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# United States Senate

COMMITTEE ON  
RULES AND ADMINISTRATION  
WASHINGTON, DC 20510-6325

October 3, 2007

Dear Colleagues:

This letter is to inform you of some of the most important changes that have gone into effect with the enactment of S. 1, the Honest Leadership and Open Government Act of 2007. As you are aware, this legislation made consequential modifications to the Standing Rules of the Senate and to the federal statutes governing lobbying and government ethics.

For your convenience, we have attached the revised version of the Standing Rules of the Senate for your review. It is extremely important that you and your staff understand these changes and incorporate them into your office policies, as appropriate.

The following summarizes a number of the new provisions that directly impact Members and Senate employees:

## **Ban on Gifts from Lobbyists and Entities that Hire Lobbyists**

- Prohibits Members and their staff from accepting gifts from registered lobbyists or entities that hire or employ them.
  - Exemptions, like personal gifts provided on the basis of a family relationship or personal friendship, political contributions, free attendance at widely-attended events, and donations of home state products to Members from that state, remain in force.
  - One new exception allows Members and their staff to accept free attendance at a conference, site visit, dinner or other event in their home state if (1) it is sponsored and attended by a group of at least 5 constituents, (2) no registered lobbyists are in attendance, and (3) the cost of any meal served is less than \$50 per person.

*Effective Date: Sept. 14, 2007.*

## **Restrictions on Lobbyist Participation in Travel**

- Prohibits Members and their staff from accepting private travel from registered lobbyists or the entities that hire them, except under the following circumstances:
  - Members and their staff, with pre-approval from the Ethics Committee, may accept travel in order to participate in a one day/one-night meeting, speaking engagement, fact-finding trip or similar event.
  - Members and their staff may accept travel provided by 501(c)(3) organizations if the trip has been pre-approved by the Ethics Committee.
- Requires Members and their staff to disclose travel expenses reimbursed by a private entity not later than 30 days after the travel is completed.
- Requires that the Ethics Committee be provided with a written certification prior to travel that the trip will not be financed, planned, organized, requested or arranged in any part by a registered lobbyist and that the traveler will not be accompanied on any segment of the trip by a registered lobbyist.

*Effective Date: 60 days after S. 1's enactment date (Sept. 14, 2007), or the date when the Ethics Committee issues new travel guidelines, whichever is later.*

## **Non-Commercial Air Travel**

- Requires that Members and candidates for federal office pay the fair market value for flights on private aircraft not operated or paid for by an air carrier that is certified by the Federal Aviation Administration.
- Fair market value for a flight on a non-commercial aircraft is defined as the normal and usual charter or rental fare for a comparable plane divided by the number of Members, officers, employees, or candidates on the flight.

*Effective Date: Sept. 14, 2007.*

## **Restrictions on Lobbying Congress**

- Prohibits Members from lobbying Congress for two years after they leave office.
- Prohibits senior staff and officers (compensated in excess of 75 percent of a Member's salary for more than 60 days in a year) from lobbying the entire Senate for one year after they leave their employing office.

*Effective Date: This provision goes into effect for all Members and employees who leave the Senate on or after the date of adjournment of the first session of the 110<sup>th</sup> Congress sine die or December 31, 2007, whichever date is earlier.*

### **Disclosure by Members and Staff of Employment Negotiations**

- Prohibits Members from negotiating for future employment until their successors are elected, unless they disclose the negotiations to the Ethics Committee within 3 business days.
- Prohibits Members from seeking employment as a registered lobbyist before their successors are elected.
- Requires senior staff (compensated in excess of 75 percent of a Member's salary) to notify the Ethics Committee within 3 days of beginning negotiations for future private employment. Senior staff must then recuse themselves from all official communications with the potential private employer and from any matter that would create or appear to create a conflict of interest.

