

March 5, 2019

To Members of the United States House of Representatives:

We write to express our opposition to H.R. 1, disingenuously named the “For the People Act of 2019.” Although its supporters focus on aspects of the bill that purport to bring more people into the political process, other parts of the legislation are clearly designed to have precisely the opposite effect – pushing certain voices, representing large segments of the electorate and our economy, out of the political process altogether.

Over the past several Congresses, various iterations of the legislation known as the DISCLOSE Act have been introduced. The profound constitutional problems of that legislation are well documented and include: (1) that it sought to chill associational and speech rights guaranteed by the First Amendment by threatening donor disclosure for groups engaged in advocacy; (2) that it provided for unequal treatment of speakers, severely burdening the business community while leaving unions largely unaffected; and (3) that it sought to deter speech through the imposition of unnecessarily burdensome disclaimers and reporting requirements. Remarkably, H.R. 1 takes the worst ideas and impulses of the DISCLOSE Act and expands upon them in ways that have incredibly harmful – and unconstitutional – consequences.

Campaign finance law is inherently complex, and even finely-tuned changes can have unintended, chilling effects on protected First Amendment activity. But the campaign finance provisions of H.R. 1 are not finely-tuned. Perhaps the most striking example is H.R. 1’s sweeping regulation of so-called “campaign-related disbursements,” which captures a brand-new category of communications that “promote,” “attack,” “support,” or “oppose” a candidate or elected official (“PASO communications”). Unlike existing campaign finance law, which regulates speech that either expressly advocates a candidate’s election or defeat or that mentions a candidate in relatively close temporal proximity to an election, the vague and overly broad new definition of PASO communications applies year-round and threatens to consume any legislative advocacy that dares mention an elected official. The penalties imposed by H.R. 1 for engaging in PASO communications are severe – a group that spends more than an aggregate of \$10,000 on such communications over a two-year election cycle must, among other things, file reports publicly disclosing all of its donors who have given it more than \$10,000 during the election cycle. As in previous versions of the DISCLOSE Act, the \$10,000 donor threshold appears designed to target business organizations while largely sparing labor organizations from disclosure of their funding sources, which are typically union dues that are far less than \$10,000.

If H.R. 1 becomes law, organizations should not expect the FEC to adopt a narrow view of what constitutes regulated speech under the legislation’s vague and overly broad new definition of PASO communications. That is because H.R. 1 also fundamentally transforms the FEC from a non-partisan agency (comprised of three commissioners from each party) into an overtly partisan enforcement tool controlled by a majority of commissioners from the political party then in power. Although it may frustrate opponents of free speech, the FEC’s current, non-partisan structure was not an accident – it was a careful and conscious choice made by Congress

forty-four years ago to respect the contours of the First Amendment, avoid chilling legitimate speech, and prevent the FEC from becoming a political weapon. It was a recognition that when there are close calls, the tie should be resolved in favor of free speech and not censorship or politically motivated enforcement actions. Like other provisions of H.R. 1, this proposed change to the FEC's structure seemingly has been designed to maximize the chilling effect on groups that wish to express a view about their elected officials and what those officials are doing.

There are many other aspects of the legislation that are extremely problematic. To highlight just a few:

- Under existing law, certain communications that are coordinated with a candidate may be deemed to be an in-kind campaign contribution to a candidate. Because corporate organizations (including associations) are not permitted to make campaign contributions of any kind to a candidate, these kinds of coordinated communications are also prohibited. But H.R. 1 would deem communications by such organizations to be “coordinated” (and thereby prohibited) if the organization has even the most innocuous and tenuous of connections with a candidate – a meeting with an elected official to discuss a policy issue, an organizational employee who was previously employed by the elected official or candidate in any capacity, or a common vendor with a candidate – even if that connection had absolutely nothing to do with the candidate's campaign.
- H.R. 1 would also usher in a host of onerous disclaimer requirements for those engaging in communications that mention a candidate or elected official, even if those communications are related to legislative issues. Given that current law already requires the clear identification of the group or individual responsible for a candidate communication, these new disclaimer requirements only serve to burden the exercise of speech, presumably to discourage it in the first instance.

Free speech and the robust debate of ideas have been the lynchpin of American democracy and progress for more than two centuries. Because major aspects of H.R. 1 are fundamentally incompatible with that American tradition and the principles enshrined in our Constitution, we strongly urge you to oppose this legislation.

