ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRIMM). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

ELECTION SUPPORT CONSOLIDATION AND EFFICIENCY ACT

Mr. HARPER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 672) to terminate the Election Assistance Commission, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 672

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Election Support Consolidation and Efficiency Act''.

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

''Subtitle A—Termination

''SEC. 1001. TERMINATION.

''Effective on the Commission termination date, the Commission (including the Election Assistance Commission Standards Board and the Election Assistance Commission Board of Advisors under part 2 of subtitle A of title II) is terminated and may not carry out any programs or activities.

''SEC. 1002. TRANSFER OF OPERATIONS TO OFFICE OF MANAGEMENT AND BUDGET DURING TRANSITION.

''(a) IN GENERAL.—The Director of the Office of Management and Budget shall, effective upon the Commission termination date—

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

''(2) shall take the necessary steps to wind up the affairs of the Commission.

''(b) EXCEPTION FOR FUNCTIONS TRANSFERRED TO OTHER AGENCIES.—Subsection (a) does not apply with respect to any functions of the Commission that are transferred under subtitle B.

''SEC. 1003. SAVINGS PROVISIONS.

''(a) PRIOR CONTRACTS.—The termination of the Commission under this subtitle shall not affect any contract that has been entered into by the Commission before the Commission termination date. All such contracts shall continue in effect until modified, superseded, terminated, set aside, or revoked in accordance with law by an authorized Federal official, a court of competent jurisdiction, or operation of law.

''(b) OBLIGATIONS OF RECIPIENTS OF PAYMENTS.—

''(1) IN GENERAL.—The termination of the Commission under this subtitle shall not affect the authority of any recipient of a payment made by the Commission under this Act prior to the Commission termination date to use any portion of the payment that remains unobligated as of the Commission termination date, and the terms and conditions that applied to the use of the payment at the time the payment was made shall continue to apply.

''(2) SPECIAL RULE FOR STATES RECEIVING REQUIREMENTS PAYMENTS.—In the case of a requirements payment made to a State under part 1 of subtitle D of title II, the terms and conditions applicable to the use of the payment for purposes of the State's obligations under this subsection (as well as any obligations in effect prior to the termination of the Commission under this subtitle), and for purposes of any applicable requirements imposed by regulations promulgated by the Director of the Office of Management and Budget, shall be the general terms and conditions applicable under Federal law, rules, and regulations to payments made by the Federal government to a State, except that to the extent that such general terms and conditions are inconsistent with the terms and conditions that are specified under part 1 of subtitle D of title II or section 902, the terms and conditions specified under such part and such section shall apply.

''(c) PENDING PROCEEDINGS.—

''(1) NO EFFECT ON PENDING PROCEEDINGS.—The termination of the Commission under this subtitle shall not affect any proceeding to which the Commission is a party that is pending on such date, including any suit to which the Commission is a party that is commenced prior to such date, and the applicable official shall be substituted or added as a party to the proceeding.

''(2) TREATMENT OF ORDERS.—In the case of a proceeding described in paragraph (1), an order may be issued, an appeal may be taken, judgments may be rendered, and payments may be made as if the Commission had not been terminated. Any such order shall continue in effect until modified, terminated, superseded, or revoked by an authorized Federal official, a court of competent jurisdiction, or operation of law.

''(3) CONSTRUCTION RELATING TO DISCONTINUANCE OR MODIFICATION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if the Commission had not been terminated.

''(4) REGULATIONS FOR TRANSFER OF PROCEEDINGS.—The Director of the Office of Management and Budget may issue regulations providing for the orderly transfer of proceedings described in paragraph (1).

''(d) JUDICIAL REVIEW.—Orders and actions of the applicable official in the exercise of functions of the Commission shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been issued or taken by the Commission. Any requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function of the Commission shall apply to the exercise of such function by the applicable official.

''(e) APPLICABLE OFFICIAL DEFINED.—In this section, the 'applicable official' means, with respect to any proceeding, order, or action—

''(1) the Director of the Office of Management and Budget, to the extent that the proceeding, order, or action relates to functions performed by the Director of the Office of Management and Budget under section 1002; or

''(2) the Federal Election Commission, to the extent that the proceeding, order, or action relates to a function transferred under subtitle B.

''SEC. 1004. COMMISSION TERMINATION DATE.

''The 'Commission termination date' is the first date following the expiration of the 60-day period that begins on the date of the enactment of this subtitle.

''Subtitle B—Transfer of Certain Authorities

''SEC. 1011. TRANSFER OF ELECTION ADMINISTRATION FUNCTIONS TO FEDERAL ELECTION COMMISSION.

''There are transferred to the Federal Election Commission (hereafter in this section referred to as the 'FEC') the following functions of the Commission:

''(1) The adoption of voluntary voting system guidelines, in accordance with part 3 of subtitle A of title II.

''(2) The testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories, in accordance with subtitle B of title II.

''(3) The maintenance of a clearinghouse of information on the experiences of State and local governments in implementing voluntary voting system guidelines and in operating voting systems in general.

''(4) The development of a standardized format for reports submitted by States under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act, and the making of such format available to States and units of local government submitting such reports, in accordance with section 703(b).

''(5) Any functions transferred to the Commission under section 801 (relating to functions of the former Office of Election Administration of the FEC).

''(6) Any functions transferred to the Commission under section 802 (relating to functions described in section 9(a) of the National Voter Registration Act of 1993).

''(7) Any functions of the Commission under section 1604(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note) (relating to establishing guidelines and providing technical assistance with respect to electronic voting demonstration projects of the Secretary of Defense).

''(8) Any functions of the Commission under section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–7(e)(1)) (relating to providing technical assistance with respect to technology pilot programs for the benefit of absent uniformed services voters and overseas voters).

''SEC. 1012. EFFECTIVE DATE.

''The transfers under this subtitle shall take effect on the Commission termination date described in section 1004.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following:

''TITLE X—TERMINATION OF COMMISSION

''Subtitle A—Termination

''Sec. 1001. Termination.
''Sec. 1002. Transfer of operations to Office of Management and Budget during transition.
''Sec. 1003. Savings provisions.
''Sec. 1004. Commission termination date.

''Subtitle B—Transfer of Certain Authorities

''Sec. 1011. Transfer of election administration functions to Federal Election Commission.
''Sec. 1012. Effective date.''.

