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MARKUP OF H.R. 94, TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROHIBIT THE USE OF PUBLIC FUNDS FOR POLITICAL PARTY CONVENTIONS; H.R. 95, TO REDUCE FEDERAL SPENDING AND THE DEFICIT BY TERMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS AND PARTY CONVENTIONS; H.R. 1994, ELECTION ASSISTANCE COMMISSION TERMINATION ACT; COMMITTEE RESOLUTION DISMISSING THE ELECTION CONTEST IN CA–43; AND COMMITTEE RESOLUTION DISMISSING THE ELECTION CONTEST IN TN–9

MEETING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

Held in Washington, DC, June 4, 2013

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MARKUP OF H.R. 94, TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROHIBIT THE USE OF PUBLIC FUNDS FOR POLITICAL PARTY CONVENTIONS; H.R. 95, TO REDUCE FEDERAL SPENDING AND THE DEFICIT BY TERMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS AND PARTY CONVENTIONS; H.R. 1994, ELECTION ASSISTANCE COMMISSION TERMINATION ACT; COMMITTEE RESOLUTION DISMISSING THE ELECTION CONTEST IN CA–43; AND COMMITTEE RESOLUTION DISMISSING THE ELECTION CONTEST IN TN–9

TUESDAY, JUNE 4, 2013

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, D.C.

The committee met, pursuant to call, at 11:05 a.m., in Room 1310, Longworth House Office Building, Hon. Candice S. Miller [chairman of the committee] presiding.

Present: Representatives Miller, Harper, Gingrey, Rokita, Nugent, Brady, Lofgren and Vargas.

Staff Present: Kelly Craven, Staff Director; Peter Schalestock, Deputy General Counsel; Joe Wallace, Legislative Clerk; Yael Barash, Assistant Legislative Clerk; Salley Wood, Communications Director; Linda Ulrich, Director of Oversight; Bob Sensenbrenner, Elections Counsel; Jamie Fleet, Minority Staff Director; Matt Pinkus, Senior Policy Analyst; Khalil Abboud, Minority Elections Staff; Thomas Hicks, Minority Elections Counsel; Greg Abbott, Minority Professional Staff Member; and Eddie Flaherty, Minority Professional Staff Member.

The CHAIRMAN. I would like to call to order the Committee on House Administration for today's committee markup. A quorum is present so we can proceed. First of all, the meeting record will remain open for 5 legislative days so that members might submit any materials that they wish to have included for the record.

Today we will consider five items in our markup: A committee resolution dismissing the election contest in the 43rd Congressional

District of California; a committee resolution dismissing the election contest in the 9th Congressional District of Tennessee; the committee is also going to be considering H.R. 94, which prohibits the use of public funds for political party conventions; H.R. 95, which terminates taxpayer financing of presidential election campaigns and party conventions; and then finally as well in the mark will be H.R. 1994 under consideration which is the Election Assistance Commission Termination Act.

Our two election contests dismissals, first of all, I would like to comment that both of these contests fail every test of validity. This committee has made a practice in the past of considering all contests under the Federal Contested Elections Act in public meetings to assure that they are treated fairly, and I hope that commitment to full and fair considerations would not be jeopardized by meritless filings as both of these two clearly are.

Our next two items on the agenda, again, cover the Presidential Election Campaign Fund, the PECF. This committee held hearings in the 111th Congress that included testimony on the PECF and the House voted on similar bills in the 112th Congress, and I think in light of what is happening with this fund and changing times as well, it is certainly appropriate for us to be revisiting this legislation today.

The money in the PECF comes from taxpayers who are given the option to have $3 out of their taxes that they are already paying placed in the fund. Taxpayers, I think, are already voting to end the PECF regardless of what Congress does here because at its peak of its popularity in 1980, about 29 percent of filers actually participated in this fund. By 2012, however, that dropped to approximately 5 percent. So even though it doesn't cost them more in taxes, the American people are telling us that this is a program that they don't want.

Since we started using taxpayer funds for presidential campaigns and party conventions, supposedly to restore confidence in government, 20 percent of the American people actually think less of their elected officials than when we started. So it is no surprise that they don't want to pay for this failed program anymore.

The PECF's popularity has certainly decreased among politicians as well. In fact, despite his stated support for this program, President Obama was actually the first major party candidate to entirely opt out of the program since it started. He did not participate in either the primary or general elections. Major candidates started refusing primary election money as far back as 2000. And in 2012, only three candidates applied for money from this fund. They were Gary Johnson, Buddy Roemer and Jill Stein. So taxpayers don't support the fund, the candidates are not using it, and I think citizens don't have any more confidence in the government because of the program, so I would say it is a textbook example of a failed program, one that we need to end.

One part of the PECF pays part of the cost for nominating conventions for the major political parties, which are now 4-day extravagances that the major television networks don't broadcast in their entirety anymore. Last year the RNC and DNC received about $18 million each to conduct their party nominating conven-

tions. That is $36 million in tax dollars spent for use by political parties.

The parties themselves raised another $80 million or so in private money for their conventions. I would say that clearly the parties are up to the job of paying for their own conventions. They don't need taxpayer subsidies to help do that.

I think if they knew the details of what they were actually paying for, taxpayers would even be less happy about it. It was interesting looking at a review by Senator Coburn at 2008 funds that were provided for conventions. The funds were used for things like floral arrangements, gift bags and live music and even makeup consultants, this at a time certainly when people all over our Nation are learning to get by with less. So I do not think that as stewards of the taxpayer dollars in good conscience, we should be spending taxpayer money on political conventions. H.R. 94 then would prohibit taxpayer funds from being used for party conventions, and I think it is at least a start.

H.R. 95 would eliminate the PECF altogether and use the remaining funds to pay down the deficit. Money that would have gone into the fund in the future will be available for other programs and the $260 million sitting in that fund today will go straight toward cutting the amount of money that we would have to borrow and actually reducing the deficit.

Speaking of failed programs, I also think it is time for H.R. 1994, the Election Assistance Commission Termination Act to end. It has far outlived its purpose, no longer benefits voters or election officials, and yet despite an original sunset date of 2005, it continues to exist without any commissioners.

My colleague from Mississippi, Mr. Harper, has led this mission to finally shut down this agency that has become a prime example of waste shielded by bureaucracy. The EAC has no more money to give out to States, its research programs are completed, the Voting System Certification Program that it runs is built around a model and a marketplace that has failed, and needs to be really reimagined.

The EAC hasn't even had commissioners or an executive director since 2011 and the country does not seem to be suffering as a result. In fact, the academic research that we have seen so far says that the operation of the 2012 election was really no worse than the 2008 election. Most of the problems that we saw certainly in the last election were from negligence at the local level. So there is just no need for this agency to exist. We need to shut it down.

At this time, I would like to recognize my colleague and the committee's ranking member, Mr. Brady, for his opening statement.

Mr. BRADY. Thank you, Madam Chair. I don't have an opening statement. I do have a statement for each bill when we call up the bills and we will be offering amendments and we will do it at that time.

The CHAIRMAN. Very well. I also ask unanimous consent to enter into the record the statement from a sponsor of H.R. 94 and 95, Mr. Tom Cole, concerning the Presidential Election Campaign Fund, and, without objection, that will be so ordered.

[The statement of Mr. Cole follows:]

STATEMENT FOR THE RECORD
By Rep. Tom Cole
regarding
H.R. 94 and H.R. 95

Chairman Miller, Ranking Member Brady, I appreciate the opportunity to provide testimony today regarding two pieces of legislation I authored, H.R. 94 and H.R. 95. H.R. 94 eliminates the taxpayer subsidization of presidential nominating conventions and H.R. 95 eliminated the entire antiquated, outdated system of the public financing of elections and presidential nominating conventions.

When the Presidential Election Campaign Fund (PECF) was created, in 1973, it was during a time when Facebook, YouTube, Twitter, and even the widespread use of the internet did not exist. That is no longer the case. Today, it's as easy as calling up the candidate's web page and entering a credit card number. In fact, the largest single category of donations in the 2012 election cycle made to presidential candidates are of $200 or less, over $675 million.