Sincerely,

Agricultural Retailers Association
Airlines for America
Alliance of Automobile Manufacturers
American Bankers Association
American Council of Engineering Companies
American Financial Services Association
American Foundry Society
American Forest & Paper Association
American Petroleum Institute
American Property Casualty Insurance Association (APCIA)

Associated Builders and Contractors
Associated General Contractors of America
Associated Wire Rope Fabricators
Auto Care Association
Construction Industry Round Table
Energy Equipment and Infrastructure Alliance
Family Business Coalition
Food Marketing Institute
Foodservice Equipment Distributors Association
Heating, Air-conditioning & Refrigeration Distributors International (HARDI)
Independent Electrical Contractors, Inc.
Insurance Associates, Inc.
International Association of Plastics Distribution
International Foodservice Distributors Association
International Franchise Association
March for Life Action
Motorcycle Industry Council
National Association of Chemical Distributors
National Association of Electrical Distributors
National Association of Manufacturers
National Black Chamber of Commerce
National Club Association
National Electrical Contractors Association
National Grocers Association
National Independent Automobile Dealers Association
National Insulation Association
National Investor Relations Institute
National Lumber and Building Material Dealers Association
National Marine Distributors Association
National Waste & Recycling Association
North American Millers Association
Portland Cement Association
Retail Industry Leaders Association
Textile Care Allied Trades Association
The National Stone, Sand and Gravel Association
The Toy Association
Transportation Intermediaries Association
U.S. Chamber of Commerce

AL Alabama Grocers Association
AL Mountain Lakes Chamber of Commerce
AL Prattville Area Chamber of Commerce
AR Arkansas State Chamber/Associated Industries of Arkansas
AR Spring River Arkansas Area Chamber of Commerce
AZ Arizona Chamber of Commerce and Industry
AZ Arizona Manufacturers Council
AZ Buckeye Valley Chamber of Commerce
AZ Chandler Chamber
AZ Gilbert Chamber of Commerce
AZ Glendale Chamber of Commerce
AZ Greater Flagstaff Chamber of Commerce
AZ Greater Florence Chamber of Commerce
AZ Greater Oro Valley Chamber of Commerce
AZ Greater Phoenix Chamber
AZ Green Valley Sahuarita Chamber of Commerce
AZ Lake Havasu Area Chamber of Commerce
AZ Mesa Chamber of Commerce
AZ Nogales-Santa Cruz County Chamber of Commerce
AZ Pinetop-Lakeside Chamber of Commerce
AZ Prescott Valley Chamber of Commerce
AZ Southwest Valley Chamber of Commerce
AZ Surprise Regional Chamber of Commerce
AZ Tempe Chamber of Commerce
AZ Tucson Metro Chamber
AZ Yuma County Chamber of Commerce
CA Azusa Chamber
CA Big Bear Chamber of Commerce
CA Brawley Chamber of Commerce
CA Brea Chamber of Commerce
CA California Chamber of Commerce
CA Camarillo Chamber of Commerce
CA Cerritos Regional Chamber of Commerce
CA Chatsworth/Porter Ranch Chamber of Commerce
CA Compton Chamber of Commerce
CA Dana Point Chamber of Commerce
CA Downey Chamber of Commerce
CA Far West Equipment Dealers Association
CA Fresno Chamber of Commerce
CA Gateway Chambers Alliance
CA Glendora Chamber of Commerce
CA Goleta Chamber of Commerce
CA Granada Hills Chamber of Commerce
CA Greater Bakersfield Chamber of Commerce
CA Greater Conejo Valley (CA) Chamber of Commerce

