is amended—
7 (1) by striking "and" at the end of paragraph
8 (8);
9 (2) by striking the period at the end of para-
10 graph (9) and inserting a semicolon; and
11 (3) by adding at the end the following new
12 paragraph:
13 "(10) carry out the duties described in section
14 9(a) of the National Voter Registration Act of
15 1993.".

16 (b) NATIONAL VOTER REGISTRATION ACT OF
17 1993.—Section 9(a) of the National Voter Registration
18 Act of 1993 (52 U.S.C. 20508(a)) is amended by striking
19 "Election Assistance Commission" and inserting "Federal
20 Election Commission".

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the Commission termi-

1 nation date described in section 1005 of the Help America
2 Vote Act of 2002 (as added by section 2(a)).

○

The CHAIRMAN. Is there any debate?

Mr. Brady.

Mr. BRADY. Thank you, Madam Chair.

Madam Chair, I have said on many occasions that 95 percent of what we do as a Committee is done on a bipartisan basis. Unfortunately, this is one of the few instances which we respectfully disagree.

I believe that, rather than abolish the Election Assistance Commission, we should be working to reform the agency. For the first time in 4 years, the agency has a quorum of commissioners. During their first meeting last week, the three newly appointed commissioners—two Republicans and one Democrat—worked cooperatively on a bipartisan basis.

I believe this is an important step in the right direction, and I believe that they should have the opportunity to continue.

Thank you, Madam Chair.

The CHAIRMAN. I thank the chairman.

Any other debate?

Hold on. Any members want to offer an amendment to the bill?

Mr. BRADY. Yes, Madam Chair.

The CHAIRMAN. Okay.

Mr. Brady.

Mr. BRADY. Thank you, Madam Chair.

I offer an amendment in the nature of a substitute to the bill which is in the members' packets.

Thank you, Madam Chair. The amendment in the nature of a substitute allows the EAC to continue their critically important mission. It reauthorizes the EAC through 2020, and it provides for methods to identify potential cost saving and efficiency improvements of both the EAC and the administration of election for Federal office.

Rather than abolishing the agency, I believe that we should support reform efforts, and this amendment accomplishes this goal, and I urge this adoption.

The CHAIRMAN. Without objection, the amendment will be considered as read.

[The amendment of Mr. Brady follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 195

OFFERED BY M__. _____

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "EAC Improvements
3 Act of 2015".

4 **SEC. 2. REAUTHORIZATION OF COMMISSION.**

5 Section 210 of the Help America Vote Act of 2002
6 (52 U.S.C. 20930) is amended by striking "for each of
7 the fiscal years 2003 through 2005" and inserting "for
8 each of the fiscal years 2016 through 2020".

9 **SEC. 3. REQUIRING STATES TO PARTICIPATE IN POST-GEN-**
10 **ERAL ELECTION SURVEYS.**

11 (a) REQUIREMENT.—Title III of the Help America
12 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
13 by inserting after section 303 the following new section:

14 **"SEC. 303A. REQUIRING PARTICIPATION IN POST-GENERAL**
15 **ELECTION SURVEYS.**

16 "(a) REQUIREMENT.—Each State shall furnish to the
17 Commission such information as the Commission may re-
18 quest for purposes of conducting any post-election survey

1 of the States with respect to the administration of a regu-
2 larly scheduled general election for Federal office.
3 "(b) EFFECTIVE DATE.—This section shall apply
4 with respect to the regularly scheduled general election for
5 Federal office held in November 2016 and any succeeding
6 election.".
7 (b) CONFORMING AMENDMENT RELATING TO EN-
8 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
9 is amended by striking "and 303" and inserting "303, and
10 303A".
11 (c) CLERICAL AMENDMENT.—The table of contents
12 of such Act is amended by inserting after the item relating
13 to section 303 the following new item:

"Sec. 303A. Requiring participation in post-general election surveys.".

14 **SEC. 4. DETERMINING EXTENT TO WHICH DISABLED INDI-**
15 **VIDUALS HAVE ACCESS TO POLLING PLACES.**
16 (a) ONGOING SURVEYS OF COMPLIANCE WITH
17 ADA.—In accordance with section 241 of the Help Amer-
18 ica Vote Act of 2002 (52 U.S.C. 20981), not later than
19 180 days after the date of the regularly scheduled general
20 election for Federal office held in November 2016 and
21 each succeeding regularly scheduled general election for
22 Federal office, the Election Assistance Commission, shall,
23 with the assistance of the Comptroller General, conduct
24 and publish a survey of each polling place used for the
25 election to determine the percentage of such polling places

1 that were in compliance with the standards applicable to
2 such locations under the Americans With Disabilities Act
3 of 1990.