Even at the height of the program's popularity more than a quarter-century ago, less than one-third of taxpayers chose to support presidential public financing. Check off participation reached a high point in 1980, when 28.7% of filers designated funds for the PECF. Fewer than 15% of taxpayers have made public financing designations every calendar year since 1993. In 2012. taxpayer participation reached a low of 6.0%

The 2008 election sounded the death knell for the PECF and the 2012 election confirmed it. When both President Obama and Governor Romney opted out and raised hundreds of millions of dollars, all without a dime of public assistance, they sent a message that public financing is a thing of the past.

Beyond that, this legislation would terminate funding for the political parties' conventions. Given the debt our federal government has accrued, and the over $600 billion deficit expected for FY 2013, these expenditures are an unneeded luxury and amount to nothing more than a politician's welfare check. Recent expenditures or "convention costs" paid for by federal dollars include: a make-up artist consultant, political consulting fees, gift bags, banners, among others. In 1980, federal grants paid for nearly 95 percent of convention costs; however, in 2008, these federal grants covered approximately 23 percent of convention costs. Frankly, as former RNC Chief of Staff who helped stage the GOP's 2000 National Convention, I can assure the Committee that the major parties are more than capable of funding their own national conventions.

Last Congress, the House approved my legislation to repeal the PECF, H.R. 359, which would have saved the taxpayers $462 million. Sadly, the Senate failed to take up this legislation or companion legislation authored by Senator Coburn. I understand that may not seem like a lot of money, given the current fiscal challenges we face; however, we must start somewhere. If we can't cut something like this, what can we cut? These programs are clearly unnecessary. They

don't feed anyone. They don't keep anyone warm. It is times like these where we need to re-evaluate all of our governmental priorities and remove pieces that are useless.

Chairman Miller, Ranking Member Brady, thank you for allowing me to testify and I look forward to working with you on this.

The CHAIRMAN. I would ask if any other members have an opening statement at this time? The chair recognizes the gentleman from Mississippi, Mr. Harper.

Mr. HARPER. Thank you, Madam Chair.

It has been more than 4 years since my first oversight hearing with the Election Assistance Commission as a member of this committee, and more than 2 years since I first introduced legislation to terminate the EAC. Since that time, the agency's actions, or lack thereof, has proven why the original bill did not go far enough in cutting this bloated agency spending. The EAC has proven, yet again, 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 discriminatory hiring lawsuits, both of which cost the taxpayers money to resolve. The remaining EAC functions, to the extent they are useful, can be performed more efficiently by other government or private entities. The best course that we can take as the EAC's committee of jurisdiction is to simply 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 upgrade of States' voting machines. The EAC has distributed over $3.1 billion of money for States for machine upgrades and election improvements, and that stream of funding has ended. The EAC's testing and certification program for voting machines has been almost entirely left unused in recent years. The program only has 11 voting machines with current certification and one in the testing phase. The machines are still being tested to standards created in 2005. This onerous costly program is outdated and stifles innovation in the elections community.

Even more important, the EAC has not had enough commissioners to act and conduct business since December of 2010 and has not had any commissioners since December of 2011. The Commission has also lacked an executive director since December 2011 and a general counsel since May of 2012, prohibiting them from conducting official business for the last 2 years. And the overwhelming majority of the country does not seem to have noticed. Yet despite its absence of any mission or leadership, the agency is still receiving an appropriation of $11.5 million.

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. 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 that this agency needs to go.

NASS, the National Association of Secretaries of State, a bipartisan organization, adopted resolutions calling for the dissolution of the EAC in 2005, and renewed that again in 2010. It is simply the

time to end the EAC and save the American taxpayers almost $12 million a year at a time when our Nation is hurting financially.

It doesn't get any easier to find an example of wasteful spending. If we can't do this, we might as well pack up and go home, because this is as obvious as it gets.

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

The CHAIRMAN. Thank you, gentleman. Are there any other committee members that wish to have an opening statement?

The chair recognizes the gentleman from Georgia, Dr. Gingrey.

Mr. GINGREY. Madam Chairman, I want to thank you for calling this important markup on elections legislation. I am in strong support of the combined efforts by my good friends Mr. Cole and Mr. Harper to reduce Federal spending by ending the public financing of campaigns and conventions, and to terminate the Election Assistance Commission. As presidential campaigns in this day and age are becoming increasingly expensive and costing billions of dollars, the idea of having taxpayers contribute matching funds to them is ludicrous. Passage of Mr. Cole's bills to eliminate The Presidential Election Campaign Fund would immediately return approximately $260 million to the Treasury.

Regarding H.R. 1994, I believe that the Election Assistance Commission has indeed outlived its usefulness. The Election Assistance Commission was designed to distribute money to States to make improvements to their election processes. However, the Commission has not had a quorum since 2010. President Obama himself appears to believe the Commission now has little value as evidenced by his creation of a new entity to advise on elections. Eliminating the Election Assistance Commission is estimated to save taxpayers at least $11.5 million a year.

Madam Chairman, in the midst of record levels of debt, we must scrutinize where every dollar of taxpayer money is being spent to ensure we are allocating these funds responsibly and delivering the best possible value to our citizens. I believe the bills we are marking up here today help to accomplish those goals.

I yield back.

The CHAIRMAN. I thank the gentleman. Do any other members have an opening statement?

If not, at this time I will call up and lay before the committee an original resolution dismissing the election contest for the 43rd District of California. Without objection, the first reading of the resolution is dispensed with. The resolution is considered read and open for amendment at any point.

[The resolution follows:]

.....

(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. RES. _____

Dismissing the election contest relating to the office of Representative from the Forty Third Congressional District of California.

IN THE HOUSE OF REPRESENTATIVES

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

---

RESOLUTION

Dismissing the election contest relating to the office of Representative from the Forty Third Congressional District of California.

1 *Resolved,* That the election contest relating to the of-
2 fice of Representative from the Forty Third Congressional
3 District of California is dismissed.

The CHAIRMAN. Let me just, first of all, say in regards to both of these election contests, these contests are about as frivolous as election contests can be. Apparently they are both sent by the same individual who is incarcerated, I think, in Tennessee. But we had the legal staff look back and for about a century, we have really taken up even the most frivolous contests to the full House for dismissal in an effort to be fair and transparent, so again, we bring up these resolutions for the sake of the institution, not because either of them have any merit whatsoever.

Is there any debate on this resolution?

Do any members want to offer an amendment to the resolution?

If not, I move the committee favorably report the original resolution to the House. The question is on the motion. All those in favor, signify by saying aye; those opposed, say nay.

The motion is carried. In the opinion of the chair, it has carried.

Mr. BRADY. Madam Chair, I do agree with dismissing the frivolous and ridiculous election contest, but I would like to announce that minority members will use two additional calendar days provided by clause 2(l) of rule XI of the Rules of the House in order to file views.

The CHAIRMAN. Very well. I thank the gentleman. Without objection, the motion to reconsider is laid upon the table and pursuant to clause 2 of rule XI, the member is entitled to two additional calendar days to file such views in writing signed by that member to the clerk of the committee.

I will now call up and lay before the committee an original resolution dismissing the election contest for the 9th District of Tennessee. Without objection, first reading of the resolution is dispensed with, the resolution is considered read and open for amendment at any point.

[The resolution follows:]

.....

(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. RES. _____

Dismissing the election contest relating to the office of Representative from the Ninth Congressional District of Tennessee.

IN THE HOUSE OF REPRESENTATIVES

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

---

RESOLUTION

Dismissing the election contest relating to the office of Representative from the Ninth Congressional District of Tennessee.

Resolved, That the election contest relating to the office of Representative from the Ninth Congressional District of Tennessee is dismissed.

The CHAIRMAN. Is there any debate or amendments to this resolution?

If not, I move the committee favorably report the original resolution to the House. The question is on the motion. All those in favor signify by saying aye; those 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 on the table.

Mr. BRADY. Madam Chair, again I would like to announce that the minority members will use 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 two additional calendar days to file such views in writing and signed by that member with the clerk of the committee.

I will now call up and lay before the committee H.R. 94, a bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions. Without objection, the first reading of that bill is dispensed with and the bill is considered read and open for amendment at any point.

[The bill follows:]

I

113TH CONGRESS
1ST SESSION

H. R. 94

To amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

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

---

A BILL

To amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions.

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

SECTION 1. PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS.

(a) IN GENERAL.—Chapter 95 of the Internal Revenue Code of 1986 is amended by striking section 9008.