CA Greater Irvine Chamber of Commerce
CA Greater Ontario Business Council
CA Hawthorne Chamber of Commerce
CA Hueneme Chamber of Commerce
CA King City Chamber of Commerce & Agriculture
CA Martinez Chamber of Commerce
CA Montebello Chamber of Commerce
CA Murrieta/Wildomar Chamber of Commerce
CA North Orange County Chamber of Commerce
CA Norwalk Chamber of Commerce
CA Oceanside Chamber of Commerce
CA Orange County Business Council
CA Oroville Area Chamber of Commerce
CA Oxnard Chamber of Commerce
CA Palm Desert Area Chamber of Commerce
CA Paramount Chamber of Commerce
CA Pleasanton Chamber of Commerce
CA Rancho Cordova Chamber of Commerce
CA Redding Chamber of Commerce
CA Regional Hispanic Chamber of Commerce
CA San Diego Regional Chamber of Commerce
CA San Gabriel Valley Economic Partnership
CA San Juan Capistrano Chamber of Commerce
CA Santa Fe Springs Chamber of Commerce & Industrial League Inc.
CA Santa Maria Valley Chamber of Commerce & Economic Development Commission
CA Southwest California Legislative Council
CA The Orange County Hispanic Chamber of Commerce
CA Torrance Area Chamber of Commerce
CA Tulare Chamber of Commerce
CA Vacaville Chamber of Commerce
CA Vernon Chamber of Commerce
CO Aurora Chamber of Commerce
CO Colorado Business Roundtable
CO Fort Collins Area Chamber of Commerce
CO Greater Pueblo Chamber of Commerce
CO Rocky Mountain Food Industry Association
CT Outdoor Power Equipment and Engine Service Association
DE Delaware State Chamber
FL Greater Hernando County Chamber of Commerce
FL Greater Tampa Chamber of Commerce
FL Holmes County Development Commission
FL Miramar Pembroke Pines Regional Chamber of Commerce
FL Sanibel and Captiva Chamber of Commerce
GA Bainbridge Decatur County Chamber of Commerce
GA Milledgeville-Baldwin County Chamber of Commerce
GU Guam Chamber of Commerce

HI Chamber of Commerce Hawaii
IA Greater Burlington Partnership
IA Greater Franklin County Chamber of Commerce
IA Iowa Association of Business and Industry
IA Marshalltown Area Chamber of Commerce
IA Mason City Chamber of Commerce
IA National Association of Sporting Goods Wholesalers
ID Greater Idaho Falls Chamber of Commerce
ID Lewis-Clark Valley Chamber of Commerce
IL Bolingbrook Area Chamber of Commerce
IL Chamber630
IL Crystal Lake Chamber of Commerce
IL Edwardsville/Glen Carbon Chamber of Commerce
IL Galena Area Chamber of Commerce
IL GOA Regional Business Association
IL Greater Oak Brook Chamber of Commerce & Economic Development Partnership
IL Greater Springfield Chamber of Commerce
IL Green Oaks, Libertyville, Mundelein, Vernon Hills (GLMV) Chamber of Commerce
IL Grundy County Chamber
IL Highland Chamber of Commerce
IL Illinois Chamber of Commerce
IL Illinois Food Retailers Association
IL Joliet Region Chamber of Commerce & Industry
IL Lombard Chamber of Commerce
IL McLean County Illinois Chamber of Commerce
IL Naperville Area Chamber of Commerce
IL New Lenox Chamber of Commerce
IL Ottawa Area Chamber of Commerce & Industry
IL Pekin Area Chamber of Commerce
IL Peoria Area Chamber of Commerce
IL Rolling Meadows Chamber of Commerce
IL Sauk Valley Area Chamber of Commerce
IL Western DuPage Chamber of Commerce
IL Westmont Chamber of Commerce
IL Wheaton Chamber of Commerce
IL Winnetka-Northfield Chamber of Commerce
IN Decatur Chamber of Commerce
IN Gary Chamber of Commerce
IN Indiana Chamber of Commerce
IN South Bend Regional Chamber of Commerce
IN Spencer County Regional Chamber of Commerce
KS Kansas Chamber of Commerce
KS Kansas Global Trade Services
KS Wichita Regional Chamber of Commerce
KY Kentucky Chamber of Commerce
KY Union County Chamber of Commerce

LA Central Louisiana Regional Chamber of Commerce
LA Jeff Davis Chamber of Commerce
LA Jefferson Chamber of Commerce
LA Livingston Parish Chamber of Commerce
LA River Region Chamber of Commerce
MA Cape Cod Chamber of Commerce
MA North Shore Chamber of Commerce
MD Education Market Association
MD Harford County Chamber of Commerce
MD Maryland Chamber of Commerce
MD Maryland Retailers Association
MD Olney Chamber of Commerce
MD Talbot County Chamber of Commerce
MD The Greater Bethesda Chamber of Commerce
MD Washington County (Maryland) Chamber of Commerce
ME Retail Association of Maine
MI Battle Creek Area Chamber of Commerce
MI Benzie County Chamber of Commerce
MI Michigan Chamber of Commerce
MI Saginaw County Chamber of Commerce
MN Eden Prairie Chamber of Commerce
MN I-94 West Chamber of Commerce
MN Marshall Area Chamber of Commerce
MN Minnesota Chamber of Commerce
MN The Chamber Grand Forks East Grand Forks
MN TwinWest Chamber of Commerce
MO Missouri Chamber of Commerce and Industry
MO Missouri Grocers Association
MO Ozark Empire Grocers Association
MO St. Joseph Chamber of Commerce
MO St. Louis Regional Chamber
MS Mississippi Economic Council
MT Kalispell Chamber of Commerce
MT Montana Chamber of Commerce
NC McDowell Chamber of Commerce
ND Greater North Dakota Chamber of Commerce
ND North Dakota Grocers Association
NE Lincoln Chamber of Commerce
NE Nebraska Chamber of Commerce & Industry
NE Nebraska Grocery Industry Association
NE Norfolk Area Chamber of Commerce
NH New Hampshire Grocers Association
NJ Chamber of Commerce Southern New Jersey
NJ Gateway Regional Chamber of Commerce
NV Carson City Chamber of Commerce
NV Humboldt Chamber of Commerce