SEC. 3. REPLACEMENT OF STANDARDS BOARD AND BOARD OF ADVISORS WITH GUIDELINES REVIEW BOARD.

(a) REPLACEMENT.—Part 2 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15341 et seq.) is amended to read as follows:

''PART 2—GUIDELINES REVIEW BOARD

''SEC. 211. ESTABLISHMENT.

''There is established the Guidelines Review Board (hereafter in this part referred to as the 'Board').

''SEC. 212. DUTIES.

''The Board shall, in accordance with the procedures described in part 3, review the voluntary voting system guidelines under such part.

''SEC. 213. MEMBERSHIP.

''(a) IN GENERAL.—The Board shall be composed of 82 members appointed as follows:

''(1) One State or local election official from each State, to be selected by the chief State election official of the State, who shall take into account the needs of both State and local election officials in making the selection.

''(2) 2 members appointed by the National Conference of State Legislatures.

''(3) 2 members appointed by the National Association of Secretaries of State.

''(4) 2 members appointed by the National Association of State Election Directors.

''(5) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

''(6) 2 members appointed by the Election Center.

''(7) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

''(8) 2 members appointed by the United States Commission on Civil Rights.

''(9) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

''(10) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

''(11) The director of the Federal Voting Assistance Program of the Department of Defense.

''(12) The Director of the National Institute of Standards and Technology or the Director's designee.

''(13) 4 members representing professionals in the field of science and technology, of whom—

''(A) one each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and

''(B) one each shall be appointed by the Majority Leader and the Minority Leader of the Senate.

''(14) 4 members representing voter interests, of whom—

''(A) one each shall be appointed by the chair and ranking minority member of the Committee on House Administration of the House of Representatives; and

''(B) one each shall be appointed by the chair and ranking minority member of the Committee on Rules and Administration of the Senate.

''(b) MANNER OF APPOINTMENTS.—

''(1) IN GENERAL.—Appointments shall be made to the Board under subsection (a) in a manner which ensures that the Board will be bipartisan in nature and will reflect the various geographic regions of the United States.

''(2) SPECIAL RULE FOR CERTAIN APPOINTMENTS.—The 2 individuals who are appointed as members of the Board under each of the paragraphs (2) through (9) of subsection (a) may not be members of the same political party.

''(c) TERM OF SERVICE; VACANCY.—Members of the Board shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board shall be filled in the manner in which the original appointment was made.

''(d) EXECUTIVE BOARD.—

''(1) IN GENERAL.—Not later than 60 days after the day on which the appointment of its members is completed, the Board shall select 9 of its members to serve as the Executive Board of the Guidelines Review Board, of whom—

''(A) not more than 5 may be State election officials;

''(B) not more than 5 may be local election officials; and

''(C) not more than 5 may be members of the same political party.

''(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

''(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Board—

''(A) 3 shall serve for 1 term;

''(B) 3 shall serve for 2 consecutive terms; and

''(C) 3 shall serve for 3 consecutive terms, as determined by lot at the time the members are first appointed.

''(4) DUTIES.—The Executive Board of the Board shall carry out such duties of the Board as the Board may delegate.

''(e) BYLAWS; DELEGATION OF AUTHORITY.—The Board may promulgate such bylaws as it considers appropriate to provide for the operation of the Board, including bylaws that permit the Executive Board to grant to any of its members the authority to act on behalf of the Executive Board.

''SEC. 214. POWERS; NO COMPENSATION FOR SERVICE.

''(a) HEARINGS AND SESSIONS.—

''(1) IN GENERAL.—To the extent that funds are made available by the Federal Election Commission, the Board may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this title, except that the Board may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

''(2) MEETINGS.—The Board shall hold a meeting of its members—

''(A) not less frequently than once every 2 years for purposes selecting the Executive Board and voting on the voluntary voting system guidelines referred to it under section 222; and

''(B) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

''(b) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board, the head of such department or agency shall furnish such information to the Board.

''(c) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

''(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board, the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

''(e) NO COMPENSATION FOR SERVICE.—Members of the Board shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

''SEC. 215. STATUS OF BOARD AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

''(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Board and its members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

''(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Board.''.

(b) CONFORMING AMENDMENTS.—

(1) MEMBERSHIP ON TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—Section 221(c)(1) of such Act (42 U.S.C. 15361(c)(1)) is amended—

(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

''(i) Members of the Guidelines Review Board.'';

(B) by redesignating clause (iii) of subparagraph (A) as clause (ii); and

(C) in subparagraph (D), by striking ''Standards Board or Board of Advisors'' and inserting ''Guidelines Review Board''.

(2) CONSIDERATION OF PROPOSED GUIDELINES.—Section 222(b) of such Act (42 U.S.C. 15362(b)) is amended—

(A) in the heading, by striking ''BOARD OF ADVISORS AND STANDARDS BOARD'' and inserting ''GUIDELINES REVIEW BOARD''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) GUIDELINES REVIEW BOARD.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Guidelines Review Board.''.

(3) REVIEW OF PROPOSED GUIDELINES.—Section 222(c) of such Act (42 U.S.C. 15362(c)) is amended by striking ''the Board of Advisors and the Standards Board shall each review'' and inserting ''the Guidelines Review Board shall review''.

(4) FINAL ADOPTION OF PROPOSED GUIDELINES.—Section 222(d) of such Act (42 U.S.C. 15362(d)) is amended by striking ''the Board of Advisors and the Standards Board'' each place it appears in paragraphs (1) and (2) and inserting ''the Guidelines Review Board''.

(5) ASSISTANCE WITH NIST REVIEW OF TESTING LABORATORIES.—Section 231(c)(1) of such Act (42 U.S.C. 15371(c)(1)) is amended by striking ''the Standards Board and the Board of Advisors'' and inserting ''the Guidelines Review Board''.

(6) ASSISTING FEC WITH DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS ON ABSENTEE BALLOTS OF ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—Section 703(b) of such Act (42 U.S.C. 1973ff–1 note) is amended by striking ''the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board'' and inserting ''the Guidelines Review Board''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to part 2 of subtitle A of title II to read as follows:

''PART 2—GUIDELINES REVIEW BOARD

''Sec. 211. Establishment.
''Sec. 212. Duties.
''Sec. 213. Membership.
''Sec. 214. Powers; no compensation for service.
''Sec. 215. Status of Board and members for purposes of claims against Board.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 1(a)).