(b) CLERICAL AMENDMENT.—The table of sections of chapter 95 of such Code is amended by striking the item relating to section 9008.

SEC. 2. CONFORMING AMENDMENTS.

(a) AVAILABILITY OF PAYMENTS TO CANDIDATES.—The third sentence of section 9006(c) of the Internal Revenue Code of 1986 is amended by striking ", section 9008(b)(3),".

(b) REPORTS BY FEDERAL ELECTION COMMISSION.—Section 9009(a) of such Code is amended—

(1) by adding "and" at the end of paragraph (2);

(2) by striking "; and" at the end of paragraph (3) and inserting a period; and

(3) by striking paragraphs (4), (5), and (6).

(c) PENALTIES.—Section 9012 of such Code is amended—

(1) in subsection (a)(1), by striking the second sentence; and

(2) in subsection (c), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(d) AVAILABILITY OF PAYMENTS FROM PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.—The second sentence of section 9037(a) of such Code is amended by striking "and for payments under section 9008(b)(3)".

1 **SEC. 3. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to elections occurring after December 31, 2012.

○

The CHAIRMAN. Do any members of the committee wish to comment on this bill?

Mr. Brady.

Mr. BRADY. Madam Chair, I urge the defeat of this bill. Both major parties have used public funds to pay for their nominating conventions since 1976. While I believe that paying for party conventions is not the best use of our tax dollars, I also do not believe that this legislation—I do not believe this legislation is the best solution. We should reject it because we need a comprehensive fix to the way we finance presidential campaigns. Hopefully this committee can have a hearing on the excellent proposal by Representative David Price to do just that, and I urge my colleagues to defeat this proposal. Thank you.

The CHAIRMAN. I appreciate the gentleman's comments. As I mentioned in my opening statement, I think when we think about $16 trillion and no end in sight worth of debt, the American taxpayers should not be really having welfare for politicians or political parties running infomercials for presidential campaigns. I think that this bill is long overdue.

Do any other members wish to comment on this bill?

Do any members want to offer an amendment to the bill?

Mr. BRADY. Madam Chairman, I have an amendment which has been distributed to the members.

The CHAIRMAN. The gentleman is recognized for 5 minutes to talk to his amendment.

[The amendment by Mr. Brady follows:]

AMENDMENT TO H.R. 94

OFFERED BY M__. _____

Insert after section 2 the following new sections (and redesignate the succeeding section accordingly):

1 **SEC. 3. CONTRIBUTIONS FOR POLITICAL CONVENTIONS.**

2 (a) SEPARATE CONTRIBUTION LIMITATION.—

3 (1) INDIVIDUALS.—

4 (A) IN GENERAL.—Section 315(a)(1) of

5 the Federal Election Campaign Act of 1971 (2

6 U.S.C. 441a(a)(1)) is amended—

7 (i) by striking "or" at the end of sub-

8 paragraph (C);

9 (ii) by striking the period at the end

10 of subparagraph (D) and inserting "; or";

11 and

12 (iii) by adding at the end the fol-

13 lowing new subparagraph:

14 "(E) to the national nominating convention

15 account of political committees established and

16 maintained by a national political party, in any

17 4-year period ending on the last day of the cal-

18 endar year beginning on the day after a general

19 election for the office of President which, in the

1 aggregate, exceed the dollar amount in effect
2 under subparagraph (B);".
3 (B) CONFORMING AMENDMENT.—Section
4 315(a)(1)(B) of such Act (2 U.S.C.
5 441a(a)(1)(B)) is amended by inserting "(other
6 than to the national nominating convention ac-
7 counts of such political committees which are
8 described in subparagraph (E))" after "national
9 political party".
10 (2) AGGREGATE CONTRIBUTION LIMITATION.—
11 Section 315(a)(3) of such Act (2 U.S.C. 441a(a)(3))
12 is amended by adding at the end the following new
13 flush sentence:
14 "The dollar amount in subparagraph (B) shall be in-
15 creased by the amount of contributions (not in excess of
16 the dollar amount in effect under subparagraph (E)) made
17 to the national nominating convention account of a polit-
18 ical committee established and maintained by a national
19 political party during the period described in the preceding
20 sentence.".
21 (b) NATIONAL NOMINATING CONVENTION AC-
22 COUNT.—Section 315(a) of such Act (2 U.S.C. 441a(a))
23 is amended by adding at the end the following new para-
24 graph:

1 "(9) For purposes of this subsection, the national
2 nomination convention account of any political committees
3 established and maintained by a national political party
4 is a separate account the funds of which may only be used
5 to defray the costs of the national nominating convention
6 of such party.".

7 **SEC. 4. PROHIBITION ON USE OF SOFT MONEY.**

8 Section 323 of the Federal Election Campaign Act
9 of 1971 (2 U.S.C. 441i) is amended by adding at the end
10 the following new subsection:

11 "(g) NATIONAL CONVENTIONS.—Any person de-
12 scribed in subsection (a) or (e) shall not solicit, receive,
13 direct, transfer, or spend any funds in connection with a
14 presidential nominating convention of any political party,
15 including funds from or for a host committee, civic com-
16 mittee, municipality, or any other person or entity spend-
17 ing funds in connection with such a convention, unless
18 such funds—

19 "(1) are not in excess of the amounts permitted
20 with respect to contributions to the political com-
21 mittee established and maintained by a national po-
22 litical party committee under section 315; and

23 "(2) are not from sources prohibited by this Act
24 from making contributions in connection with an
25 election for Federal office.".

Amend the title so as to read: "A bill to amend the Internal Revenue Code of 1986 to eliminate the use of public funds for political party conventions and to amend the Federal Election Campaign Act of 1971 to establish limitations on the amount of contributions made to political parties for such conventions and to prohibit the solicitation or use of soft money by political parties for such conventions.".

Mr. BRADY. Thank you, Madam Chair. My amendment ends the use of public funding as well as the use of soft money contributions for nominating conventions. We should not eliminate public money for party conventions only to replace it with undisclosed contributions from special interests.

My amendment institutes a hard money system subject to contribution limits. My amendment is based on a proposal by Representative David Price from North Carolina who has been a leader in this area for a long time. My amendment is also a commonsense replacement for the current system which is in desperate need of reform. This is an important first step that provides more accountability and disclosure in how we finance our conventions. I ask for your support of this amendment.

The CHAIRMAN. I would say to the gentleman, since we just received the amendment just a little bit ago, we haven't really had a chance to completely digest his amendment. I am very interested in our overall goal of stopping taxpayer financing for these kinds of things. But if the gentleman is interested in working with us, I think we would be willing to do so. If you are interested in withdrawing that amendment, I certainly would commit to the gentleman that I would be willing to look at this in depth and perhaps we can come to some agreement before we go to the floor with it. I would certainly be open to that with the gentleman.

Mr. BRADY. Madam Chairman, I am always interested in working with you, and with that, I will withdraw my amendment.

The CHAIRMAN. I thank the gentleman. Are there any other comments or any other members that want to offer an amendment to this bill?

If not, I would move that the committee favorably report H.R. 94 and the question is on the motion. All those in favor signify by saying aye; those opposed say nay.

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

Mr. BRADY. Madam Chair, I would like to announce that the minority members will use the 2 additional calendar days provided by clause 2(l) of rule XI of the Rules of the House in order to file views, and I thank you.

The CHAIRMAN. Again, to the gentleman, pursuant to clause 2 of rule XI, the member is entitled to 2 additional calendar days to file such views in writing signed by that member with the clerk of the committee.

I would now call up and lay before the committee H.R. 95, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

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 bill follows:]

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113TH CONGRESS
1ST SESSION

H. R. 95

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

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 and party conventions.

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:

"(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2011.".

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

"SEC. 9014. TERMINATION.

"The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.".

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

"(d) TRANSFER OF FUNDS REMAINING AFTER TERMINATION.—The Secretary shall transfer all amounts in the fund after the date of the enactment of this section 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:

1 **"SEC. 9043. TERMINATION.**

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

5 (c) CLERICAL AMENDMENTS.—

6 (1) The table of sections for chapter 95 of sub-
7 title H of such Code is amended by adding at the
8 end the following new item:

"Sec. 9014. Termination.".

9 (2) The table of sections for chapter 96 of sub-
10 title H of such Code is amended by adding at the
11 end the following new item:

"Sec. 9043. Termination.".

