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July 8, 2008

Federal Election Commission  
999 E Street NW  
Washington, DC 20463

Dear Commissioners:

Following a more than six month absence of the Federal Election Commission, we are relieved that the Commission is up and running once again during this federal election year. Although the Commission doubtlessly has a very long to-do list, the Campaign Legal Center respectfully urges the Commission to make as its top two priorities the completion of the two pending rulemaking proceedings to implement provisions of the “Honest Leadership and Open Government Act of 2007” (HLOGA), Public Law 110–81, 121 Stat. 735, which was signed into law September 14, 2007.

In October 2007, the Commission initiated a rulemaking to implement Section 601 of HLOGA—the new law’s candidate travel provisions—by publishing Notice of Proposed Rulemaking (NPRM) 2007-20, 72 Fed. Reg. 59993 (Oct. 23, 2007). The Campaign Legal Center filed written comments in response to NPRM 2007-20 on November 13, 2007. At its December 14, 2007 meeting, the Commission approved final rules to implement HLOGA Section 601, but did not approve the requisite “Explanation and Justification” (E&J) for the final rules before losing its quorum at the end of the 2007 calendar year. Consequently, the Commission’s rules implementing the HLOGA Section 601 candidate travel provisions have not taken effect.

Similarly, in November 2007, the Commission initiated a rulemaking to implement HLOGA Section 204—which requires political committees to disclose information about lobbyists who bundle contributions for the committees exceeding \$15,000 during a specified six month period—by publishing NPRM 2007-23, 72 Fed. Reg. 62600 (Nov. 6, 2007). The Campaign Legal Center filed written comments in response to NPRM 2007-23 on November 30, 2007. The Commission did not, however, take any further public action in this rulemaking prior to losing its quorum at the end of 2007. Importantly, HLOGA Section 204(a)(i)(5) requires the Commission to promulgate regulations to implement the lobbyist bundling disclosure provisions not later than six months after the enactment of the Act. Section 204(b) further provides that HLOGA’s new lobbyist bundling disclosure requirements shall apply to political committee disclosure reports filed after the expiration of a three-month period that begins on the date the Commission

promulgates the required regulations. The six-month deadline for promulgation of regulations passed in mid-March. Due largely to the lack of a quorum of Commissioners, regulations to implement HLOGA Section 204, and an accompanying E&J, have not yet been adopted by the Commission.

With 2008 federal election campaigns in full swing, we respectfully urge the Commission to promptly promulgate and approve an E&J for the new candidate travel rules and to immediately publish that E&J, along with the final rules, in the Federal Register in order to give full force and effect to HLOGA Section 601. We further urge the Commission to promptly promulgate rules and an E&J to implement the HLOGA Section 204 lobbyist bundling disclosure requirements.

Sincerely,

*/s/ J. Gerald Hebert*

*/s/ Paul S. Ryan*

J. Gerald Hebert  
Executive Director

Paul S. Ryan  
FEC Program Director