SEC. 4. SPECIAL REQUIREMENTS RELATING TO TRANSFER OF CERTAIN AUTHORITIES TO FEDERAL ELECTION COMMISSION.

(a) DEVELOPMENT AND ADOPTION OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

(1) IN GENERAL.—Part 3 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15361 et seq.) is amended by adding at the end the following new section:

''SEC. 223. TRANSFER OF AUTHORITY TO FEDERAL ELECTION COMMISSION.

''(a) TRANSFER.—Effective on the Commission termination date described in section 1004, the Federal Election Commission (hereafter in this section referred to as the 'FEC') shall be responsible for carrying out the duties and functions of the Commission under this part.

''(b) ROLE OF EXECUTIVE DIRECTOR.—The FEC shall carry out the operation and management of its duties and functions under this part through the Office of the Executive Director of the FEC.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the item relating to part 3 of subtitle A of title II the following:

''Sec. 223. Transfer of authority to Federal Election Commission.''.

(b) TESTING, CERTIFICATION, DECERTIFICATION, AND RECERTIFICATION OF VOTING SYSTEM HARDWARE AND SOFTWARE.—

(1) IN GENERAL.—Subtitle B of title II of such Act (42 U.S.C. 15371 et seq.) is amended by adding at the end the following new section:

"SEC. 232. TRANSFER OF AUTHORITY TO FEDERAL ELECTION COMMISSION.

''(a) TRANSFER.—

''(1) IN GENERAL.—Effective on the Commission termination date described in section 1004, the Federal Election Commission (hereafter in this section referred to as the 'FEC') shall be responsible for carrying out the duties and functions of the Commission under this subtitle.

''(2) ROLE OF EXECUTIVE DIRECTOR.—The FEC shall carry out the operation and management of its duties and functions under this subtitle through the Office of the Executive Director of the FEC.

''(b) TRANSFER OF OFFICE OF VOTING SYSTEM TESTING AND CERTIFICATION.—

''(1) IN GENERAL.—There are transferred to the FEC all functions that the Office of Voting System Testing and Certification of the Commission (hereafter in this section referred to as the 'Office') exercised under this subtitle before the Commission termination date.

''(2) TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.—

''(A) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, appropriations, and other assets and interests of the Office, together with the unexpended balances of any appropriations or other funds available to the Office, are transferred and made available to the FEC.

''(B) PERSONNEL.—

''(i) IN GENERAL.—The personnel of the Office are transferred to the FEC, except that the number of full-time equivalent personnel so transferred may not exceed the number of full-time equivalent personnel of the Office as of January 1, 2011.

''(ii) TREATMENT OF EMPLOYEES AT TIME OF TRANSFER.—An individual who is an employee of the Office who is transferred under this section shall not be separated or reduced in grade or compensation because of the transfer during the 1-year period that begins on the date of the transfer.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle B of title II the following:

''Sec. 232. Transfer of authority to Federal Election Commission.''.

(c) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS ON ABSENTEE BALLOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.—Section 703(b) of such Act (42 U.S.C. 1973ff–1 note) is amended by adding at the end the following: ''Effective on the Commission termination date described in section 1004, the Federal Election Commission shall be responsible for carrying out the duties and functions of the Commission under this subsection.''.

SEC. 5. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—

(1) DUTIES OF FEC.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(A) by striking ''and'' at the end of paragraph (8);

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

(C) by adding at the end the following new paragraphs:

''(10) provide for the adoption of voluntary voting system guidelines, in accordance with part 3 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15361 et seq.);

''(11) provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories, in accordance with subtitle B of title II of the Help America Vote Act of 2002 (42 U.S.C. 15371 et seq.);

''(12) maintain a clearinghouse of information on the experiences of State and local governments in implementing voluntary voting system guidelines and in operating voting systems in general;

''(13) carry out the duties described in section 9(a) of the National Voter Registration Act of 1993;

''(14) develop a standardized format for reports submitted by States under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act, make such format available to States and units of local government submitting such reports, and receive such reports in accordance with section 102(c) of such Act, in accordance with section 703(b) of the Help America Vote Act of 2002;

''(15) carry out the duties described in section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note); and

''(16) carry out the duties described in section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–7(e)(1)).''.

(2) AUTHORIZATION TO ENTER INTO PRIVATE CONTRACTS TO CARRY OUT FUNCTIONS.—Section 311 of such Act (2 U.S.C. 438) is amended by adding at the end the following new subsection:

''(g) Subject to applicable laws, the Commission may enter into contracts with private entities to carry out any of the authorities that are the responsibility of the Commission under paragraphs (10) through (16) of subsection (a).''.

(3) LIMITATION ON AUTHORITY TO IMPOSE REQUIREMENTS ON STATES AND UNITS OF LOCAL GOVERNMENT.—Section 311 of such Act (2 U.S.C. 438), as amended by paragraph (2), is further amended by adding at the end the following new subsection:

''(h) Nothing in paragraphs (10) through (16) of subsection (a) or any other provision of this Act shall be construed to grant the Commission the authority to issue any rule, promulgate any regulation, or take any other actions that imposes any requirement on any State or unit of local government, except to the extent that the Commission had such authority prior to the enactment of this subsection or to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)).''.

(b) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking ''Election Assistance Commission'' and inserting ''Federal Election Commission''.

(c) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) DEVELOPMENT OF STANDARDS FOR STATE REPORTS.—Section 101(b)(11) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(11)) is amended by striking ''the Election Assistance Commission'' and inserting ''the Federal Election Commission''.

(2) RECEIPT OF REPORTS ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Section 102(c) of such Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''the Election Assistance Commission (established under the Help America Vote Act of 2002)'' and inserting ''the Federal Election Commission''.

(d) ELECTRONIC VOTING DEMONSTRATION PROJECTS FOR SECRETARY OF DEFENSE.—Section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note) is amended by striking ''the Election Assistance Commission'' and inserting ''the Federal Election Commission''.

(e) TECHNOLOGY PILOT PROGRAM FOR ABSENT MILITARY AND OVERSEAS VOTERS.—Section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–7(e)(1)) is amended by striking ''Election Assistance Commission'' and inserting ''Federal Election Commission''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 1(a)).