4 (b) EVALUATION OF NEED TO CONTINUE SUR-
5 VEYS.—At the time the Election Assistance Commission
6 publishes the results of the survey conducted under sub-
7 section (a) with respect to the regularly scheduled general
8 election for Federal office held in November 2024, the
9 Commission shall evaluate and make a recommendation
10 to Congress regarding whether the percentage of polling
11 places in compliance with the standards applicable to such
12 locations under the Americans With Disabilities Act of
13 1990 has increased to such an extent that there is no
14 longer a need to conduct surveys under subsection (a) with
15 respect to subsequent elections.

16 **SEC. 5. ESTABLISHMENT OF PROCEDURES AND FEE**
17 **SCHEDULES FOR CONDUCTING TESTING OF**
18 **VOTING EQUIPMENT HARDWARE AND SOFT-**
19 **WARE; PAYMENT OF USER FEES FOR COM-**
20 **PENSATION OF ACCREDITED LABORATORIES.**

21 (a) IN GENERAL.—Section 231(b) of the Help Amer-
22 ica Vote Act of 2002 (52 U.S.C. 20971(b)) is amended
23 by adding at the end the following new paragraphs:

1 "(3) PROCEDURES FOR CONDUCTING TESTING;
2 PAYMENT OF USER FEES FOR COMPENSATION OF
3 ACCREDITED LABORATORIES.—
4 "(A) ESTABLISHMENT OF ESCROW AC-
5 COUNT.—The Commission shall establish an es-
6 crow account (to be known as the 'Testing Es-
7 crow Account') that will serve as the exclusive
8 source for making payments to accredited lab-
9 oratories for the costs of the testing carried out
10 in connection with the certification, decertifica-
11 tion, and recertification of voting system hard-
12 ware and software.
13 "(B) SCHEDULE OF FEES.—In consulta-
14 tion with the accredited laboratories, the Com-
15 mission shall establish and regularly update a
16 schedule of fees for the testing carried out in
17 connection with the certification, decertification,
18 and recertification of voting system hardware
19 and software, based on the reasonable costs ex-
20 pected to be incurred by the accredited labora-
21 tories in carrying out the testing for various
22 types of hardware and software.
23 "(C) REQUESTS AND PAYMENTS BY MANU-
24 FACTURERS.—A manufacturer of voting system
25 hardware and software may not have the hard-

1 ware or software tested by an accredited labora-
2 tory under this section unless—
3 "(i) the manufacturer submits a de-
4 tailed request for the testing to the Com-
5 mission;
6 "(ii) the request provides sufficient in-
7 formation for the Commission to determine
8 the applicable fee for the testing under the
9 schedule established and in effect under
10 subparagraph (B);
11 "(iii) the Commission approves the re-
12 quest; and
13 "(iv) the manufacturer pays to the
14 Commission, for deposit into the Testing
15 Escrow Account established under sub-
16 paragraph (A), the applicable fee for the
17 testing.
18 "(D) SELECTION OF LABORATORY.—Upon
19 approving a request for testing and receiving
20 the payment from a manufacturer required
21 under subparagraph (C), the Commission shall
22 select at random (to the greatest extent prac-
23 ticable), from all laboratories which are accred-
24 ited under this section to carry out the specific

1 testing requested by the manufacturer, an ac-
2 credited laboratory to carry out the testing.
3 "(E) PAYMENTS TO LABORATORIES.—
4 Upon determining that a laboratory selected to
5 carry out testing pursuant to subparagraph (D)
6 has completed the testing in accordance with
7 the approved request, the Commission shall
8 make a payment to the laboratory from the
9 Testing Escrow Account established under sub-
10 paragraph (A) in an amount equal to the appli-
11 cable fee paid by the manufacturer under sub-
12 paragraph (C)(iv).
13 "(4) DISSEMINATION OF ADDITIONAL INFORMA-
14 TION ON ACCREDITED LABORATORIES.—
15 "(A) LIST OF ACCREDITED LABORA-
16 TORIES.—The Commission shall maintain and
17 publish an updated list of all accredited labora-
18 tories under this section.
19 "(B) INFORMATION ON STATUS OF LAB-
20 ORATORIES.—In addition to updating the list
21 maintained and published under subparagraph
22 (A), the Commission shall promptly notify Con-
23 gress, the chief State election official of each
24 State, and the public whenever—

"(i) the Commission revokes, terminates, or suspends the accreditation of a laboratory under this section;

"(ii) the Commission restores the accreditation of a laboratory under this section which has been revoked, terminated, or suspended; or

"(iii) the Commission has credible evidence of a significant security failure at an accredited laboratory.