○

The CHAIRMAN. Is there any debate or members that wish to offer an amendment? The gentleman from Pennsylvania.

Mr. BRADY. Madam Chair, I urge also the defeat of this bill. Created in the wake of the Watergate scandal, The Presidential Election Campaign Fund was designed to restore integrity to our presidential elections. Since 1976, presidential candidates from both sides of the aisle have opted to fund their campaigns using PECF instead of private contributions.

Like convention funding, all money used for the campaign funding functions of the PECF is contributed voluntarily by taxpayers. We should honor the wishes of those taxpayers. Beginning with the Citizens United decision, we have seen a disturbing pattern of increasing influence of large and undisclosed monies in our politics. Terminating the only public finance system at the Federal level runs the risk of handing over our election to special interests entirely.

The system needs reform, not repeal. By modernizing the system, we can ensure that Americans continue to have a voice in the process, no matter how small their contribution, and I urge my colleagues to defeat this bill.

The CHAIRMAN. I thank the gentleman. Are there any other debate does any member have an amendment to the bill?

Mr. BRADY. Madam Chair, I have an amendment in the nature of a substitute which has been distributed to the members.

[The amendment of Mr. Brady follows:]

AMENDMENT TO H.R. 95

OFFERED BY M__. _____

Strike all after the enacting clause and insert the following:

1 **SECTION 1. RESERVATION OF PORTION OF PRESIDENTIAL**
2 **ELECTION CAMPAIGN FUND TO IMPROVE**
3 **ELECTION ADMINISTRATION IN PRESI-**
4 **DENTIAL ELECTION YEARS ON BEHALF OF**
5 **MILITARY MEMBERS, ELDERLY INDIVIDUALS,**
6 **AND DISABLED INDIVIDUALS.**

7 (a) RESERVATION OF FUNDING.—Chapter 95 of sub-
8 title H of the Internal Revenue Code of 1986 is amended
9 by adding at the end the following new section:

10 **"SEC. 9014. RESERVATION OF FUNDING TO IMPROVE ELEC-**
11 **TION ADMINISTRATION IN PRESIDENTIAL**
12 **ELECTION YEARS.**

13 "(a) TRANSFER OF FUNDS FOR ELECTION ADMINIS-
14 TRATION IMPROVEMENTS ON BEHALF OF MILITARY
15 MEMBERS, ELDERLY INDIVIDUALS, AND DISABLED INDI-
16 VIDUALS.—

17 "(1) TRANSFER.—On the first day of each fis-
18 cal year (beginning with fiscal year 2014), the Sec-
19 retary shall transfer $10,000,000 from the fund to

1 the Election Assistance Commission. Such transfer
2 shall be made before any transfer is made to any ac-
3 count for any eligible candidate under section
4 9006(a) and before any deposit is made into any ac-
5 count of a political party under section 9008(a).
6 "(2) INDEXING OF AMOUNT.—The amount re-
7 ferred to in paragraph (1) shall be adjusted in the
8 same manner as the amount of expenditure limita-
9 tions established by section 315(b) and section
10 315(d) of the Federal Election Campaign Act of
11 1971 are adjusted pursuant to section 315(c) of
12 such Act.
13 "(b) USE OF FUNDS.—
14 "(1) IN GENERAL.—The amount transferred
15 under subsection (a) with respect to a fiscal year
16 shall be used by the Election Assistance Commission
17 to make payments to eligible States to carry out im-
18 provements in the administration of presidential
19 elections in the State which will improve the ability
20 of members of the uniformed services, elderly indi-
21 viduals, and individuals with disabilities to cast bal-
22 lots in such elections.
23 "(2) ELIGIBILITY OF STATES.—A State is an
24 eligible State for purposes of this subsection with re-
25 spect to a fiscal year if the State is eligible to receive

1 a requirements payments under part 1 of subtitle D
2 of title II of the Help America Vote Act of 2002 for
3 such fiscal year.
4 "(3) METHOD AND MANNER OF PAYMENTS.—
5 The Election Assistance Commission shall make pay-
6 ments under this subsection in the same manner,
7 and in accordance with the same terms and condi-
8 tions, under which the Commission makes require-
9 ments payments to States under part 1 of subtitle
10 D of title II of the Help America Vote Act of
11 2002.".
12 (b) CLERICAL AMENDMENT.—The table of sections
13 for chapter 95 of subtitle H of such Code is amended by
14 adding at the end the following new item:

"Sec. 9014. Reservation of funding to improve election administration in presidential election years.".

Amend the title so as to read: "A bill to reserve a portion of the Presidential Election Campaign Fund to improve the ability of members of the uniformed services, elderly individuals, and individuals with disabilities to cast ballots in presidential elections.".

Mr. BRADY. Presidential elections see dramatic increases in turnout compared to midterm elections, overburdening election officials and creating unique problems, particularly for our most vulnerable voters. The amendment reserves a small portion of the Presidential Election Campaign Fund balance for the Elections Assistance Commission to improve election administration in presidential election years. By checking the right box on their tax return, millions of taxpayers voted to have their money used in support of Federal elections.

This amendment adds another goal to the Presidential Campaign Fund by working with the Elections Assistance Commission to make sure soldiers, students and disabled voters have access to the ballot. While the presidential election funding system needs reform, we cannot be distracted from our duty to make sure every eligible voter gets to the poll and this proposal makes this happen. I urge the support for my amendment.

The CHAIRMAN. I thank the gentleman for offering the amendment. In this case, I would say I will be opposed to the gentleman's amendment. I appreciate the spirit in which it has been offered. I think as has been pointed out, if we pass this we actually return approximately $260 million back to the Treasury at this time.

As I mentioned in my opening statement, when you look at the history of the participation for this particular fund, you had almost 29 percent back in 1980 of the folks that were participating in it, and by 2012, you had about 5 percent. Again, in the 2012 election cycle, no viable major candidate, party candidate, accepted either matching funds for either their primary or their general.

So I do think that this is a good bill and again, I think it is appropriate for us to consider it. I will be opposing the gentleman's amendment.

Are there any other comments about the gentleman's amendment?

The gentleman from Mississippi.

Mr. HARPER. I would just like to speak in opposition to the amendment. I have certainly great respect for Mr. Brady, but I just believe that this would be an attempt where we would be rewarding bad behavior. It is clear, whether it is NASS, the National Association of Secretaries of State and the fact that that bipartisan group, not once but twice, has said that we need to end it, this is, in effect, perpetually funding the EAC and we don't need to go that route.

Of course, we are all very sensitive to make sure that everyone has the opportunity to vote and I believe Mr. Brady's intentions are well meant, but I believe that the EAC should not continue. These are matters that can be handled by the localities and the States.

I yield back.

The CHAIRMAN. I thank the gentleman. I associate myself with his remarks, particularly when we think about voting for our military members. Again, I appreciate the spirit in which the amendment has been offered. As we all know, the DOD is currently and have been undertaking and we are hoping for a report here shortly, about military voting, at which time, I think that was due at the end of May or the beginning of June here, but it should be happening shortly, we will have an opportunity, all of us as a com-

mittee, to discuss, and most probably have a hearing on that particular report as well in regard to how we make sure that all of our military members are able to exercise their franchise to vote in a timely way and one in which they are counted.

Any other comment about the amendment? The gentleman from Georgia.

Mr. GINGREY. Madam Chairman, thanks for the recognition, and I too am opposed to the gentleman's amendment, not the spirit of his amendment, of course. But here are some of the reasons why, from a policy perspective, I would oppose it.

I think it has already been mentioned that you could call this the Election Assistance Commission perpetual life amendment, because the amendment converts $10 million per year from the Presidential Elections Commission Fund to the EAC, and then this amount is actually indexed for inflation. This makes mandatory appropriations for the EAC not subject to the regular appropriations process.

So the amount is reserved for improvements in ability to vote for members of the uniformed services, elderly individuals and individuals with disabilities to cast ballots in such elections.

Mandatory appropriations will reduce oversight of the EAC. The EAC has been the subject of harsh bipartisan oversight from both Democrat and Republican chairmen of this committee. The EAC has fulfilled its purpose. This amendment seems to be repurposing the Commission just so that they have something to do.

