

Legislative Bulletin.....June 24, 2010

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H.R. 5175 - Democracy Is Strengthened by Casting Light on Spending in Elections (DISCLOSE) Act

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

- First Amendment to the U.S. Constitution

On the Citizens United decision: "This is a defeat for arrogant elitists who wanted to carve out free speech as a privilege for themselves and deny it to the rest of us; and for those who believed that speech had a dollar value and should be treated and regulated like currency, and not a freedom. Today's decision reaffirms that the Bill of Rights was written for every American and it will amplify the voice of average citizens who want their voices heard."

- Wayne LaPierre, National Rifle Association

I hope it chills out all – not one side, all sides. I have no problem whatsoever keeping everybody out. If I could keep all outside entities out, I would.

- Congressman Michael Capuano (D-MA) at the mark-up, reported by the Center for Competitive Politics

*The Arizona Democrat paraphrased the pitch from Speaker Nancy Pelosi (D-Calif.): "This is not perfect. We needed to carve it out in order to get the Blue Dogs. Otherwise we can't pass it. **If we don't pass it, the consequences are dire for the party.**"*

-Congressman Raul Grijalva (D-AZ) paraphrasing Nancy Pelosi, [Roll Call article](#), June 24, 2010

Key Conservative Concerns

Take-Away Points

- **Partisan ploy to get Democrats elected to Congress.** The bill, "coincidentally" sponsored by the chairman of the Democratic Congressional Campaign Committee in charge of electing Democrats to Congress, re-writes campaign finance laws in favor of Democrats right before elections. It was crafted behind closed doors with no input from Republican members of the House Administration Committee. The bill was designed by Democrats to silence their political opponents.

- **Creates a special, narrow carve-out for specific organizations intended to sway votes toward passage of the bill.** The National Rifle Association (NRA), the Sierra Club, AARP, and other organizations that meet certain criteria, are covered in a last minute deal that creates an exemption from the financial disclosure requirements in the bill. It is worth noting that the Sierra Club is still opposed to the bill. This carve out does nothing to protect the First Amendment rights of millions of Americans, including those represented by gun rights groups, who want to engage in the political process but will instead be deterred by this bill. As stated in a recent *Wall Street Journal* editorial, “Creating a special exception for the NRA, and thereby assuring the Democrats ‘good grades’ on Second Amendment rights, eases the way for the bill to be passed. A failing grade on First Amendment rights is somebody else’s problem.” The exemption is intended to make it easier for a bad bill to get the votes it needs to pass. The bill also prohibits independent expenditures or disbursing funds for electioneering communications by anyone with a government contract greater than \$10 million. Originally, the threshold was \$50,000, which was changed in mark-up. It was then changed to \$7 million and then to \$10 million because the NRA reportedly receives over \$7 million in government contracts.
- **NRA will still be affected by significant portions of the bill.** According to a legal analysis by renowned campaign finance lawyer, James Bopp, the NRA carveout does not exempt a qualifying organization from the expansion of the definitions of coordination, independent expenditure, and electioneering communications. As a result, **the NRA (or any qualified organization that falls under the exemption) will still be subject to current reporting and disclosure/disclaimer requirements for more activities under the definitions in this bill.** Other pro-Second Amendment 501(c)(4) organizations presumably not covered by the exemption will still be covered by the bill and thus, their ability to defend the Second Amendment will be weakened. Some of these groups include: National Shooting Sports Foundation, Citizens Committee for the Right to Keep and Bear Arms; Gun Owners Action League, Gun Owners of America; Second Amendment Sisters; Liberty Belles; and Law Enforcement Alliance of America.
- **Favors unions over corporations.** Current law already bans foreign nationals from contributing to elections. See the [RSC Policy Paper on Citizens United](#) for more details. DISCLOSE makes current law much more restrictive and bans independent expenditures on activity by American corporations with 20% or more foreign ownership. However, similar restrictions are not included for unions with foreign members or non-citizen members. As eight former Federal Election Commissioners stated in a recent *Wall Street Journal* article, “... Disclose does not ban foreign speech but speech by American citizen shareholders of U.S. companies that have some element of foreign ownership, even when those foreigners have no control over the decisions made by the Americans who run the company.” Additionally, the new threshold for reporting (\$600 in donations for independent expenditures) will have little effect on unions whose members’ annual dues average much lower than \$600. *This would preclude unions from having to report.*
- **Even more union loopholes.** The manager’s amendment includes language that would allow unions to transfer money, *without reporting it*, from union to union through a loophole that does not apply to unions because of their dues-paying structure.

- ***Threatens organizations with lawsuits for non-compliance.*** The bill becomes effective 30 days after enactment, giving the Federal Election Commission no time to craft regulations relating to the implementation of the bill, which will certainly be complicated, and not to mention expensive, to execute. *Organizations would have to operate without any guidance from the FEC and risk possible lawsuits.*
- ***Onerous disclosure and reporting requirements will deter citizen engagement.*** The bill includes requirements that every incorporated entity engaged in independent campaign activity must list all donors of \$600 or more with the Federal Election Commission (FEC). The bill also requires CEOs of organizations to appear in the ads, and state their name and their organization two times. Additionally, the top five funders of the organization must be listed in the ad (and top two for radio), and if there is a top “significant” funder, he or she must identify himself or herself, his or her title, and state the name of the organization *three times in the ad*. These tedious and onerous requirements will have the effect of deterring organizations from getting involved in elections (and potentially take up most of the ad time).

For more details on these and additional concerns, see the conservative concerns section below.