"(C) INFORMATION ON TESTING.—Upon completion of the testing of a voting system under this section, the Commission shall promptly disseminate to the public the identification of the laboratory which carried out the testing.".

(b) CONFORMING AMENDMENTS.—Section 231 of such Act (52 U.S.C. 20971) is further amended—

(1) in subsection (a)(1), by striking "testing, certification," and all that follows and inserting the following: "testing of voting system hardware and software by accredited laboratories in connection with the certification, decertification, and recertification of the hardware and software for purposes of this Act.";

1 (2) in subsection (a)(2), by striking "testing,
2 certification," and all that follows and inserting the
3 following: "testing of its voting system hardware and
4 software by the laboratories accredited by the Com-
5 mission under this section in connection with certi-
6 fying, decertifying, and recertifying the hardware
7 and software.";
8 (3) in subsection (b)(1), by striking "testing,
9 certification, decertification, and recertification" and
10 inserting "testing"; and
11 (4) in subsection (d), by striking "testing, cer-
12 tification, decertification, and recertification" each
13 place it appears and inserting "testing".
14 (c) DEADLINE FOR ESTABLISHMENT OF ESCROW AC-
15 COUNT AND SCHEDULE OF FEES.—The Election Assist-
16 ance Commission shall establish the Testing Escrow Ac-
17 count and schedule of fees described in section 231(b)(3)
18 of the Help America Vote Act of 2002 (as added by sub-
19 section (a)) not later than January 1, 2016.
20 **SEC. 6. STUDIES OF METHODS TO REDUCE COSTS OF AD-**
21 **MINISTERING ELECTIONS.**
22 (a) ANALYSIS OF FACTORS AFFECTING COSTS OF
23 ADMINISTERING ELECTIONS.—The Election Assistance
24 Commission shall conduct a study analyzing various fac-
25 tors that affect the costs to States and units of local gov-

1 ernment of administering elections for Federal office, in-
2 cluding the following specific factors:
3 (1) The durability of the equipment used in vot-
4 ing systems.
5 (2) The extent to which States and units of
6 local government must replace existing systems be-
7 cause such systems are not capable of using en-
8 hanced software or are not capable of being up-
9 graded in a cost-effective manner.
10 (3) The lack of competition among vendors and
11 manufacturers of the equipment used in voting sys-
12 tems because of consolidation in the voting system
13 industry.
14 (b) RECOMMENDATIONS FOR STEPS TO REDUCE
15 COSTS.—The Commission shall include in the study con-
16 ducted under this section such recommendations as the
17 Commission shall consider appropriate to reduce the costs
18 incurred by States and units of local government in ad-
19 ministering elections for Federal office, including rec-
20 ommendations for legislative action by Congress or the
21 States.
22 (c) DEADLINE.—Not later than 180 days after the
23 date of the enactment of this Act, the Commission shall
24 submit the study conducted under this section to Con-
25 gress.

1 **SEC. 7. STUDY OF METHODS FOR INCREASING EFFICIENCY**
2 **AND COST-EFFECTIVENESS OF ELECTION AS-**
3 **SISTANCE COMMISSION.**

4 (a) STUDY.—The Comptroller General shall conduct
5 a study of the administrative operations of the Election
6 Assistance Commission, and shall include in the study an
7 analysis of various methods for increasing the efficiency
8 and cost-effectiveness of such operations.

9 (b) DEADLINE; REPORT.—Not later than 90 days
10 after the date of the enactment of this Act, the Comp-
11 troller General shall submit to Congress a report on the
12 study conducted under subsection (a), and shall include
13 in the report such recommendations as the Comptroller
14 General considers appropriate.

15 (c) PARTICIPATION OF ELECTION ASSISTANCE COM-
16 MISSION.—The Election Assistance Commission shall pro-
17 vide the Comptroller General with such assistance as the
18 Comptroller General may require to carry out this section.