SEC. 6. OTHER CONFORMING AMENDMENTS RELATING TO TERMINATION.

(a) HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by striking ''or the Election Assistance Commission''.

(b) SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by striking ''or the Election Assistance Commission''.

(c) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''the Election Assistance Commission,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 1(a)).

SEC. 7. STUDIES.

(a) PROCEDURES FOR ADOPTION AND MODIFICATION OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

(1) STUDY.—The Comptroller General shall conduct a study of the procedures used to adopt and modify the voluntary voting system guidelines applicable to the administration of elections for Federal office, and shall develop recommendations on methods to improve such procedures, taking into account the needs of persons affected by such guidelines, including State and local election officials, voters with disabilities, absent military and overseas voters, and the manufacturers of voting systems.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report the recommendations developed under such paragraph.

(b) PROCEDURES FOR VOTING SYSTEM TESTING AND CERTIFICATION.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the procedures for the testing, certification, decertification, and recertification of voting system hardware and software used in elections for Federal office, and shall develop a recommendation on the entity that is best suited to oversee and carry out such procedures, taking into consideration the needs of persons affected by such procedures, including State and local election officials, voters with disabilities, absent military and overseas voters, and the manufacturers of voting systems.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Federal Election Commission shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report the recommendation developed under such paragraph.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. HARPER) and the gentleman from Texas (Mr. GONZALEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. HARPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HARPER. I yield myself such time as I may consume.

As we move forward on the difficult job of securing our Nation's financial future, the Congress will face many difficult decisions. Programs will have to be cut, and some even eliminated. All of those programs are there because someone wants them. We have to look carefully at each one and decide whether the benefit it creates is worth the cost of maintaining it.

After more than 2 years of hearings, investigations and oversight, the Committee on House Administration has identified not just a program but a Federal agency that we cannot justify to the taxpayers. That agency, the Election Assistance Commission, should be eliminated.

Mr. Speaker, while the House is going to be making some very difficult spending decisions in the future, this is actually a clear and easy choice. The EAC was created in 2002 by the Help America Vote Act. HAVA passed the House with a large bipartisan majority. One hundred seventy-two Republicans voted for the bill that created the EAC. Its creation was a bipartisan choice, and so should be its termination. One of the primary reasons the EAC was created was to distribute money to States to update voting equipment and voter registration systems. The EAC has accomplished that, paying out over $3 billion to States for those purposes. With our deep debt and deficit, there almost certainly will be no more money for the EAC to distribute, meaning that that function is complete.

Another of the EAC's main functions, conducting research on election issues, is also complete. The agency has completed all of 19 planned election management guidelines as well as the 21 planned quick start guides. It has completed four of the five studies required under HAVA, and the fifth is tied up in an interagency controversy, making it unlikely that it will ever be finished.

The EAC also maintains a clearinghouse for election officials to share experiences working with voting systems, and it operates a program to develop voluntary guidelines for voting systems, test voting systems against those guidelines, and certify that systems comply with those guidelines. Thirty-five States and territories use the Federal testing and certification system in some way to decide what voting systems their election officials can purchase and use. Unlike the grants and research programs that are now obsolete, the clearinghouse and the testing and certification programs provide continuing value for State and local election officials.

Against that backdrop, we have to look at the reality of what has happened to the EAC. When it was created by HAVA, the EAC was a small agency authorized for 3 years to spend up to $10 million per year. That was 9 years ago. The agency is still there, and its last full-time, full-year appropriation was for almost $18 million. Since a staff ceiling was removed in 2007, the agency has doubled in size, and this doubling came despite the fact that many of the EAC's responsibilities were completed or diminished. The average salary at the EAC is over $100,000. It has an executive director, a chief operating officer, a chief financial officer, and an accounting director. In its budget request for 2012, the EAC proposed to spend 51.7 percent of its budget on management and administration costs. Mr. Speaker, that bears repeating. The EAC planned to spend more than half of its budget on overhead. An agency with that plan is an agency that should be eliminated.

The need to eliminate the EAC is so great that the National Association of Secretaries of State, a bipartisan group, whose members have received the more than $3 billion distributed by the EAC, has passed two resolutions calling for Congress to dissolve the agency. In 2005 and again in 2010, the Secretaries of State asked us to do what I am asking this House to support today.

Beyond simply being an agency with an increasing size and a dwindling purpose, the EAC has proven time and time again that what the agency knows how to do best is to be reckless and irresponsible with taxpayer dollars. In the short time I have served on the Committee on House Administration, we have learned of two different cases where legal claims were filed against the EAC for discrimination against candidates for the position of general counsel. The first case involved discrimination based on the candidate's political affiliation. The second involved discrimination based on the candidate's service in the military. Political neutrality and assistance to military and overseas voters are values the EAC should promote, not undermine.

□ 1920

On top of that, these cases are expensive for the taxpayers.

In the development of this bill, we have sought out and received a considerable amount of input from election officials and others, in hearings at the committee and other settings. That input has allowed us to improve this bill as we have moved forward. Perhaps most importantly, we added a Guidelines Review Board that gives election officials and others a formal seat at the table when voting system guidelines are developed. This board streamlines two existing boards into a single, smaller one but preserves the ability of States and local election officials to stay involved directly.

Before I close, I would like to thank Chairman HALL from the Committee on Science, Space, and Technology. He has worked closely with us as a partner in developing this bill. I appreciate his efforts to improve the bill and to bring it to the floor.

This bill is a careful and thoughtful measure to close down a Federal agency in a responsible way. To sustain an agency that has completed its assigned studies, dispersed its assigned grants, and fulfilled most of its mandates is the definition of irresponsibility. We haven't rushed through this process. We've held hearings. We've listened to numerous experts. We've kept and reassigned the programs that provide true value for election administrators. And now is simply the time to end the EAC and save American taxpayers at least $33 million in the next 5 years.

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

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

Mr. GONZALEZ. Mr. Speaker, I rise in opposition to H.R. 672, and I yield myself 5 minutes.