NV Las Vegas Metro Chamber of Commerce
NV White Pine Chamber of Commerce
NY Commerce Chenango Inc.
NY Greater Binghamton Chamber of Commerce
NY Greater Rochester Chamber of Commerce
NY North Country Chamber of Commerce
NY The Business Council of New York State, Inc.
OH Ashland Area Chamber of Commerce
OH Brookville Area Chamber of Commerce
OH Darke County Chamber of Commerce
OH Gahanna Area Chamber of Commerce
OH Greater Ashtabula Chamber of Commerce
OH Hilliard Area Chamber of Commerce
OH Lima Allen County Chamber of Commerce
OH Little Miami River Chamber Alliance
OH Orrville Chamber of Commerce
OH South Summit Chamber of Commerce
OH Wyandot County Ohio Chamber of Commerce
OK Bartlesville Regional Chamber of Commerce
OK Oklahoma Grocers Association
OK State Chamber Of Oklahoma
OR The Chamber of Medford/Jackson County
PA Alle Kiski Strong Chamber
PA Blair County Chamber of Commerce
PA Cambria Regional Chamber of Commerce
PA Chester County Chamber of Business & Industry
PA Delaware County Chamber of Commerce
PA Greater Reading Chamber Alliance
PA Hanover Area Chamber of Commerce
PA Harrisburg Regional Chamber & CREDC
PA Juniata River Valley Chamber of Commerce
PA Lancaster Chamber
PA Pennsylvania Chamber of Business and Industry
PA Pennsylvania Food Merchants Association
PA Schuylkill Chamber of Commerce
RI East Greenwich Chamber of Commerce
SC Greenwood SC Chamber of Commerce
SC South Carolina Timber Producers Association
TN Johnson City/Jonesborough/Washington County TN Chamber
TN Sevierville Chamber of Commerce
TX Bryan/College Station Chamber of Commerce
TX Cedar Park Chamber of Commerce
TX Clifton Chamber of Commerce
TX Conroe/Lake Conroe Chamber of Commerce
TX Granbury Chamber of Commerce
TX Greater Boerne Chamber

TX Greater Irving-Las Colinas Chamber of Commerce
TX Longview TX Chamber of Commerce
TX Lubbock Chamber of Commerce
TX McAllen Chamber of Commerce
TX North Texas Commission
TX Palacios Chamber of Commerce
TX Plano Chamber of Commerce
TX Rowlett Chamber of Commerce
TX San Antonio Hispanic Chamber of Commerce
TX The Mansfield Area Chamber of Commerce
UT Davis Chamber of Commerce
UT Draper Area Chamber of Commerce
UT Salt Lake Chamber
UT Sandy Area Chamber of Commerce
UT Utah Valley Chamber of Commerce
UT West Jordan Chamber of Commerce
VA Council of Industrial Boiler Owners
VA Decorative Hardwoods Association
VA Greater Springfield Chamber of Commerce
VA Loudoun County Chamber of Commerce
VA National Insulation Association
VA Small Business & Entrepreneurship Council
VT Central Vermont Chamber of Commerce
WA Ferndale Chamber of Commerce
WA Greater Issaquah Chamber of Commerce
WA Greater Yakima Chamber of Commerce
WA Tacoma-Pierce County Chamber
WA Washington Automotive Industry Association
WI Beaver Dam Chamber of Commerce
WI Metropolitan Milwaukee Association of Commerce
WI Monroe Chamber of Commerce
WI Oshkosh Chamber of Commerce
WI Rice Lake Chamber of Commerce
WI Wisconsin Grocers Association
WI Wisconsin Manufacturers & Commerce
WI Wisconsin Small Businesses United
WV West Virginia Chamber of Commerce
WY Cody Country Chamber of Commerce
WY Rock Springs Chamber of Commerce
WY Wyoming Stock Growers Association