I do appreciate and share Mr. Brady's desire to help military and elderly voters, but this Commission isn't the group to do it. Why would we task the EAC with military voting when we have the Federal Voting Assistance Program? And given the EAC's recent mismanagement of resources, what assurances would we have that they would even be able to provide assistance to these groups? So for that reason, and others that I have mentioned, Madam Chair, I, too, oppose the amendment.

The CHAIRMAN. I thank the gentleman. Any other comments or questions by members? If not the question is on the amendment offered by the gentleman to H.R. 95. All those in favor of the amendment will signify by saying aye; opposed will signify by saying no.

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

Are there any other amendments?

If not, I move that the committee favorably report H.R. 95 to the full House, and the question is on that motion. Those in favor signify by saying aye; opposed, say no.

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

Mr. BRADY. Madam Chair, I announce that the minority members will use 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. I appreciate the gentleman. Pursuant to clause 2(l) of rule XI, a member is entitled to 2 additional calendar days to file such views in writing signed by that member with the clerk of the committee.

I now call up and lay of before the committee H.R. 1994, a bill to terminate the Election Assistance Commission. Without objec-

tion, the first reading of the bill is dispensed with, the bill is considered read and open for amendment at any point.

[The bill follows:]

I

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

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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

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

(9) The existence of the EAC is not necessary to the conduct of Federal elections and is an unnecessary expenditure of taxpayer funds. Any functions of the EAC worth continuing can be performed by other government entities, consortia of government entities, or private associations.

SEC. 2. TERMINATION OF ELECTION ASSISTANCE COMMISSION.

(a) TERMINATION.—The Help America Vote Act of 2002 (42 U.S.C. 15301 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.

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)).

○

The CHAIRMAN. Are there any comments or debate in regard to the bill? Mr. Brady.

Mr. BRADY. Madam Chair, thank you. This is the third attempt to terminate the EAC since the outset of the 112th Congress. On this matter, I don't believe the third time is a charm. I have opposed this proposal before, and I oppose this bill today. Thank you.

The CHAIRMAN. I thank the gentleman. Any other comments or debate on the bill? Do any members want to offer an amendment to the bill?

Mr. BRADY. Madam Chair.

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. BRADY. Thank you. Madam Chair, the arguments in support of EAC are well-known. It is the only Federal agency tasked with assisting State and local elections offices to ensure their Federal elections run smoothly and cost-effective. This is an important and valuable role of the Federal Government to play.

My office has received numerous letters, phone calls and emails from elected officials of both parties from all across the country in support of the EAC and its work. It is a Commission worth reauthorizing and in a few minutes I will offer amendment to do that.

My colleagues should once again reject—excuse me. This argument in support is well-known and it is only Federal agency. It is a Commission worth reauthorizing and in a few minutes, I will offer an amendment to do that. My colleagues should once again once reject this proposal.

The CHAIRMAN. I appreciate the gentleman's comments about the bill. I think both myself and certainly Mr. Harper have articulated a number of reasons why we believe that elimination of the EAC is necessary.

I will just note that the National Secretaries of State, which I was a member of at one time back in the day as well as Mr. Rokita, adopted resolutions calling for the dissolution of the EAC both in 2005 as well as 2010. Again, in calendar year 2013, over $11 million has been appropriated for EAC, money which I think can be used in a much better fashion.

So at this time I would ask if there are any amendments to this bill.

Mr. BRADY. Madam Chair.

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. BRADY. I have an amendment in the nature of a substitute which has been distributed to the members.

The CHAIRMAN. Without objection, the amendment will be considered read, and the gentleman is recognized for 5 minutes to speak on his amendment.

[The amendment of Mr. Brady follows:]

AMENDMENT TO H.R. 1994

OFFERED BY M__. _____

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 "EAC Improvements Act of 2013".

4 (b) FINDINGS.—Congress finds the following:

5 (1) The elections for Federal office which were
6 held in November 2012 were plagued with a number
7 of serious problems, including—

8 (A) long lines at polling places;

9 (B) poll workers who were trained inad-
10 equately;

11 (C) the reduction of hours for early voting;
12 and

13 (D) the imposition of practices which re-
14 stricted eligible individuals from voting, such as
15 requirements to produce photo identification.

16 (2) At the time these problems were developing,
17 the Election Assistance Commission, an agency of
18 the federal government which was establish to assist
19 the States in the administration of elections, lacked

1 a quorum in its membership and therefore could not
2 meet, appoint an executive director or general coun-
3 sel, or otherwise take any actions to prevent these
4 problems from occurring.
5 (3) The inability of the Commission to carry
6 out its duties meant that it could not convene its
7 Standards Board, a collection of State and local
8 election officials with the authority to review guide-
9 lines for the voluntary standards applicable to the
10 voting systems used to administer these elections
11 and to make recommendations for best practices for
12 election administration.
13 (4) The inability of the Commission to carry
14 out its duties meant that no new laboratories could
15 be certified to develop and test the equipment used
16 in these elections.
17 (5) The Election Assistance Commission should
18 be allowed to investigate fully the problems which
19 plagued the elections held in November 2012 and to
20 develop solutions.
21 (6) The Election Assistance Commission should
22 be given the tools it needs to carry out its mission
23 in a manner immune from illogic and partisan bick-
24 ering, so that it can provide States and others in-
25 volved in the administration of elections with the

1 guidance that will enable them to provide each cit-
2 izen who wishes to participate in the electoral proc-
3 ess the ability to do so.
4 (7) The Election Assistance Commission should
5 be permitted to provide to taxpayers and election of-
6 ficials accurate information on the voting equipment
7 used to administer elections and to hold the vendors
8 of such equipment accountable for any problems that
9 may arise with its use.

10 **SEC. 2. REAUTHORIZATION OF COMMISSION.**

11 (a) REAUTHORIZATION.—Section 210 of the Help
12 America Vote Act of 2002 (42 U.S.C. 15330) is amended
13 by striking "for each of the fiscal years 2003 through
14 2005" and inserting "for each of the fiscal years 2014
15 through 2018".
16 (b) TREATMENT OF COMMISSION IN SAME MANNER
17 AS FEDERAL ELECTION COMMISSION FOR PURPOSES OF
18 PAPERWORK REDUCTION ACT.—Section 3502(1) of title
19 44, United States Code, is amended—
20 (1) by redesignating subparagraphs (B), (C),
21 and (D) as subparagraphs (C), (D), and (E); and
22 (2) by inserting after subparagraph (A) the fol-
23 lowing new subparagraph:
24 "(B) the Election Assistance Commis-
25 sion;".

1 **SEC. 3. REQUIRING STATES TO PARTICIPATE IN POST-GEN-**
2 **ERAL ELECTION SURVEYS.**

3 (a) REQUIREMENT.—Title III of the Help America
4 Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended
5 by inserting after section 303 the following new section:

6 **"SEC. 303A. REQUIRING PARTICIPATION IN POST-GENERAL**
7 **ELECTION SURVEYS.**

8 "(a) REQUIREMENT.—Each State shall furnish to the
9 Commission such information as the Commission may re-
10 quest for purposes of conducting any post-election survey
11 of the States with respect to the administration of a regu-
12 larly scheduled general election for Federal office.

13 "(b) EFFECTIVE DATE.—This section shall apply
14 with respect to the regularly scheduled general election for
15 Federal office held in November 2014 and any succeeding
16 election.".

17 (b) CONFORMING AMENDMENT RELATING TO EN-
18 FORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)
19 is amended by striking "and 303" and inserting "303, and
20 303A".

21 (c) CLERICAL AMENDMENT.—The table of contents
22 of such Act is amended by inserting after the item relating
23 to section 303 the following new item:

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

1 **SEC. 4. DETERMINING EXTENT TO WHICH DISABLED INDI-**
2 **VIDUALS HAVE ACCESS TO POLLING PLACES.**

3 (a) ONGOING SURVEYS OF COMPLIANCE WITH
4 ADA.—In accordance with section 241 of the Help Amer-
5 ica Vote Act of 2002 (42 U.S.C. 15381), not later than
6 180 days after the date of the regularly scheduled general
7 election for Federal office held in November 2014 and
8 each succeeding regularly scheduled general election for
9 Federal office, the Election Assistance Commission, shall,
10 with the assistance of the Comptroller General, conduct
11 and publish a survey of each polling place used for the
12 election to determine the percentage of such polling places
13 that were in compliance with the standards applicable to
14 such locations under the Americans With Disabilities Act
15 of 1990.