Supporters of the bill once told us that this would save $14 million each year. I'm not sure how they came up with that number. What we do know is that when Ranking Member BRADY asked the FEC if they could handle the responsibilities of EAC, this is what they said: Sure, if you give us more money. So this bill would take money from an agency they don't like and give it to an agency that no one likes. It will take money from an agency that has met many challenges and has improved its operations in the past few years, and it will give it to one on the opposite path, one that has become only more dysfunctional in recent years.

But H.R. 672 doesn't move all of EAC's functions to the FEC. Some of the best ones simply go away. So let's say that H.R. 672 will save the Federal Government $6.6 million a year. That's great. Unless you happen to live in a State. This is just another example of shifting the costs to the States. Well, we lose the efficiencies of having a central clearinghouse for information, so maybe this isn't just cost shifting but cost increasing, because no matter what we do, our States have to run elections every year, often twice a year.

The EAC doesn't run elections. That's not its job. It assists the State and local election officials so that they can run elections better and for less. And local election officials have written in from across the country in praise of the EAC and opposition to this bill. H.R. 672 would eliminate the one Federal agency that's focused on finding best practices for elections. That will make it that much harder for the supervisor of elections in Palm Beach County, Florida, to learn that the registrar of voters in Fresno County, California, figured out a way to process paper ballots so they would run more smoothly, representing a 25 percent savings in election costs.

In my home, Bexar County, the elections administrator, Jacqui Callanen, learned from an EAC instructional video a new technique that will save

our county $100,000 per year. That's $100,000 in savings for one county, from one EAC instructional video, and we have more than 8,000 election jurisdictions in the United States.

But the savings don't stop there. The recount from Minnesota's 2008 Senate race was estimated to cost the State as much as $5 million and the candidates around $20 million. Worse, the people of Minnesota were deprived of one of their Senators for 6 of the most turbulent months in recent history. If the EAC can prevent the need for such recounts and reduce the costs and time involved in others, how much is that worth? EAC has taken tremendous steps to help our States ensure that our citizens, especially the disabled, are able to exercise their constitutional right and civic responsibility to participate in our electoral system. Now, how much is that worth?

Are the proponents of this bill willing to put a pricetag on that? Mr. Speaker, we spend millions of dollars and put our young men and women in harm's way, promoting and protecting our great democracy. Is it really too much to spend $6.6 million here at home?

When H.R. 672 was marked up in committee, I offered a very simple amendment. It would have had GAO look into whether the bill would actually save money, including whether savings at the Federal level would simply be the result of pushing costs onto the States, and whether voters would be disenfranchised, giving us the time to reconsider if the results were negative. I hadn't anticipated that the bill would reach the floor with no chance to offer an amendment. When we defeat this, when it comes up for a vote, and if the Republican leadership should decide to bring H.R. 672 back to the floor under a rule, I fully intend to offer that amendment again. If the supporters of H.R. 672 are so confident of the bill's savings and innocuous nature, I can't see why they would object to my amendment.

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

Mr. HARPER. I yield as much time as he shall consume to the gentleman from California (Mr. LUNGREN), chairman of the Committee on House Administration.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of this legislation. You know, Mr. Speaker, my mom was born and raised in Chicago, Illinois, and listening to her stories about what transpired in the political process when she was growing up there, I used to think that the only place that you could find immortality in this world was on the voting rolls of Cook County. But I find here today that Ronald Reagan was right: Immortality is in the name of a Federal Government program.

This was supposed to be a temporary program. It was supposed to give temporary assistance to the States to make sure they could comply with HAVA, and it has done that. It has done that. It has let out all the money, billions of dollar that go to the States to assist in doing that. Its time has come and gone.

Mr. Speaker, if we cannot see that in these very difficult budget times we have to make some difficult decisions with respect to looking at programs to see if they've exhausted their usefulness, then we'll never be able to respond appropriately to what our constituents expect of us.

Mr. Speaker, this legislation, carefully drafted, allows for those small elements of this agency to be transferred to the FEC with funds to carry out those responsibilities. The argument that the gentleman has just made, that somehow the FEC is not up to snuff, is not an argument I would think that the gentleman would support to somehow get rid of the FEC. We are giving them some responsibilities with funds, and hopefully they can carry those out.

The idea that we can stand here with a straight face and argue that an agency which spends over 50 percent of its total funding on overhead—and be able to say that to the American people is not only disappointing, but it's dispiriting, because it suggests to the American people that we are incapable of looking carefully at agencies and departments to see when, in fact, they are doing a job that continues and needs to be done, or when they have finished their function and, therefore, no longer need to exist.

Now, the Secretaries of State have spoken rather forcefully before our committee with respect to the fact that they no longer need the assistance of this particular arm of the Federal Government.

□ 1930

How often do we have people who come to us and say, We don't need this assistance anymore? Not very often. Should we ignore that in this particular case?

Admittedly, this is a small amount of money. It's only in the millions. Where I come from, that's important. Millions mean a lot. This is more important, though, as a symbol or a signal as to what we will do.

Look, if we had all the money in the world, maybe we wouldn't have this on the floor. We don't have all the money in the world, although we've tried to prove that we can print all the money in the world. The fact of the matter is folks back home want us somehow to get our house in order. That's the House of Representatives, and it's the house that we call the United States Federal Government. This may be a small room in that house, but, nonetheless, it is one that needs to be addressed.

The gentleman from Mississippi has done an excellent job of holding hearings on this matter, hearing from all parties on this, and has come up with this legislation. The suggestion that somehow by disestablishing the EAC we are going to penalize the military is something that I cannot understand very well at all. The Federal Voting Assistance Program under the DOD will continue to implement the MOVE Act, as they have very ably done since the passage of this bill in the last Congress. If you really examine it, the EAC has a very small role in the process, and that role will be continued after the EAC has been shut down.

States are looking at us to see whether we can give them some relief, and, in most cases, we are not going to be able to give the States some relief because, frankly, we don't have the money.

Businesses are looking at us, those who are in businesses, to see if we will understand the mistakes we've made in the past and do what they have to do, that is, to try to become more effective and more efficient. Our constituents are looking at us as they look for some glimmer that we understand the terrible fiscal situation we find ourselves in. And they're looking for just the littlest, the smallest suggestion that we are going to be serious about the fiscal mess that we find ourselves in.

This is a small start, but it is a start. And again, as the gentleman from Mississippi said, if we can't do this now, when can we do it? When you have a demonstrable record of an agency that's outlived its usefulness, you have to act. That's all we're attempting to do. I would hope that we would have a near unanimous vote in support of the gentleman's bill.

