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JAMIE FLEET, MINORITY STAFF DIRECTOR

May 10, 2013

Ellen Weintraub, Chair
Federal Election Commission
999 E Street NW
Washington, DC 20463

Dear Chair Weintraub,

I am writing to you, again, regarding the status of the FEC's promised updates to its Enforcement Manual. This letter follows my previous one on the same subject dated January 22, 2013. In your February 5 reply to that letter, you stated that the FEC's Office of General Counsel had prepared a revised Enforcement Manual and circulated the Manual to the Commission on January 29. To the best of my knowledge, the revised Enforcement Manual has not been formally reviewed by the Commission or released to the public.

Releasing an up-to-date Enforcement Manual is an important and necessary step for FEC transparency. When the FEC requested comments on its enforcement process, several campaign practitioners stated that the enforcement process required "transparency and close review for its fair and effective operation." Without a current and public Enforcement Manual, this transparency is sorely lacking. Other commenters cautioned that individuals "penalized according to some semi-secret method tend[] to view the entire process with skepticism and as something less than fully legitimate." To maintain its legitimacy and demonstrate a commitment to transparency, the FEC needs to complete and release its revised Enforcement Manual. An updated manual will allow individuals to understand the enforcement process and ensure fair and effective enforcement of the Commission's statutory obligations.

In its May 23, 2012, press release, the FEC stated a revised Enforcement Manual was "scheduled to be completed and made available to the public early [in 2013]." Nearly a year later, the FEC is in danger of missing this deadline – notwithstanding that the manual was circulated to the Commission more than three months ago and Commissioners have had several weeks to review the dozen comments submitted.

Please provide the Committee with specific dates on which a revised Enforcement Manual will be (1) finally approved, (2) used by the Office of General Counsel in its enforcement activities, and (3) released to the public. If the revised Enforcement Manual will not be released in early 2013, as the Commission stated in its press release, please inform the Committee of the reasons for the delay.

Ellen Weintraub
May 8, 2013

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The Committee's November 3, 2011, hearing and the documents the FEC released at the Committee's request made clear the FEC's existing Enforcement Manual is outdated, poorly organized and difficult to understand. The Commission has expressed its commitment both to update that manual and to release it to the public, and as the FEC's oversight committee we take seriously the importance of that commitment.

Please respond to this letter no later than May 20, 2013. If you have any questions about this letter, please contact the Committee at 202-225-8281.

Sincerely,



Candice S. Miller
Chairman

cc: Commissioner Don McGahn, Vice Chair
Commissioner Caroline Hunter
Commissioner Matthew Petersen
Commissioner Steven Walther
Anthony Herman, General Counsel