16 (b) EVALUATION OF NEED TO CONTINUE SUR-
17 VEYS.—At the time the Election Assistance Commission
18 publishes the results of the survey conducted under sub-
19 section (a) with respect to the regularly scheduled general
20 election for Federal office held in November 2022, the
21 Commission shall evaluate and make a recommendation
22 to Congress regarding whether the percentage of polling
23 places in compliance with the standards applicable to such
24 locations under the Americans With Disabilities Act of
25 1990 has increased to such an extent that there is no

1 longer a need to conduct surveys under subsection (a) with
2 respect to subsequent elections.

3 **SEC. 5. ESTABLISHMENT OF PROCEDURES AND FEE**
4 **SCHEDULES FOR CONDUCTING TESTING OF**
5 **VOTING EQUIPMENT HARDWARE AND SOFT-**
6 **WARE; PAYMENT OF USER FEES FOR COM-**
7 **PENSATION OF ACCREDITED LABORATORIES.**

8 (a) IN GENERAL.—Section 231(b) of the Help Amer-
9 ica Vote Act of 2002 (42 U.S.C. 15371(b)) is amended
10 by adding at the end the following new paragraphs:

11 "(3) PROCEDURES FOR CONDUCTING TESTING;
12 PAYMENT OF USER FEES FOR COMPENSATION OF
13 ACCREDITED LABORATORIES.—

14 "(A) ESTABLISHMENT OF ESCROW AC-
15 COUNT.—The Commission shall establish an es-
16 crow account (to be known as the 'Testing Es-
17 crow Account') that will serve as the exclusive
18 source for making payments to accredited lab-
19 oratories for the costs of the testing carried out
20 in connection with the certification, decertifica-
21 tion, and recertification of voting system hard-
22 ware and software.

23 "(B) SCHEDULE OF FEES.—In consulta-
24 tion with the accredited laboratories, the Com-
25 mission shall establish and regularly update a

1 schedule of fees for the testing carried out in
2 connection with the certification, decertification,
3 and recertification of voting system hardware
4 and software, based on the reasonable costs ex-
5 pected to be incurred by the accredited labora-
6 tories in carrying out the testing for various
7 types of hardware and software.

8 "(C) REQUESTS AND PAYMENTS BY MANU-
9 FACTURERS.—A manufacturer of voting system
10 hardware and software may not have the hard-
11 ware or software tested by an accredited labora-
12 tory under this section unless—

13 "(i) the manufacturer submits a de-
14 tailed request for the testing to the Com-
15 mission;

16 "(ii) the request provides sufficient in-
17 formation for the Commission to determine
18 the applicable fee for the testing under the
19 schedule established and in effect under
20 subparagraph (B);

21 "(iii) the Commission approves the re-
22 quest; and

23 "(iv) the manufacturer pays to the
24 Commission, for deposit into the Testing
25 Escrow Account established under sub-

1 paragraph (A), the applicable fee for the
2 testing.
3 "(D) SELECTION OF LABORATORY.—Upon
4 approving a request for testing and receiving
5 the payment from a manufacturer required
6 under subparagraph (C), the Commission shall
7 select at random (to the greatest extent prac-
8 ticable), from all laboratories which are accred-
9 ited under this section to carry out the specific
10 testing requested by the manufacturer, an ac-
11 credited laboratory to carry out the testing.
12 "(E) PAYMENTS TO LABORATORIES.—
13 Upon determining that a laboratory selected to
14 carry out testing pursuant to subparagraph (D)
15 has completed the testing in accordance with
16 the approved request, the Commission shall
17 make a payment to the laboratory from the
18 Testing Escrow Account established under sub-
19 paragraph (A) in an amount equal to the appli-
20 cable fee paid by the manufacturer under sub-
21 paragraph (C)(iv).
22 "(4) DISSEMINATION OF ADDITIONAL INFORMA-
23 TION ON ACCREDITED LABORATORIES.—
24 "(A) LIST OF ACCREDITED LABORA-
25 TORIES.—The Commission shall maintain and

1 publish an updated list of all accredited labora-
2 tories under this section.
3 "(B) INFORMATION ON STATUS OF LAB-
4 ORATORIES.—In addition to updating the list
5 maintained and published under subparagraph
6 (A), the Commission shall promptly notify Con-
7 gress, the chief State election official of each
8 State, and the public whenever—
9 "(i) the Commission revokes, termi-
10 nates, or suspends the accreditation of a
11 laboratory under this section;
12 "(ii) the Commission restores the ac-
13 creditation of a laboratory under this sec-
14 tion which has been revoked, terminated,
15 or suspended; or
16 "(iii) the Commission has credible evi-
17 dence of a significant security failure at an
18 accredited laboratory.
19 "(C) INFORMATION ON TESTING.—Upon
20 completion of the testing of a voting system
21 under this section, the Commission shall
22 promptly disseminate to the public the identi-
23 fication of the laboratory which carried out the
24 testing.".

1 (b) CONFORMING AMENDMENTS.—Section 231 of
2 such Act (42 U.S.C. 15371) is further amended—
3 (1) in subsection (a)(1), by striking "testing,
4 certification," and all that follows and inserting the
5 following: "testing of voting system hardware and
6 software by accredited laboratories in connection
7 with the certification, decertification, and recertifi-
8 cation of the hardware and software for purposes of
9 this Act.";
10 (2) in subsection (a)(2), by striking "testing,
11 certification," and all that follows and inserting the
12 following: "testing of its voting system hardware and
13 software by the laboratories accredited by the Com-
14 mission under this section in connection with certi-
15 fying, decertifying, and recertifying the hardware
16 and software.";
17 (3) in subsection (b)(1), by striking "testing,
18 certification, decertification, and recertification" and
19 inserting "testing"; and
20 (4) in subsection (d), by striking "testing, cer-
21 tification, decertification, and recertification" each
22 place it appears and inserting "testing".
23 (c) DEADLINE FOR ESTABLISHMENT OF ESCROW AC-
24 COUNT AND SCHEDULE OF FEES.—The Election Assist-
25 ance Commission shall establish the Testing Escrow Ac-

1 count and schedule of fees described in section 231(b)(3)
2 of the Help America Vote Act of 2002 (as added by sub-
3 section (a)) not later than January 1, 2014.

4 **SEC. 6. STUDY OF METHODS TO REDUCE COSTS OF ADMIN-**
5 **ISTERING ELECTIONS.**

6 (a) ANALYSIS OF FACTORS AFFECTING COSTS OF
7 ADMINISTERING ELECTIONS.—The Election Assistance
8 Commission shall conduct a study analyzing various fac-
9 tors that affect the costs to States and units of local gov-
10 ernment of administering elections for Federal office, in-
11 cluding the following specific factors:

12 (1) The durability of the equipment used in vot-
13 ing systems.

14 (2) The extent to which States and units of
15 local government must replace existing systems be-
16 cause such systems are not capable of using en-
17 hanced software or are not capable of being up-
18 graded in a cost-effective manner.

19 (3) The lack of competition among vendors and
20 manufacturers of the equipment used in voting sys-
21 tems because of consolidation in the voting system
22 industry.

23 (b) RECOMMENDATIONS FOR STEPS TO REDUCE
24 COSTS.—The Commission shall include in the study con-
25 ducted under this section such recommendations as the

1 Commission shall consider appropriate to reduce the costs
2 incurred by States and units of local government in ad-
3 ministering elections for Federal office, including rec-
4 ommendations for legislative action by Congress or the
5 States.

6 (c) DEADLINE.—Not later than 180 days after the
7 date of the enactment of this Act, the Commission shall
8 submit the study conducted under this section to Con-
9 gress.

10 **SEC. 7. STUDY OF METHODS FOR INCREASING EFFICIENCY**
11 **AND COST-EFFECTIVENESS OF ELECTION AS-**
12 **SISTANCE COMMISSION.**

13 (a) STUDY.—The Comptroller General shall conduct
14 a study of the administrative operations of the Election
15 Assistance Commission, and shall include in the study an
16 analysis of various methods for increasing the efficiency
17 and cost-effectiveness of such operations.

18 (b) DEADLINE; REPORT.—Not later than 90 days
19 after the date of the enactment of this Act, the Comp-
20 troller General shall submit to Congress a report on the
21 study conducted under subsection (a), and shall include
22 in the report such recommendations as the Comptroller
23 General considers appropriate.