Mr. GONZALEZ. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip who was instrumental in a bipartisan effort to actually pass, a few years ago, the Help America Vote Act.

Mr. HOYER. I thank the gentleman for yielding.

I want to rise in opposition to this bill.

The gentleman from Mississippi knows as well as any of us that the right to vote is sacred. Access to the polling places ought to be sacred. Every American ought to be facilitated in voting, and every American vote needs to count. That's what the Help America Vote Act was all about.

Bob Ney of Ohio, who was chairman of the House Administration Committee subsequent to the 2000 election, and I worked on this legislation. And as has been pointed out, it passed overwhelmingly in a bipartisan way.

The right to vote is at the foundation of our democracy, so it is extremely disappointing that this bill would undermine our Nation's ability to protect that right. From 1789 to 2000, the Federal Government had elections which it did not pay for nor did it administer. Now, under this bill, we're still not paying for elections and we're still not administering them, not this bill that's on the floor. But under our scheme of things, the elections are still run by States and counties and localities.

What this agency was designed to do was to bring the best information possible so that elections could be run in the best way possible. There are over, I think, 120 million voters in America. So this is 20 cents for each one of those voters, to make sure that they have access and that their vote is counted and counted properly. Eliminating funding for the Election Assistance Commission would harm the integrity of our elections in 2012 and for years to come. Voters deserve assurance that their vote will count.

In 2000, our democracy was blemished by our flawed election systems. This was a response, passed in a bipartisan fashion. Regardless of how we felt about the outcome of that election, Republicans and Democrats agreed that the Federal Government had a duty to improve election systems so that every qualified citizen's vote counts.

Now, the FEC has a responsibility, and that is to monitor contributions and expenditures of political candidates, not to run elections. They had somewhat that responsibility before we created the Election Assistance Commission in HAVA, and they did not carry it out. Why? Because they neither had the resources nor the time to do so.

We need to provide States the financial and informational resources to upgrade their voting registration systems, train their poll workers, and improve access for disabled voters. The result was the bipartisan Help America Vote Act, or HAVA, which I was proud to help write.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GONZALEZ. I yield the gentleman 1 additional minute.

Mr. HOYER. It passed the House by 357 votes to 48 and passed the Senate with only two votes against.

Before HAVA, the Federal Government guaranteed voting rights, but it did little to ensure, on the nuts-and-bolts level, that our objectives were carried out. As part of its efforts toward that end, HAVA created a bipartisan Election Assistance Commission, whose job is to administer grants to States and provide States with ongoing guidance.

My good friend from California (Mr. LUNGREN), with whom I have served for a number of years, is wrong. There was no intention to make this a temporary agency just for the distribution of grants. It was an ongoing advisory agency to make sure that best practices were pursued, not because they can impose but because they can advise, an extraordinarily worthwhile event.

The EAC has created a comprehensive program to test State voting systems for accuracy. Don't we all want that? And use of this program has been shown to save our States millions of dollars, as the ranking member just said.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. GONZALEZ. I yield the gentleman 1 additional minute.

Mr. HOYER. I thank the gentleman for yielding the additional minute.

The EAC is not perfect. There is no agency, including the one we're going to fund this week that spends almost $700 billion—that's not perfect. Should we fix it where it's broken? Yes. Should we do that to every agency? Yes. Is it our responsibility to do so? Yes. But to eliminate the very agency constructed to ensure that we do not repeat the travesty of 2000 is to retreat from ensuring fair, open, accessible elections where every vote will count.

I urge my colleagues to vote against this piece of legislation. If, in fact, the EAC needs fixing, let's fix it. That's the responsibility of the House Administration Committee on which I served for, I think, 17 years. You ought to do that if you think this is not working correctly, because what it does is absolutely essential for democracy and for America.

Defeat this legislation.

Mr. HARPER. I yield 2 minutes to the distinguished gentleman from Georgia, Dr. GINGREY, chairman of the Committee on House Administration's Subcommittee on Oversight.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in strong support of H.R. 672, and I commend my good friend from Mississippi (Mr. HARPER) for his authorship.

The distinguished minority whip, the former Democratic majority leader, just made the statement essentially saying that few things are more important in this country than ensuring that every American citizen's right to vote is protected, and the EAC helps America to vote.

□ 1940

We agree on this side of the aisle, Mr. Speaker. We agree that few things are more important than ensuring Americans can vote. However, the Election Assistance Commission's support in this area is negligible at best.

In 2005, and again in 2010, the National Association of Secretaries of State, the individuals in the States tasked with overseeing elections, called for the dissolution of the EAC. The committee heard firsthand testimony from Secretaries of State that affirmed the passion with which they support this bill, the Harper bill, and how useless they feel this agency has become.

When those who oversee elections call for the dissolution of an agency supposedly meant to be supporting their efforts, Congress should listen.

But no, it's like President Ronald Reagan once said, and I quote him: ''No government ever voluntarily reduces itself in size. Government programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we'll ever see on this Earth.''

Mr. Speaker, the minority whip just basically said the same thing, that once an agency is created, even after it's performed its function, it's done its duty, it's time to eliminate it. And we're talking about millions of dollars.

This is an important bill. As the gentleman from Mississippi so clearly stated, if we can't do this, what can we do in regard to reducing unnecessary spending of the taxpayer dollars so we'll have those precious dollars for other more important matters to help our States?

So I ask my colleagues on both sides of the aisle, please, let's have a unanimous vote in support.

Mr. GONZALEZ. I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in opposition to the so-called Election Support Consolidation and Efficiency Act. This would eliminate, as we have heard, the Election Assistance Commission.

And let me remind my colleagues, Mr. Speaker, there is nothing more crucial to democracy than guaranteeing the integrity, fairness, accessibility and accuracy of elections. Democracy works only if the citizens believe it does. The system must work, and the people must believe that it works.

But voting shouldn't be an act of blind faith. It should be an act of record. The EAC helps maintain the integrity of the American electoral process. And too many people across the country lack confidence in the legitimacy of election results, and the dismantling of the EAC would further erode that faith that is so essential to democracy.