AMENDMENT TO H.R. 195

OFFERED BY M__. _____

Page 6, strike lines 13 through 16 and insert the following:

1 **"SEC. 1005. COMMISSION TERMINATION DATE.**

2 "(a) DATE DESCRIBED.—The 'Commission termi-
3 nation date' is the first date following the expiration of
4 the 120-day period that begins on the date of the enact-
5 ment of this subtitle.

6 "(b) GAO STUDY OF EFFECTS OF TERMINATION.—

7 "(1) STUDY.—The Comptroller General shall
8 conduct a study of the effects of the termination of
9 the Commission as provided under this title, and
10 shall include in the study an analysis of—

11 "(A) the ability of other offices of the Fed-
12 eral government to complete the mission of the
13 Commission as set forth in this Act;

14 "(B) whether the termination of the Com-
15 mission will adversely affect the ability of voters
16 to participate in elections; and

17 "(C) whether the termination will increase
18 the costs that will be incurred by States and

1 units of local governments in the administration
2 of elections for Federal office.
3 "(2) REPORT TO CONGRESS.—Not later than
4 90 days after the date of the enactment of this sub-
5 title, the Comptroller General shall submit a report
6 to Congress on the study conducted under para-
7 graph (1), and shall include in the report such rec-
8 ommendations regarding the termination of the
9 Commission as the Comptroller General considers
10 appropriate.".

The CHAIRMAN. Are there any other members that which to be recognized to speak on Mr. Brady's amendment?

Mr. Harper.

Mr. HARPER. Thank you, Madam Chair.

And I would like to speak in opposition to the amendment offered by Mr. Brady.

First of all, let's keep in mind that the EAC originally was designed to last for 3 years. It has long outlived its usefulness. While I certainly appreciate and enjoy always working with Mr. Brady, the fact is this amendment does not reform the EAC. It actually expands it and includes no reforms or efficiencies. What it actually does is reauthorize the EAC through the year 2020. It forces States to submit information the EAC asks for in post-election surveys and removes the EAC from OMB oversight under the Paperwork Reduction Act. So there is no control over what information they demand.

It also gives the EAC more power over States, shifts burdens from States to EAC, and it really doesn't address any of the real problems in the history we have had with the EAC. It will make the EAC more powerful, not more efficient. And the fact is we don't need this. And keep in mind that we already have seen and in a Presidential commission recommending best practices to the States. So this is duplicative in that regard and not necessary.

So I urge members to vote in opposition, to vote no to this amendment.

The CHAIRMAN. Thank the gentleman.

Any other members have any other comments?

I would just offer my own comment. As a former secretary of State, I was a secretary in Michigan when the Help America Vote Act went through. Our State, along with so many others, received an awful lot of Federal dollars for us to improve some of our antiquated voting machines, et cetera, et cetera. That was the purpose of the EAC, to really help all the States spend those dollars and hold the States accountable for making sure that they were spent within the confines of what the Congress had an expectation of them. But the truth is—and we have had these conversations when we had our hearing here with the Ginsberg-Bauer Presidential Commission that was put together by President Obama, actually. Well, they went out and talked to number of the secretaries and the secretaries of states, et cetera, and I think the secretaries do understand that that was a one-time infusion of funds that is not going to be happening again, particularly with the budgetary constraints that the Federal Government has. So although the EAC certainly had a role to play, I just don't think it has a role to play any longer.

So I would associate myself with Mr. Harper's remarks, and I appreciate the amendment from my ranking member, but I will be in opposition to that.

Again, any other comments?

The question is on the amendment offered by the gentleman to H.R. 195.

All those in favor of the amendment, signify by saying aye.

Opposed will say no.

In the opinion of the chair, the noes have it. The amendment is not agreed to.

Any other amendments?

If not, I move that the Committee favorable report H.R. 195, and the question is on the motion.

Those in favor will signify by saying aye.

Opposed will say nay.

In the opinion of the chair, the ayes have it, and the motion is agreed to.

Without objection, the motion to reconsider is laid upon the table.

Does anybody member wish to file supplemental, minority, additional view for inclusion in the committee report to the House?

Mr. Brady.

Mr. BRADY. Madam Chair, thank you.

I announce that the Democratic Members would request 2 additional calendar days provided by clause 2(l) of rule XI of the rules of the House in order to file views.

The CHAIRMAN. Thank the gentleman.

And pursuant to clause 2 of rule XI, the Member is entitled to 2 additional calendar days to file such views in writing and signed by that Member with the clerk of the Committee.

I now call up and lay before the Committee H.R. 412, which is a bill to reduce Federal spending and the deficit by terminating taxpayer financing of Presidential election campaigns.