24 (c) PARTICIPATION OF ELECTION ASSISTANCE COM-
25 MISSION.—The Election Assistance Commission shall pro-

1 vide the Comptroller General with such assistance as the
2 Comptroller General may require to carry out this section.

Amend the title so as to read: "A bill to amend the Help America Vote Act of 2002 to improve the operations of the Election Assistance Commission, and for other purposes.".

Mr. BRADY. Thank you. This amendment would reauthorize the Election Assistance Commission to allow the agency to continue its important mission. Additionally, it calls for the EAC to determine the extent of which polling places are accessible for disabled voters and ensure all voters can cast their ballot. The amendment also tasks the EAC with determining the most cost-effective method to administer elections as well as methods for increasing the cost-effectiveness and value of the agency itself.

Finally, this amendment will result in more transparency in the testing and certification of voting machines by establishing an escrow account that prevents machine manufacturers from paying directly to the laboratories ordering their machines and making information about the testing and certification results available to the public.

This amendment continues the important mission of the EAC, which is to help America vote and making sure every vote is counted. I would ask my colleagues to support this amendment.

The CHAIRMAN. I thank the gentleman for offering that amendment, and certainly again in the spirit in which the amendment was offered. I would just again comment, having just received the amendment, I am a huge 10th Amendment person, I think most of us are, and it appears at first blush looking at this amendment that you are actually giving the EAC more power over the States, shifting the burden from the States to the EAC, so it is sort of making the EAC more powerful. I am not sure that it makes it more efficient. Again, I don't think we need the EAC at all and we certainly don't need to give it anything else to do at this time, so I will be opposing the gentleman's amendment.

Are there any other comments to the gentleman's amendment? The gentleman from Mississippi.

Mr. HARPER. Thank you, Madam Chair. You know, it is interesting that it was stated that it is designed, the EAC is supposed to help the States and localities be cost-effective, and that is rather ironic because the Election Assistance Commission would be the poster child for wasting money and not being cost-effective. They have done such things as double their employees' size in the last 4 or 5 years without any new responsibilities, not to mention the Inspector General reports that contain such information about spending $7,000 worth of taxpayer money to buy employees shirts for morale. I mean, come on.

Then you look at other issues on spending and things that they have done, and the two discrimination cases against them that had to be resolved and settled and paid out in taxpayer funds to resolve those. It is just the mismanagement is such, we don't need to be expanding their work or keeping them. And I think we do need to go back, despite that history, and look at the fact that the bipartisan group, National Association of Secretaries of State, have looked at this agency that was supposed to last for 3 years after HAVA, and it now has gone on for, I guess more than 10 years now with no real end in sight. So this is a chance to do that.

I ask to vote in opposition to this amendment, and I yield back.

The CHAIRMAN. I thank the gentleman. You know, I would also comment about the EAC. Really, they did have their purpose originally. When the country, the Congress was appropriating all this

money are for HAVA, over $3 billion that was shuffled out the door to all these various States for equipment, you had to have sort of a distribution point, somebody for accountability for that. So I do think the EAC had its time and its place. But I think, again, it has long outlived its usefulness.

I would even just make a personal observation, listening to the President's State of the Union when he constituted this National Elections Committee to study what has happened and some of the best practices and worst practices in how elections are being administered in some of the States, he never mentioned the EAC. He never gave them any responsibilities in that. Here you have a staff, they already have housing, they have got an office here in D.C. So they are staffed up and they have an office space, and yet the President, in his comments, never mentioned them or thought to utilize them in any way.

So, again, I just think that they have outlived their usefulness and I will be opposing the gentleman's amendment.

Are there any other members that wish to speak to the amendment? The gentleman from California.

Mr. VARGAS. Thank you, Madam Chairman. I would like to support the amendment made by the ranking member. I think all of us remember the huge lines in this last presidential election. In fact, it was rather striking, on television there was a gentleman who was an elderly veteran who had been standing in line for hours attempting to vote, and he said that he had gone and put his life on the line and had fought for the opportunity to vote, and yet it was so difficult, it seemed that they made it purposely difficult for him to cast his vote. That shouldn't happen in America. You should have the right to vote. A person, especially a veteran who is disabled, went and fought for our country, should expeditiously be able to go and vote his conscience for whomever he is going to vote for, for whomever she is going to vote for.

I had the opportunity in 2000 to be an international observer to the Mexican election when Vincente Fox became the first person to defeat the established party there, the PRI, and the shocking thing for me was the size of the lines to vote. I think in Mexico they purposefully made it difficult to vote so one party would stay in power, at least that is what it seemed to me as an observer, and the lines were incredibly long. Yet that is exactly what we saw.

In a developing country you see those lines, you think, well, they don't have the technology, they don't have the money, they don't have the assistance. But to see those times of lines in America is outrageous. I mean, we have to do something about it, and I think that is what the amendment attempts to address and I appreciate the amendment. Thank you.

The CHAIRMAN. I thank the gentleman. I also think we all watched those lines on TV, and my personal reaction to it was amazement that that was still happening. It is sort of amongst the usual suspects, I will say. This is my personal opinion. Florida, some places here in the District, in Virginia. In my State of Michigan, we didn't have any stories like that. In your State, they didn't have any stories like that.

There were a couple of places that had those stories, and I believe as a former election official, as soon as I saw that, I thought,

well, first of all, there ought to be accountability of the election supervisors locally that were running those elections. I was pretty sure that it was because they hadn't adequately trained their election inspectors, their precinct workers, they didn't have adequate amount of election equipment out there numerically for the demographics that they were servicing within those precincts, they just didn't have enough election equipment.

Also, I am listening to some of these news reports where they are saying, I think it was in Florida, I am trying to remember exactly where they were talking about, they had 11 pages on the ballot or something because of all of these, and we have a member of from Florida here, because of the ballot questions that were on there. I can't even imagine going through page after page after page reading these ballot questions, and I will yield to the gentleman in just a moment, but I know in most States, you have your election commissioner or whatever go through and summarize very quickly, but yet getting the intent of what the ballot question is, not the entire language of that.

So again, I am not sure that when I saw the President appoint this Presidential Commission, in my opinion, I think you ought to hold the election officials who are running those elections accountable, and in the State of Florida, that is actually what happened because the Governor went to the Secretary of State and said, look at this, this is not right. And we ought have somebody look at it, make recommendations, which the Secretary of State in Florida did do, I know it is up online, I was reading it. Essentially many of the things that I brought forth and others that they found were exactly what happened there.

Again, I am a 10th Amendment person. I think it is up to the State, and I am happy to yield to my friend, the colleague from Florida for any comment about that as well.

Mr. NUGENT. I thank the chairman for that. Florida, unfortunately, has had been in the national news on a couple issues over the years on elections. But when you look specifically at the areas, one was that ballot initiative, the constitutional amendments to the Constitution, 11 pages, which absolutely slowed the process down measurably. I mean, it was overwhelming.

But if you look, I think you mentioned the usual suspects, but if you look in particular at the one county that it occurred in the worst, that supervisor of elections, it wasn't a Republican supervisor of elections. The supervisors of elections within the counties have great latitude and control of their elections in regards to staffing and the number of locations they want to open up.

Just in my home county, you know, the new supervisor of election who is now a Republican who actually was one of my employees down in the district got elected, she has already increased the number of locations and hours to actually handle those types of issues. So you don't have people disenfranchised to have to stand and wait. Because I remember just early voting, driving by and seeing the lines so long that you would wait until the lines went down, and they never did.

So it really is a local issue, it is a State issue in regards to how they set those up. And you are right, the Federal Government doesn't do a good job anyhow as it relates to those State issues. So

the Election Commission never did that to start with, and wasn't challenged by the President to do that. So I absolutely support this.

The CHAIRMAN. Just one other comment, watching Florida in particular, but in Michigan we don't have either no reason absentee voting or early vote. I have often been told if we had both of those things in Michigan we would really expedite the process. But I notice in your State, you have both of those things. I just point that out. So again, I think it points to the local election supervisor.

Mr. NUGENT. They have gone out of their way in regards to absentee voting. At one point in time, you had to have a reason. Now you don't. Anybody can absentee vote. They encourage people to absentee vote or early vote. So I think they have made a lot of accommodations trying to get more people the access to vote, but a lot of folks still want to go in there and put their mark on it.