How quickly Members seem to have forgotten the Florida recount with its hanging chads and pregnant chads and uncertainty counts of ballots to determine voter intent. The 2000 election exposed critical flaws and inconsistencies in how elections were conducted and, in its wake, Congress, under the leadership of Representative HOYER and others, approved the Help America Vote Act to assist State and local jurisdictions.

Yet, the legislation we're considering today willfully ignores this history. The bill closes the EAC, transfers some of its vital functions to the Election Commission, an agency that doesn't have the capability or the expertise to do the job and has other important work to do.

This bill takes this in exactly the wrong direction. While millions of Americans are casting their votes on unauditable voting machines and the results of many elections are not audited, eliminating the EAC would increase the risks that our electoral process will be compromised by voter system irregularities. Can we afford to take that risk? Certainly not.

H.R. 672 is another example of the desire of this Chamber that seems to exist to cut recklessly valuable services, rather than engage in the hard work of making government work at its best.

I urge my colleagues to vote ''no'' on this misguided bill.

Mr. HARPER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Colorado (Mr. COFFMAN), also a former Secretary of State for the State of Colorado.

Mr. COFFMAN of Colorado. In listening to the opposition, the statements against this legislation, it would make it sound like the EAC, the Election Assistance Commission, is a branch of the Justice Department, that it's there to enforce the right to vote. It doesn't do any of that at all.

The primary goal for the Election Assistance Commission was, after the Florida recount, the problems there in the 2000 election, that according to the Help America Vote Act, that the States such as Colorado that I was the Secretary of State in, were going to have to have a voter registration system that would be interactive, interactive database, to make sure that there wasn't fraud, that there wasn't duplicative registrations; and that the EAC would be the conduit for Federal resources grants to States to be able to facilitate that, and to make sure that that was carried out by the States. And that was for the 2008 Presidential election, long since done, long accomplished.

As to the EAC, which has no ability to mandate anything to States, but as an advisory tool, election officials across this country don't utilize it. There are associations that provide those best practices at every level of elections, from the county clerks to the Secretaries of State. And so this is an agency who's primary purpose is long since over with, and we can transfer the remaining function over to the Federal Elections Commission. And I rise in strong support for H.R. 672 and would urge its passage.

Mr. GONZALEZ. I yield 2 minutes to my colleague from the great State of Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Mr. Speaker, it is disappointing that we are here in the dark of night discussing the issues of election fairness. I would almost imagine it would be somewhat similar to taking up the Voting Rights Act, the one of 1965, in the dark of night.

We can speak lightly about this, but I will tell you that every election time someone is denied the right to vote in the United States. I hope Americans are paying attention tonight to realize that even though it is represented that the change and eliminating the particular agency that deals with the questions of fairness, the Election Assistance Commission, we're actually not saving money, and passing the responsibilities off to the Federal Elections Commission.

Why could we not have accepted the amendment of the distinguished gentleman from Texas (Mr. GONZALEZ), who said let's do it right. Let's have a general accountable study and know what we're doing and if we're taking away the rights of those who are desiring to vote.

I will tell you that the purging of voters that occurs in Texas and other places around the Nation, and in particular in Harris County, is not a minor issue. The distraction of African American male voters in Florida during the 2000 election is not simply a distraction.

And so the question is, even if this deals with interactive data, let me suggest to you that it is an important tool for local government because without this particular commission, those resources or those responsibilities and the finding of the money will be on local governments. So now we're doing unfunded mandates.

I would simply say that it was painful to pass the health bill.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GONZALEZ. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON LEE of Texas. This legislation, Mr. Speaker, was passed in the backdrop of a great deal of emotionalism.

□ 1950

I am not here to point fingers, but I lived through that emotional time. It is history, my colleagues know that it is, but they know how painful it was to be engaged in hanging chads and discussions about who was turned away from the voting booth—and also the discrepancies on how we count our votes in America, the most sophisticated Nation in the world, the Nation that others look to and say, how do we promote democracy?

Why would we stand on the floor of the House at 8 o'clock tonight and deny democracy? I ask my colleagues to oppose this legislation and to stand for democracy and fairness.

Mr. HARPER. I reserve the balance of my time.

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

First of all, I would like to address some of the remarks made by the proponents of this particular bill. First, I know it was not intentional to mischaracterize the words of Mr. HOYER. He did not state that the EAC should have an eternal life. What he said is, it was essential, in its present form, in the function that it provides. I think he also indicated that everything is not a simple budget or mathematical problem. There is cost benefit to look into and see what the true benefit is for the investment of that Federal dollar.

Much has been said about the National Association of Secretaries of State coming out with a resolution. That is not news. From the very inception they opposed the creation of the Election Assistance Commission, and on a regular basis they would pass a resolution expressing that opposition. But I do wish to point out that the president of the National Association of Secretaries of State, Secretary of State of Minnesota Mark Ritchie—whose State knows something about the cost of problematic elections—testified before our committee on March 31 that he was certainly not in favor of terminating the Election Assistance Commission.

I also wish to read from a letter that we received today at about 4 p.m. to a House Administration election staffer:

Dear Mr. Khalil, I am the election director of Harford County Board of Elections in northeastern Maryland. I am a Republican and have been active in the Republican Party since 1968. I am also the Republican member of the Standards Board of the Election Assistance Commission.

As a representative of a local board of elections, we are very isolated and depend on the EAC as a clearinghouse of information and resources. The EAC has been most helpful to local boards of elections in supporting our election administration and providing guidance in future elections. The FEC is too political and cannot do and perform as the Election Assistance Commission.

The passage of H.R. 672 will be a loss to local boards of election nationwide. We are the grassroots of the election community, and we need the support of the EAC.

In closing, we will in fact defeat this tomorrow. I'm hoping that my amendment will be ruled in order and that we will have a chance to really look at the potential effect this bill will have on local election officials. Not to politicize it. This is not about Republicans or about Democrats; it's about how effective and efficient our local election officials can be. With the assistance of the only clearinghouse, the only commission with the expertise and the dedication to that single goal. There will be no other agency like it, there will be no other commission like it, and it's well worth the investment that we make on a yearly basis to assure the integrity and the efficiency of our local elections. I don't know of any better investment.

I understand that we have to tighten our belts. Do we do it, though, at the cost of the efficient running of our elections, the very basis for our democracy?