Without objection, the first reading of the bill is dispensed with and the bill is considered read and open for amendment at any time point.

[The information follows:]

U.S. GOVERNMENT INFORMATION GPO

I

114TH CONGRESS
1ST SESSION

H. R. 412

To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2015

Mr. COLE introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on House Administration, 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

---

A BILL

To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns.

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

SECTION 1. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

1 "(d) TERMINATION.—This section shall not apply to
2 taxable years beginning after December 31, 2014.".
3 (b) TERMINATION OF FUND AND ACCOUNT.—
4 (1) TERMINATION OF PRESIDENTIAL ELECTION
5 CAMPAIGN FUND.—
6 (A) IN GENERAL.—Chapter 95 of subtitle
7 H of such Code is amended by adding at the
8 end the following new section:
9 **"SEC. 9014. TERMINATION.**
10 "The provisions of this chapter shall not apply with
11 respect to any presidential election (or any presidential
12 nominating convention) after the date of the enactment
13 of this section, or to any candidate in such an election.".
14 (B) TRANSFER OF REMAINING FUNDS.—
15 Section 9006 of such Code is amended by add-
16 ing at the end the following new subsection:
17 "(d) TRANSFER OF FUNDS REMAINING AFTER TER-
18 MINATION.—Of the amounts in the fund as of the date
19 of the enactment of this subsection—
20 "(1) the Secretary shall transfer $88,202,400
21 to the 10-Year Pediatric Research Initiative Fund
22 described in section 9008(i)(2), to be available as de-
23 scribed in such section; and

"(2) the Secretary shall transfer the remainder to the general fund of the Treasury, to be used only for reducing the deficit.".

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

"SEC. 9043. TERMINATION.

"The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section.".

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

"Sec. 9014. Termination.".

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

"Sec. 9043. Termination.".

○

The CHAIRMAN. Is there any debate on this bill?

Are there any members that want to offer an amendment to the bill?

If not, I move that the Committee favorably report H.R. 412 and the question is on the motion.

Those in favor, signify by saying aye.

Opposed, say nay.

In the opinion of the chair, the ayes have it. The ayes have it. The motion is agreed to.

And, without objection, the motion to reconsider is laid upon the table.

Does any member wish to file supplemental, minority, or additional views for inclusion in the committee report to the House?

Mr. BRADY. Thank you, Madam Chairman.

I announce that the Democratic Members would request the 2 additional calendar days provided by clause 2(l) of rule XI of the rules of the House in order to file views.

The CHAIRMAN. Pursuant to clause 2 of rule XI, the Member is entitled to 2 additional calendar days to file such views in writing and signed by that Member with the clerk of the Committee.

For all of the matters that the Committee has considered today, I would ask unanimous consent that the staff be authorized to make technical and conforming changes if necessary.

Without objection, so ordered.

Mr. Brady.

Mr. BRADY. And, Madam Chair, and ask unanimous consent to insert into the record a letter from Common Cause relating to election legislation considered today.

The CHAIRMAN. Without objection.

[The information follows:]

1133 19th Street, NW, 9th Floor Washington, DC 20036
T 202.833.1200 F 202.833.3115 www.commoncause.org

Statement by Common Cause
Committee on House Administration
Markup of H.R. 132, Committee Res. ___, H.R. 195 and H.R. 412
March 4, 2015

Thank you for the opportunity to submit this statement for today's markup of H.R. 412 "To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns," and H.R. 195 the "Election Assistance Commission Termination Act."

Common Cause is a nonpartisan, grassroots organization dedicated to restoring the core values of American democracy, reinventing an open, honest, and accountable government that works for the public interest, and empowering ordinary people to make their voices heard.

Before the committee members today are two items of legislation that could profoundly impact the way we administer and finance national elections. At stake is the survival of the public financing system for presidential elections and a commission that plays an important role in standardizing and modernizing election administration. In the interest of ensuring a fair, ethical, and accessible system of elections, Common Cause urges this Committee to reject H.R. 195 and H.R. 412.

H.R. 412

Common Cause opposes H.R. 412, because it vitiates an important check on special interest money by eliminating public financing for presidential campaigns. The current public financing system needs meaningful reform and should be updated to accommodate the new reality of campaign fundraising after the Supreme Court's 5-4 decision in *Citizens United*. Before the introduction of copious amounts of soft money in the 1990s and the *Citizens United* decision, the infrastructure worked; campaigns were financed by the public, not by special interest groups. Every major presidential candidate from both political parties used the system for a generation of elections. While the current system is now in need of

extensive reform, wholesale elimination of public funding of elections is not the answer. In 2012, outside groups spent over $652 million in the presidential race alone,[1] and campaigns spend an unacceptable amount of resources fundraising to match the Super PACs. This "new normal" means that important issues facing the country take a backseat to keeping up in the spending race. Candidates and campaigns should be focused on issues, not on fundraising.

