

We have given a lot of flexibility in this bill. Individuals, candidates, or Members are not required to file such a statement if they don't wish to, but we're simply giving them the option of doing so and of changing it at any time they wish in the future.

At this point, Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I would like to recognize the author and sponsor of this bill, Representative WALTER JONES, for as much time as he might consume.

Mr. JONES of North Carolina. Mr. Speaker, I will be fairly brief.

I want to thank Chairman BRADY, Ranking Member EHLERS, Ms. ZOE LOFGREN, and you, yourself, Mr. Chairman, for working on this legislation. It certainly is something that we don't think about, life and death, as much as maybe we should and be prepared. But it has been explained by Ms. LOFGREN and Mr. EHLERS exactly what it does. So I want to quickly say that when my father, who served in the Congress 26 years, passed away and we were trying to settle his estate, the treasurer of his account, an attorney, who didn't really want anything, but he said by law I'm responsible for the distribution of these monies. And so it came to me at that time that it should be made as easy for the family as possible when a loved one, if he or she is serving, or maybe a candidate should pass away in office, and it does happen, sadly, from time to time.

So, again, in closing, I want to thank Mr. EHLERS and Mr. BRADY and Ms. LOFGREN for moving this bill to the floor of the House. And I hope one day that the President can sign this because it's what should be done for the family.

Mr. EHLERS. Mr. Speaker, I simply want to commend Mr. JONES for writing this bill and submitting it. I'm very pleased that it has reached this point. I believe it is going to be very helpful to every Member of Congress, both in the House and the Senate, and I commend him for his work on this and I urge its passage.

Mr. Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, as I have no additional speakers, I would just urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 3032, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1700

FEDERAL ELECTION COMMISSION FINES AUTHORIZATION EXTENSION

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6296) to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6296

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

SECTION 1. EXTENSION OF ADMINISTRATIVE PENALTY AUTHORITY OF FEDERAL ELECTION COMMISSION THROUGH 2013.

(a) EXTENSION OF AUTHORITY.—Section 309(a)(4)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)(C)) is amended by adding at the end the following new clause:

“(iv) This subparagraph shall apply with respect to violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2013.”

(b) CONFORMING AMENDMENT.—Section 640 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 2 U.S.C. 437g note) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Treasury and General Government Appropriations Act, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous matter in the RECORD on H.R. 6296.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I fully support H.R. 6296, which will extend the Federal Election Commission's administrative fines programs through 2013.

The administrative fines program permits the FEC to impose civil fines on political committees that file late or not at all. The fines program allows the FEC to quickly resolve minor violations of the act and concentrate its resources on more complex enforcement matters. The fines program also assures political and candidate committees that they can resolve minor errors by paying a fixed monetary penalty, avoiding a long and potentially complicated enforcement process.

There has been a significant decrease in the number of late and nonfiled re-

ports since the start of this program. At the FEC the fines program also enjoys the unanimous bipartisan support of all of the commissioners. The fines program is due to expire at the end of this year without congressional intervention. The program should be extended to allow the agency to concentrate on more complex issues once it has a full slate of members.

H.R. 6296 will amend the Federal Election Campaign Act to extend the fines program until December 13, 2013. I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I rise today to support H.R. 6296, which would amend the Federal Election Campaign Act of 1971 to extend through 2013 the authority of the Federal Election Commission to impose civil monetary penalties on political committees that file reports late or not at all rather than going through the traditional enforcement process. This bill is necessary because that authority, which they currently have, expires at the end of this year.

This bill is not a glamorous one. It will not capture the attention of voters who look to Congress to lower the price at the pump, even though we would all like to do that. Nonetheless, it is an important program designed to protect our Nation's campaign process from being thwarted by insisting upon the utmost transparency if an individual chooses to seek public office.

The administrative fine program, which was established in 2000, permits the FEC to assess fines if a candidate is found to be in violation of mandatory Federal campaign finance reporting requirements. Since its inception, the administrative fine program has proven successful in its two objectives:

First, the program frees up commission resources for more complex and higher profile enforcement matters. This is especially important now that the commission has formed and its important work can continue in a bipartisan fashion. Second, it reduces the number of financial reports filed late or not at all, which furthers the goals of the commission as a whole.

As of March 2008, the FEC had collected over \$2.1 million in civil penalties for over 1,600 cases processed under the program. The fines collected are turned over to the U.S. Treasury, ensuring that there is no monetary gain to the FEC for applying such penalties. By implementing such a structure, there can be no calls of falsely using the fine program as a way for the agency to line its own coffers, thereby increasing confidence in the FEC's enforcement actions.

Without this bill, as I mentioned earlier, this successful program is scheduled to end on December 31, 2008. I am pleased to be able to join with my colleague in the House Administration Committee, Chairman BRADY, as a cosponsor of this bipartisan measure. I

urge my colleagues to join us in supporting H.R. 6296 so that we may continue to monitor the success of this important program for the next 5 years.

Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I just will simply say it's a good bill. Let's support it. Let's vote for it.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I concur this bill is a sensible one. It's bipartisan. It focuses the commission on the things that are important and complicated, and I urge all Members to support its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 6296.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ESTABLISHING PROGRAM TO MAKE GRANTS REGARDING BACKUP PAPER BALLOTS

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5803) to direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5803

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

SECTION 1. GRANTS TO STATES AND UNITS OF LOCAL GOVERNMENT FOR MAKING BACKUP PAPER BALLOTS AVAILABLE IN CASE OF VOTING SYSTEM OR EQUIPMENT FAILURE OR OTHER EMERGENCY SITUATION.

(a) GRANTS BY ELECTION ASSISTANCE COMMISSION.—The Election Assistance Commission (hereafter referred to as the "Commission") shall establish a program under which the Commission shall make a grant to each participating State and each participating unit of local government for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment or some other emergency situation in the administration of the regularly scheduled general election for Federal office held in November 2008.

(b) REQUIREMENTS FOR ELIGIBILITY.—

(1) APPLICATION.—A State or unit of local government is eligible to participate in the program established by the Commission

under this Act if the State or unit of local government submits an application to the Commission at such time and in such manner as the Commission shall require, and includes in the application—

(A) a certification that the State or unit of local government has established a program that meets the requirements of paragraph (2) to make backup paper ballots available in the case of the failure of a voting system or voting equipment or some other emergency situation;

(B) a statement of the reasonable costs the State or unit of local government expects to incur in carrying out its program;

(C) a certification that, not later than 60 days after the date of the election, the State or unit of local government will provide the Commission with a statement of the actual costs incurred in carrying out its program;

(D) a certification that the State or unit of local government will repay the Commission any amount by which the payment made under this Act exceeds the actual costs incurred in carrying out its program; and

(E) such other information and certifications as the Commission may require.

(2) PROGRAM REQUIREMENTS.—The requirements of this paragraph for a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment or some other emergency situation are as follows:

(A) In the event that the voting equipment at a polling place malfunctions and cannot be used to cast ballots on the date of the election or some other emergency situation exists which prevents the use of such equipment to cast ballots on that date, any individual who is waiting at the polling place on that date to cast a ballot in the election and who would be delayed due to such malfunction or other emergency situation shall be notified by the appropriate election official of the individual's right to use a backup paper ballot, and shall be provided with a backup paper ballot for the election, the supplies necessary to mark the ballot, and instructions on how to mark the ballot to prevent overvotes.

(B) Any backup paper ballot which is cast by an individual pursuant to the program of a State or unit of local government shall be counted as a regular ballot cast in the election and tabulated on the date of the election, and shall not be treated (for eligibility purposes) as a provisional ballot under section 302(a) of the Help America Vote Act of 2002, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot if the voting equipment at the polling place had not malfunctioned or an emergency situation had not existed which prevented the use of such equipment to cast ballots.

(C) The program of a State or unit of local government is carried out in accordance with standards established by the State or unit of local government which include protocols for delivering and supplying backup paper ballots to polling places and for notifying individuals of the right to use the backup paper ballots.

(c) AMOUNT OF GRANT.—The amount of a grant made to a State or unit of local government under the program established by the Commission under this Act shall be equal to the amount of the reasonable costs the State or unit of local government expects to incur in carrying out its program, as provided in the application under subsection (b)(1)(B).

SEC. 2. STATE DEFINED.

In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under the program established by the Commission under this Act \$75,000,000. Any amount appropriated pursuant to the authority of this section shall remain available without fiscal year limitation until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter in the RECORD on H.R. 5803.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I introduced H.R. 5803 at the request of election advocates and elected officials as a simple solution to deal with some of the problems jurisdictions may face this election day.

The bill provides reimbursements through grants to jurisdictions that choose to provide backup paper ballots in the event of voting machine failure or some other emergency situation for this November's election. The language in the legislation has been crafted, at the request of State and local governments, to allow them to decide what constitutes an emergency situation. That could mean anything from machine failure to long lines to problems with polling place staffing. It is fully up to the jurisdiction to determine what justifies the use of backup paper ballots and how to distribute them.

As mentioned, this is 100 percent optional. If States already use paper, including electronic machines with a voter verifiable paper audit trail, it's unlikely they would apply for a grant.

Of the 14 States that use electronic voting machines without paper trails, only 5 have no paper requirements at all and 9 States and the District of Columbia only use these machines in some jurisdictions. All this legislation provides is an additional method of instilling voter confidence. The grants provided in this bill allow jurisdictions to have a contingency plan, backup paper ballots, in case there are mistakes by poll workers or another cause and to determine when and how to implement that plan. Another provision included in the legislation allows the jurisdiction to determine when and how the backup paper ballots are distributed to voters.

The bill has been drafted in full cooperation with and is supported by the National Council of State Legislators, the National Association of County Officials, and the National Association of