*Effective Date: Sept. 14, 2007.*

### **Wrongfully Influencing Private Employment Decisions or Practices**

- Prohibits Members of Congress and their staff from taking or withholding, or offering or threatening to take or withhold official actions with the intent to influence the employment decision of a private entity for partisan reasons.
- Subjects those who violate this provision to a fine and imprisonment for up to 15 years.

*Effective Date: Sept. 14, 2007.*

### **Disclosure of Bundled Campaign Contributions**

- Requires campaigns to disclose to the Federal Election Commission (FEC) when lobbyists bundle over \$15,000 in campaign contributions over a six-month period.

*Effective Date: This provision goes into effect 90 days after the FEC promulgates final regulations, which must be no later than 6 months after enactment (Sept. 14, 2007).*

### **Procedural Reform**

- Subjects all new matter added to conference reports (when the new matter was not committed by either House) to a point of order. Unless the point of order is waived by an affirmative vote of 3/5ths of the Members, the new matter shall be stricken from the report.
- Requires that conference reports be made available to Members and the public at least 48 hours before a vote is in order, unless this requirement is waived by an affirmative vote of 3/5ths of the Members.

- Requires that after an objection is made to proceeding to a legislative matter or nomination, the Member placing the hold must publicly disclose his or her objection in the Congressional Record within 6 session days.

*Effective Date: Sept. 14, 2007.*

### **Earmark Reform**

- Requires Members requesting the inclusion of a congressionally directed spending item, limited tax benefit, or limited tariff to provide to the chairman and ranking member of the committee of jurisdiction the identity of the intended recipient or beneficiary and the purpose of the requested item.
- Requires that congressionally directed spending items, limited tax benefits and limited tariff benefits in bills, resolutions, conference reports and managers' statements be identified and posted on the internet at least 48 hours before Senate floor action.
- Requires that the chairman of the committee of jurisdiction or the Majority Leader, or his designee, certify that the direct spending items, limited tax benefits, and limited tariff benefits in each bill, joint resolution, or conference report considered by the Senate have been identified and made publicly available at least 48 hours before consideration on the floor.
- Requires Members to publish in the Congressional Record, as soon as practicable, amendments offered during consideration of a bill or joint resolution that contain directed spending, limited tax benefits, or limited tariff benefits.
- Subjects new congressionally directed spending in a conference report (when the new spending was not approved by either House) to a point of order that, unless waived by a 3/5ths vote, will result in the spending being stricken from the report.
- Requires a Member requesting a congressionally directed spending item, limited tax benefit or limited tariff to certify that it will not benefit only the Member or the Member's immediate family.
- Allows all points of order under this provision to be waived by a vote of 3/5ths of the Members.

*Effective Date: Sept. 14, 2007.*

To help further, we've attached a memorandum from the Congressional Research Service that includes a more thorough discussion of the provisions and effective dates of S. 1.

In accord with the bill, the Ethics Committee will be conducting mandatory training for all Senators and staff within 165 days of enactment. In the future, new Members and staff will receive training by the Ethics Committee within 60 days of the beginning of their service or employment.

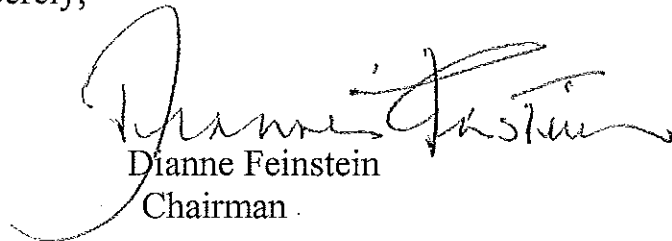
Questions about how the Ethics Committee will interpret and enforce these new rules should be directed to the Ethics Committee. This letter is not an official interpretation of the rules and should not be relied upon as such.

We hope the transition to these new rules will be as smooth as possible and that this letter and the attached documents are helpful in resolving any concerns you may have regarding the implementation of S. 1.

Sincerely,



Robert F. Bennett  
Ranking Member



Dianne Feinstein  
Chairman