Public financing of campaigns serves another important purpose: eliminating the appearance of corruption in the office of the President. Put in place following the Watergate scandals, public financing sought to reduce the role of money in elections and prevent the appearance or reality of having a President beholden to special interests. Big money in elections, especially after *Citizens United*, is corrosive to government accountability and representative democracy. Now is the time to upgrade our presidential public financing system to empower small donors -- not eliminate it.

H.R. 195

Common Cause also opposes H.R. 195, the Election Assistance Commission Termination Act, because it would eliminate a resource that is a critical part of the government's effort to ensure that our elections are fair, efficient, and accessible. Established in the wake of the widespread election administration failures in the 2000 election, Congress created the Election Assistance Commission (EAC) to address serious problems with our voting system that can suppress voter participation and turnout, including long lines at polling stations and outdated voter registration procedures. The EAC serves every American voter by conducting research, collecting data, and sharing information among elected officials, the public, and interested organizations. The EAC also oversees the distribution of federal funds that assist states and municipalities with election administration.

In December 2014, after over three years without a single commissioner in place, the Senate unanimously confirmed three new commissioners - two Republicans and one Democrat. Although a

[1] Center for Responsive Politics, "2012 Outside Spending, by Race," http://www.opensecrets.org/outsidespending/summ.php?cycle=2012&disp=R&pty=A&type=A (last accessed March 3, 2015).

single vacancy remains, the EAC now has the quorum it needs to address the backlog of business that built up over the years.

Last week, the EAC met *for the first time in over four years*. It voted to accredit a new voting system test laboratory after a recommendation by the National Institute of Standards and Technology. The lab will test new voting equipment against the voluntary voting system guidelines, which are themselves in need of attention.

The four year absence of a quorum at the EAC hindered the agency when Americans needed it most. The EAC could not hold public meetings, adopt new policies, or issue advisory opinions. It adopted its most recent voting system guidelines in 2005 – several lifetimes ago when it comes to technology. That's why so many local jurisdictions ran the 2012 election with outdated, broken voting machines and why so many voters waited in line for hours to cast their ballots.

The bipartisan Presidential Commission on Election Administration, co-chaired by the general counsels of the Obama and Romney 2012 campaigns, wrote in their report last year that "the standard-setting process for new voting machines has broken down … due to a lack of [EAC] commissioners. … Without a fully functioning EAC to adopt new standards, many new technologies that might better serve local election administrators are not being brought to the marketplace."[2]

Now that it has a quorum, the Commission can get back to work evaluating and endorsing standards and guidelines that reflect the newest and best methods of election administration.

In light of the many challenges faced by our state and local election administrators and the serious procedural problems that weaken voter access and participation, Common Cause believes that this is a time to reaffirm our commitment to voting rights and fair elections by strengthening the EAC and providing it with the staff it requires to function effectively. H.R. 195 would eliminate an important tool for improving a voting system fraught with problems and should be rejected.

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[2] PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, THE AMERICAN VOTING EXPERIENCE: REPORT AND RECOMMENDATIONS OF THE PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, p. 11-12 (2014), *available at* https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf.

Conclusion

The Presidential Public Funding Program and the EAC are important components of an honest and fair election system that suffer from congressional neglect and gridlock, not from any inherent flaw. Instead of eliminating these important democracy reform tools, members of this Committee and both parties in Congress need to work together to strengthen and expand our public financing system for presidential elections and provide the Election Assistance Commission with the resources it needs to perform its duties.

Thank you again for allowing Common Cause to submit this statement. We look forward to working together to improve the integrity and effectiveness of campaign finance laws and election administration.

The CHAIRMAN. Any other comments or debate?

Well, this concludes today's markup. I certainly want to thank all the Members. I think we did very good work, particularly with the committee funding, and I think that will really position our committees as we go forward, as they go forward, to have the necessary resources that they need to be able to meet the missions and what the Congress has tasked them with.

Without objection, this meeting is adjourned. Thank you.

[Whereupon, at 10:53 a.m., the committee was adjourned.]

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