

Union Calendar No. 275

114TH CONGRESS
1ST SESSION

H. R. 195

[Report No. 114-361]

To terminate the Election Assistance Commission.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2015

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

DECEMBER 3, 2015

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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.**

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

6 **SEC. 2. TERMINATION OF ELECTION ASSISTANCE COMMIS-**
7 **SION.**

8 (a) TERMINATION.—The Help America Vote Act of
9 2002 (52 U.S.C. 20901 et seq.) is amended by adding at
10 the end the following new title:

11 **“TITLE X—TERMINATION OF**
12 **COMMISSION**

13 **“SEC. 1001. TERMINATION.**

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

20 **“SEC. 1002. OFFICE OF MANAGEMENT AND BUDGET TO**
21 **PERFORM TRANSITION FUNCTIONS.**

22 “Except as provided in section 1004, the Director of
23 the Office of Management and Budget shall, effective
24 upon the Commission termination date—

1 “(1) perform the functions of the Commission
2 with respect to contracts and agreements described
3 in subsection 1003(a) until the expiration of such
4 contracts and agreements, but shall not renew any
5 such contract or agreement; and

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

8 **“SEC. 1003. SAVINGS PROVISIONS.**

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13 continue in effect until modified, superseded, terminated,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

17 “(b) OBLIGATIONS OF RECIPIENTS OF PAYMENTS.—

18 “(1) IN GENERAL.—The termination of the
19 Commission under this title shall not affect the au-
20 thority of any recipient of a payment made by the
21 Commission under this Act prior to the Commission
22 termination date to use any portion of the payment
23 that remains unobligated as of the Commission ter-
24 mination date, and the terms and conditions that

1 applied to the use of the payment at the time the
2 payment was made shall continue to apply.

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

22 “(c) PENDING PROCEEDINGS.—

23 “(1) NO EFFECT ON PENDING PROCEEDINGS.—
24 The termination of the Commission under this title
25 shall not affect any proceeding to which the Com-

1 mission is a party that is pending on the Commis-
2 sion termination date, including any suit to which
3 the Commission is a party that is commenced prior
4 to such date, and the Director of the Office of Man-
5 agement and Budget shall be substituted or added
6 as a party to the proceeding.

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

16 “(3) CONSTRUCTION RELATING TO DIS-
17 CONTINUANCE OR MODIFICATION.—Nothing in this
18 subsection shall be deemed to prohibit the dis-
19 continuance or modification of any proceeding de-
20 scribed in paragraph (1) under the same terms and
21 conditions and to the same extent that such pro-
22 ceeding could have been discontinued or modified if
23 the Commission had not been terminated.

24 “(4) REGULATIONS FOR TRANSFER OF PRO-
25 CEEDINGS.—The Director of the Office of Manage-

1 ment and Budget may issue regulations providing
2 for the orderly transfer of proceedings described in
3 paragraph (1).

4 “(d) JUDICIAL REVIEW.—Orders and actions of the
5 Director of the Office of Management and Budget in the
6 exercise of functions of the Commission under section
7 1002 shall be subject to judicial review to the same extent
8 and in the same manner as if such orders and actions had
9 been issued or taken by the Commission. Any require-
10 ments relating to notice, hearings, action upon the record,
11 or administrative review that apply to any function of the
12 Commission shall apply to the exercise of such function
13 by the Director.

14 **“SEC. 1004. RETURN TO FEDERAL ELECTION COMMISSION**
15 **OF AUTHORITY TO CARRY OUT CERTAIN**
16 **FUNCTIONS UNDER NATIONAL VOTER REG-**
17 **ISTRATION ACT OF 1993.**

18 “Effective on the Commission termination date, there
19 are transferred to the Federal Election Commission any
20 functions transferred to the Election Assistance Commis-
21 sion under section 802 (relating to functions described in
22 section 9(a) of the National Voter Registration Act of
23 1993).

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

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

5 (b) **TERMINATION OF TECHNICAL GUIDELINES DE-**
6 **VELOPMENT COMMITTEE.**—Section 221 of such Act (52
7 U.S.C. 20961) is amended by adding at the end the fol-
8 lowing new subsection:

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

12 (c) **CLERICAL AMENDMENT.**—The table of contents
13 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.”.

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

17 (a) **FEDERAL ELECTION CAMPAIGN ACT OF 1971.**—
18 Section 311(a) of the Federal Election Campaign Act of
19 1971 (52 U.S.C. 30111(a)) is amended—

20 (1) by striking “and” at the end of paragraph
21 (8);

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

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

5 “(10) carry out the duties described in section
6 9(a) of the National Voter Registration Act of
7 1993.”.

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

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

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