The CHAIRMAN. Absolutely. Well, I think we are certainly all in agreement of free, open, fair elections, and having long lines like that, there is no reason for it in today's time, no reason at all.

I recognize the gentleman from Indiana, the former Secretary of State, Mr. Rokita.

Mr. ROKITA. I thank the Chairman. I am struck by Mr. Vargas' statements. First of all, I would like to say that in my years as an election official, I never knew one election official that didn't want the best for their voters, that didn't want an equal—excuse me, an accurate outcome, not equal. We wanted someone to win one way or another. We didn't necessarily like recounts, but we wanted a process that not only we could be proud of, given our profession, but that people would have confidence in.

The reason I am concerned about the comments is because for some reason this amendment is about the EAC, and this is an amendment about making the EAC more powerful, actually not necessarily more efficient, but bigger and more powerful than it already is. And like the gentleman from Florida says, it exists here and now. It didn't solve the lines in Florida, nor would it nor will it ever no matter how big or how powerful it becomes. So that is one thing.

I also would like to echo the comments that were alluded to a little bit earlier by the chairman and the gentleman from Florida, in that I don't know how it is in Mexico, but in all States, you can vote by absentee ballot. Some have, I wouldn't call them restrictions, I think that is too strong a word, but qualifications.

In the gentleman's example, even if that gentleman wasn't from Florida where he didn't have to have an excuse at all to vote absentee by mail, let's say, he would have fit the qualification in Indiana because of his age and because of his disability. So the idea that he might have been in a line, albeit unfortunate, was his choice. And at some point we have to have parameters and rules to our election process or else we have chaos.

So I think Florida has gone beyond what it really has to do in allowing people without any excuse whatsoever to vote absentee, but that is their choice and that is the good thing. I don't know anything about the ballot initiative being 11 pages, but I think that is unreasonable and that probably contributed to the lines. But that doesn't mean there is a systemic failure, and it certainly doesn't mean that we need to make this government agency that

hasn't performed well at all, whose reason for existence in the first place has been met, that we need to re-purpose it or make it bigger.

By the way, I am not here to trash or beat up on EAC as an agency or any of the people in it, because I think the attitude and the problems demonstrated by this little baby agency, Madam Chairman, is really just a microcosm of the attitude and pervasiveness of some of the problems we have across all agencies, and we only have to look to a hearing going on in another part of the House side of this Congress to see the effect of that attitude, of that sloppiness, of that bias.

I will say on the record I was a victim of EAC bias during one of their reports that caused an Inspector General investigation that called into account and clearly exposed that attitude. So it exists, it is out there, and the last thing we need to do with respect to the author of the amendment is make this agency or any agency any bigger or more powerful.

What do I mean by more powerful? This amendment, as I understand it, removes the EAC, one example, removes the EAC from OMB oversight under the Paperwork Reduction Act so there is no control over what information they demand from the States, and I think that is absolutely the wrong way to go.

I will close by just saying that the gentleman from Mississippi used the word ironic when talking about the purpose of this amendment and how it would make the States more efficient. I think the word better suited to my experience, at least as Indiana's chief election officer for 8 years, is offensive. The States may not be perfect. By definition of the word "human," Madam Chairman, no one is perfect. But everywhere I saw at the State level and local level, all of us wanted to get it right and we wanted to get it right for this free republic above all else. And to say that some overseers here in this town are going to make sure we do it better is, I think, going to be intolerable for nearly all if not all of our State brothers and sisters.

I yield back.

The CHAIRMAN. I thank the gentleman for his comments. The gentleman from Pennsylvania.

Mr. BRADY. May I just make a quick comment. I don't know just how much just authority—and I looked into it when I was chair of this committee—we have to agree with my friends from Indiana and Florida by saying we make elections fairer, but not only in the States but throughout the entire country.

In the State of Pennsylvania, we do have restrictions on absentee ballots to get an absentee ballot. We have no early voting. You have to be 65 years old or older. You have to have a doctor's certificate which is a little inconvenient from time to time, and you have to either show proof that you are out-of-state to be able to vote absentee ballot, which is not unlike, and I wish we had the same rules as Florida and Indiana had with the early voting, which we don't have either. And it would be maybe—I would love to try to look into making all things equal throughout the whole United States, I mean, to make every State fair and have every State have the exact way how they can vote.

To throw out one agency that tries to make it a little better, maybe supposed to, if they don't, maybe we can reform it instead of throwing it out, that has a little bit of teeth into putting some type of penalty on people that do violate it. We had lines in Pennsylvania, not only in Mexico, you know. I could not imagine, and I do chair the party in the City of Philadelphia, and I do have to run elections there to the best that I can and as much as I can.

I could not imagine having 11 constitutional ballot questions on a ballot. I mean, that is somebody's mistake somewhere. I know I would have—I wouldn't have fired the person. With no disrespect, I would have shot him for putting that on the ballot.

But I would like to maybe, again, say this in the spirit of maybe in cooperation where we can have every State have the same exact qualifications of early voting, absentee voting, and this way makes it fair for people from Pennsylvania, people from New Jersey, people from Florida, Indiana, wherever you are from. And maybe that is something I kept trying to look into and will continue to look into and my staff, maybe we can figure out a way to make that happen. The fairness in all elections is most important to all of us. So thank you.

The CHAIRMAN. I thank the gentleman. Any other questions or comments? The gentleman from Georgia.

Mr. GINGREY. Madam Chair, thank you. I am in opposition to the amendment. To a large extent, we are here to represent the voices of our constituents, each of us, approximately 700,000, and the voices of our State, our State government, being firm believers in the 10th Amendment and that which rules best rules closest to the people.

Our Secretary of State has made it abundantly clear to me that this amendment is not necessary, and that the EAC indeed has outlived its usefulness. Some of the comments made by my colleague on the other side of the aisle whom I have great respect for in regard to, let's say, making everything equal, well, think about the Voting Rights Act, a piece of legislation that was abundantly necessary when it was passed because of egregious behavior regarding voting in certain States across the country, and indeed a lot of those States were in the Southeast. But, you know, here we are 50 years later, these States, and one of them is mine, the great State of Georgia, is far, far beyond that, and yet we are under section 5 of the Voting Rights Act for another 25 years. So, so much for making everything equal. Why not make that applicable to all 50 States, rather than just 13 and in parts of a few more?

This Election Assistance Commission, I was just told by my colleague a few minutes ago, while there are no commissioners, they are still leasing office space at a tune of $1 million a year. Now, if you were having to pay rent on an empty office space to the tune of $1 million a year and you were a small businessman or woman, you would be a little bit concerned about that.

So this amendment does not reform the EAC. It expands it. It includes no reforms or efficiency. What it actually does is it reauthorizes it through 2018. It forces States to submit information the EAC asks for in post-election surveys. It removes the EAC from OMB oversight under the Paperwork Reduction Act, so there is no

control over what information they demand. It gives the EAC more power over States. It shifts the burden from EAC to the States.

Why it is bad is it does not address any of the real problems at the EAC. It makes the EAC more powerful, not more efficient, and we don't need the EAC at all and we certainly don't need to give it more to do. It has nothing to do now except pay $1 million a year rent for empty office space.

I am opposed to the amendment, and I yield back.

The CHAIRMAN. I thank the gentleman. Any other members wish to be recognized to speak on the amendment?

If no more comments, we will vote on the gentleman's amendment. The question is on the amendment offered by the gentleman from Pennsylvania to H.R. 1994. Those in favor of the amendment signify by sayings aye; those opposed will signify by saying nay.

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

Are there any other amendments? If not, I move that the committee favorably report H.R. 1994 to the House and the question is on that 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.

Gentleman from Pennsylvania.

Mr. BRADY. I announce that the minority members will use the two additional calendar days provided by our clause 2(l) of rule XI of the Rules of the House in order to file abuse.

The CHAIRMAN. I thank the gentleman. Without objection the motion to reconsider is laid upon the table. And pursuant to clause 2 of rule XI the member is entitled to two 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.

And this concludes today's markup. The meeting for the markup is adjourned. I appreciate the interesting debate and for all of the members. As you know, we are now prepared to begin our hearing for H.R. 2115.

[Whereupon, at 12:01 p.m., the markup was concluded.]