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Congress of the United States
House of Representatives
Washington, DC 20515-4320

April 30, 2008

Commissioners of the Election Assistance Commission
1225 New York Avenue, Suite 1100
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COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEE ON COMMERCE, TRADE, AND
CONSUMER PROTECTION
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND THE INTERNET
SUBCOMMITTEE ON
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CHAIR OF THE CONGRESSIONAL HISPANIC
CAUCUS CIVIL RIGHTS TASK FORCE
2ND VICE CHAIR
CONGRESSIONAL HISPANIC CAUCUS
SENIOR WHIP

Dear Commissioners:

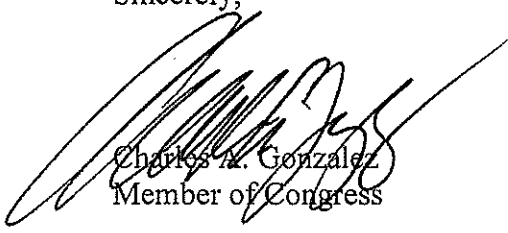
In looking over the "Modification of EAC Advisory 07-003-A – Maintenance of Effort Funding" as made available to the public *via* the Election Assistance Commission's web site, I was struck by the following paragraph that appeared on the second page:

The Office of General Counsel has raised concerns about this modification with respect to OMB circular A-102. Therefore, this modification of EAC Advisory 07-003-A does not address the application of the circular to the Maintenance of Effort requirement. Commissioners hereby request the opportunity to examine HAVA and the relevant portions of circular A-102 in order to determine the proper application of the circular to the Maintenance of Effort requirement of §254(a)(7) of HAVA.

In this paragraph, the Office of the General Counsel raises concerns about whether this proposal conflicts with OMB circular A-102. The existence of this paragraph and of the General Counsel's concerns raises a question about today's meeting.

First and foremost, have the concerns of the General Counsel regarding this proposal been studied sufficiently? Has a decision been reached which has satisfied the General Counsel? In my opinion, it appears that it would be premature to rule on this proposed change today, and more appropriate for EAC to put off its final decision until a thorough review can be accomplished.

Sincerely,


Charles A. Gonzalez
Member of Congress

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