

Congress of the United States

Washington, DC 20515

September 20, 2021

The Honorable Donald L. Palmer
Chairman
U.S. Election Assistance Commission
633 3rd Street NW, Suite 200
Washington, DC 20001

Dear Chairman Palmer:

As committees with jurisdiction, we are concerned with the Election Assistance Commission's (EAC) ongoing failure to name an acting or permanent Inspector General to lead the EAC's Office of Inspector General (OIG). EAC's inability to name even an acting Inspector General to a position that has been vacant for nearly six months raises serious concerns about EAC's ability to oversee the more than one billion dollars of grant funds that it recently awarded.

Congress created the EAC OIG in 2002 under the Help America Vote Act (HAVA)¹ and the Inspector General Act of 1978 (IG Act).² Congress designated the EAC Commissioners to appoint the EAC Inspector General, who is charged with conducting robust oversight and investigating allegations of waste, fraud, abuse, and mismanagement.³ Yet, since the retirement of Inspector General Patricia Layfield on March 31, 2021, the EAC has not only failed to name an Inspector General, but has not named even an acting Inspector General.⁴

The EAC's failure to name a permanent or acting Inspector General has left the EAC OIG with only one full-time employee, preventing the office from adequately overseeing the record \$1.2 billion in HAVA grant funding that was awarded in 2020.⁵ Additionally, by failing to name a permanent or acting Inspector General, on-going Congressional priority investigations into the use of HAVA funds continue to languish, such as the EAC's slow-moving investigation of then-California Secretary of State Alex Padilla's apparent misuse of grant funding to contract with SKD Knickerbocker, Joe Biden's main election campaign advisory firm.⁶

¹ Pub. L. 107-252.

² 5 U.S.C. App. 8G.

³ *Id.*

⁴ Letter from Mia Forgy, Deputy Inspector General, U.S. Election Assistance Commission, to Donald L. Palmer, Chairman, U.S. Election Assistance Commission, (Jul. 26, 2021).

⁵ *Id.*

⁶ Lara Korte, California to Spend \$35 Million on Mail Voting Campaign Run by Firm With 'Team Biden' Ties, THE SACRAMENTO BEE, Aug. 27, 2020, available at <https://www.sacbee.com/news/politics-government/capitolalert/article245279195.html>.

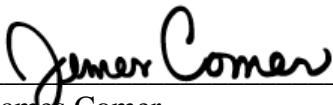
We previously urged Inspector General Layfield in numerous calls, briefings, and letters to investigate this highly questionable and likely unlawful \$35 million contract.⁷ In her letter dated February 26, 2021, IG Layfield stated that the contract between the California Secretary of State and SKD Knickerbocker presented a risk of improper use that required further examination.⁸ The Commission's refusal to name a permanent or acting Inspector General raises questions about EAC's dedication to the important investigation of this contract and to ensuring that HAVA funds are used properly on the whole. Additionally, since the EAC's amount of grant funds to be dispersed in 2020 more than doubled and the agency's budget increased by 40 percent, Committee Republicans are concerned that no one is overseeing how taxpayer money is being spent.

To that end, please make arrangements to schedule a briefing with Committee Republican staff no later than September 27, 2021, to explain why EAC has not named an acting Inspector General or hired a permanent Inspector General, and how the EAC is currently overseeing the taxpayer money that was awarded during 2020.

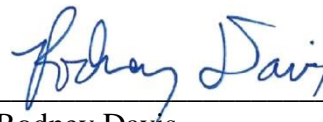
To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074 or the Committee on House Administration staff at (202) 225-8281. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X, and the Committee on House Administration, which House Rules charge with broad authority over federal elections, is the oversight committee for the EAC.

Thank you in advance for your cooperation with this inquiry.

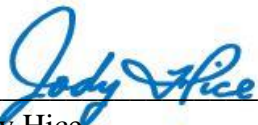
Sincerely,



James Comer
Ranking Member
House Committee on Oversight
and Reform



Rodney Davis
Ranking Member
House Committee on
Administration



Jody Hice
Ranking Member
Subcommittee on Government
Operations

⁷ Letter from James Comer et. al, to Patricia Layfield, Inspector General, Election Assistance Commission, (Dec. 22, 2020). *See also*, Letter from James Comer et. al, to Patricia Layfield, Inspector General, Election Assistance Commission, (Feb. 19, 2021).

⁸ Letter from Patricia Layfield, to James Comer et.al, Ranking Member, House Committee on Oversight and Reform, (February 26, 2020).

cc: The Honorable Carolyn B. Maloney, Chairwoman,
House Committee on Oversight and Reform

The Honorable Zoe Lofgren, Chairwoman,
House Committee on Administration

The Honorable Gerry Connolly, Chairman,
Subcommittee on Government Operations

Mia Forgy, Deputy Inspector General,
Election Assistance Commission