I commend the Members on the other side of the aisle for this effort, but it is truly misguided. It's not based on facts or the realities on the ground. And almost every local election official will echo those sentiments today.

I oppose this bill. I will be voting against it. And I ask my colleagues to please oppose this bill.

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

Mr. HARPER. Mr. Speaker, may I inquire as to the remaining time?

The SPEAKER pro tempore. The gentleman from Mississippi has 3½ minutes remaining.

Mr. HARPER. Mr. Speaker, I find it very interesting that the statement was just made that the FEC is too political to take on the responsibilities of

the EAC. That's an amazing statement in light of the fact that the EAC has been sued for political discrimination—the very agency that's supposed to take care of fairness and do things in these issues gets sued for political discrimination. So that is hardly an argument to say that it can't be transferred.

We are looking at transferring the essential functions of the EAC over to the FEC with the personnel and funding that's necessary to do that job. It's a very responsible and adult thing to do to take care not only of spending issues, but we have an agency that is spending 51.7 percent of its budget on administration and management, not in program administration, not in taking care of grants, those have come and gone. So here we are in that situation of an agency that needs to be eliminated.

And I want to make it clear that in no way, by eliminating the EAC, are we doing anything to repeal or have any intent to do away with HAVA. That is something that came about in a bipartisan effort, and it will remain and shall remain as we move forward. But the EAC was created and funded for a 3-year period. Nine years later, we have one of the most inefficient agencies that we will probably ever see. It is beyond tweaking and correcting to do that.

I want to say that we all believe it is essential in our country that everyone has a right to vote and has access to vote and that no one be disenfranchised. In no way does that have any impact in a negative way. In fact, it will make the election process more efficient to do away with an agency like this. It is a Federal agency that has long outlived its usefulness. And if we look at the people that are on the ground in the States, the Secretaries of State in each of our States, that NASS would pass a resolution, not once, but twice, that this agency needs to be done away with—we need to follow that great advice of those that are most intimately familiar with what's going on.

I urge my colleagues to vote in favor of this legislation.

Mr. HALL. Mr. Speaker, I am pleased that H.R. 672 eliminates wasteful spending in a responsible way. In particular, H.R. 672 would transfer the Election Assistance Commission's Office of Voting System Testing and Certification to the Federal Election Commission, while maintaining the National Institute of Standards and Technology's (NIST) current role in the accreditation of laboratories to test voting equipment. The bill continues the formal mechanisms for input into the development of Voluntary Voting System Guidelines (VVSGs) by maintaining the current Technical Guidelines Development Committee (which NIST, chairs), and replaces several committees with a streamlined 56-member Guidelines Review Board composed of state and local election officials and other key constituencies including federal representatives.

The Committee on Science, Space, and Technology is the Committee of jurisdiction over the scientific and technological aspects of voting reform including research, development, and testing of voting machine standards. These responsibilities have been assigned by the Help America Votes Act (HAVA) of 2002 to NIST. Within HAVA, the Science, Space, and Technology Committee created provisions to ensure that proper technical standards would be developed to improve voting technology and that a reliable system would be set up to test equipment against those standards. These activities allow states and localities to participate in the standards development process and to trust the systems they choose to invest in. Both are preserved in the legislation we are considering today.

I thank Representative GREGG HARPER (R–MS) and his staff for recognizing the importance of maintaining a pathway for the development of voting standards and ensuring the quality of voting equipment in H.R. 672.

Mr. COFFMAN of Colorado. Mr. Speaker, I rise in support of H.R. 672.

Today our national debt is 14.344 trillion dollars. Any time we have the opportunity to save taxpayers $33 million over five years, while improving the efficiency of our federal government, we should take it.

Those against this bill have said that elections officials from across the country have called for the agency to be protected. Well, I happen to have been a Secretary of State for the State of Colorado, and I am calling for this Agency to be eliminated. In fact, the National Association of Secretaries of State has passed two resolutions calling for the EAC's termination.

The EAC's election research function is obsolete. It has completed 4 of the 5 federally mandated election studies, and the one outstanding study is six years overdue and mired in interagency controversy.

The agency spends over 50% of its budget on administrative costs. EAC's budget request for 2012 is for 5.4 million dollars to manage programs totaling 3.4 million dollars.

The EAC does not register voters, nor does it have any enforcement authority over laws governing voter registration.

This bill will transfer the EAC's remaining valuable service, its voting system testing and certification program, to the Federal Election Commission (FEC), which is better equipped to perform these functions more efficiently.

It is time to, as this bill does, terminate the EAC promptly and responsibly.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. HARPER) that the House suspend the rules and pass the bill, H.R. 672, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GONZALEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 2000

THE WAY IT IS ON AMERICAN INVOLVEMENT IN LIBYA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the war in Libya continues. It is the third war the United States is in. In my opinion, this war is unconstitutional because Congress has not approved it. It also violates the War Powers Resolution, because even after the time limit has expired, the President still engages troops overseas without congressional authority. And this war is not in the national security interests of the United States. Administration officials say so.

This is a war that is sponsored by NATO. It is said we need to help NATO out. Well, if NATO wants to continue this war, let them. The United States is footing this bill, and it has cost us $750 million already.

The President says Muammar Qadhafi is a bad guy and he has got to go. We don't know what is going to replace him. We may have an oppressive regime replaced by an extremist radicalized regime. Who knows? But this war is not in the interests of the United States, and it is now Congress' responsibility to cut off the funds for this war, because this war violates the United States Constitution and it is not in the security interests of the United States.

And that's just the way it is.

MARINE SGT. JEREMY E. MURRAY POST OFFICE

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor Marine Sergeant Jeremy Murray.

Today on this House floor we renamed the Post Office in Rootstown, Portage County, Ohio, where Jeremy grew up. He served our country during several tours to the Middle East, and at 28 years old he lost his life.

His mother has worked at this post office for 11 years, so it was a special day today for us to, in a very small way here in the House of Representatives, say ''thank you'' to him for his service and to thank his parents, Pam and Harold, for raising such a great young kid who would be willing to go off to war because his country asked him and serve us in such a noble way.

So, today I rise to say thank you to Jeremy, thank you to his parents, thank you to Rootstown, and thank you to Waterloo High School that instilled in him these values, a terrific young man whom we honor here today and we honor with this post office.