H.R. 5175 - Democracy is Strengthened by Casting Light on Spending in Elections (DISCLOSE) Act (*Van Hollen, D-MD*)

Order of Business: H.R. 5175 is scheduled to be considered on Thursday, June 24, 2010, under a structured rule ([H.Res. 1468](#)) that waives all points of order against consideration of the bill except for clause 9 of Rule XXI (earmarks) and clause 10 of Rule XXI (PAYGO) and makes in order 5 amendments (sent in a separate document). The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration. The rule provides for one motion to recommit with or without instructions and five amendments. All amendments are debatable for 10 minutes, except for the Manager’s Amendment, which will self-enact upon passage of the rule. A separate document will be sent out on the amendments.

The rules also provides for suspensions through Friday and for the same-day consideration of the rule for H.R. 4213, the deficit extenders bill, by simple majority.

Summary: On April 29, 2010, Congressman Chris Van Hollen (D-MD) introduced H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections (DISCLOSE) Act. The bill amends the Federal Election Campaign Act of 1971 to require that additional campaign-related spending information be reported to the Federal Election Commission (FEC) and creates new prohibitions on political spending by certain government contractors, Troubled Asset Relief Program (TARP) recipients, and companies with a 20% ownership by foreign nationals. To see recent changes to the bill from to the self-enacting manager’s amendment, see the beginning of the Summary Section below.

The bill is a direct response to *Citizens United v. Federal Election Commission* – a First Amendment victory in which the Supreme Court overturned the prohibition on corporations and unions using treasury funds for independent expenditures supporting or opposing political candidates at any time of the year. Simply put, the DISCLOSE Act aims to limit (and even deter) the political speech that was protected and encouraged by *Citizens United*. As reported by the Center for Competitive Politics, Congressman Michael Capuano (D-MA) said at the mark-up, **“I hope it chills out all – not one side, all sides. I have no problem whatsoever keeping everybody out. If I could keep all outside entities out, I would.”**

Due to a recent decision by the Democrats to exempt the National Rifle Association (NRA), among other groups such as the Sierra Club (which still opposes the bill), [Democrats have found themselves in a bind](#) over the last couple weeks trying to find the votes to pass the bill. Even GOP cosponsor, Congressman [Mike Castle has indicated that he is considering withdrawing his support](#) due to the exemption language. Since the compromise was reached, the NRA has removed its opposition to the bill, much to the chagrin of many Republicans who believe the bill is a direct affront on First Amendment rights (and therefore Second Amendment rights) for millions of Americans, regardless of whether or not the NRA is exempted from some (but clearly not all) provisions of the bill. At the same time, many anti-Second Amendment rights Democrats are angry that the carve-out will help the NRA. To read Cleta Mitchell’s (campaign finance lawyer at Foley & Lardner and NRA Board Member) *Washington Post* op-ed on why the NRA exemption is a bad idea, [click here](#).

*Please note that all terms marked with an * have definitions at the bottom of the summary section.*

Brady Manager’s Amendment. The manager’s amendment, which will be automatically added to the bill upon passage of the rule, does the following:

- Exempts certain 501(c)(4) organizations (Civic Leagues, Social Welfare Organizations, and Local Associations of Employees) from requirements of the bill if:
 - The organization has been in existence for 10 years;
 - The organization has at least 500,000 dues-paying members;
 - The members of the organization includes at least one person from every state (this includes the District of Columbia and Puerto Rico);
 - During the previous calendar year, the funds provided to the 501(c)(4) from corporations or labor organizations did not exceed 15 percent of the total funding received from all sources; and
 - The organization does not use any funds from corporations or labor organizations for campaign-related activity.
- Defines coordinated communication to exclude “a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilitates are owned or controlled by any political party, political committee, or candidate.” The amendment also exempts candidate debate. It is unclear why the internet was not explicitly mention here.

- Prohibits independent expenditures* or disbursing funds for electioneering communications* by anyone with a government contract greater than \$10 million. Originally, the threshold was \$50,000, which was then changed to \$7 million in Committee markup.
- Provides that if a transfer of funds is made between affiliated entities and the funds are attributable to regularly paid dues, fees, or assessments paid by individuals based on a per-individual calculation, then the transfer amount is attributable to the individuals and not the organization and would not be reported unless the individual's share was over \$50,000. **This would exempt unions which would be able to make transfers from union to union without having to report.** The underlying bill excluded from reporting requirements transfers of funds between affiliated entities up to \$50,000. (*See conservative concerns for more info*).
- Treats Campaign Related Activity Accounts as separate segregated funds for purposes of the tax code.
- Adds a new Section 402 which states that the requirement to disclose information is waived if there is a "reasonable probability" (undefined) that the disclosure would subject the individual to threats, harassments, or reprisals.

Underlying Bill.

Section 101.

- Prohibits independent expenditures* or disbursing funds for electioneering communications* by anyone with a government contract greater than \$10 million (changed in the manager's amendment). Originally, the threshold was \$50,000, which was then changed to \$7 million.
- Prohibits independent expenditures or disbursing any funds for electioneering communications by TARP recipients who have not repaid financial assistance.

Section 102.

- Applies the ban on contributions and expenditures by foreign nationals* to covered corporations* that have:
 - 20% ownership by foreign nationals (undefined as to when the 20% threshold would apply, since ownership can change);
 - A majority of the members of the board of directors who are foreign nationals;
 - At least one foreign national with the power to direct, dictate, or control the decision-making process of the corporation with respect to its U.S. interests; and
 - At least one foreign national with the power to direct, dictate, or control the decision-making process of the corporation with respect to elections and political activities.

Section 103.

- Defines "**coordinated communications**" as: 1) a covered communication which is made in cooperation with a candidate, an authorized committee of a candidate, or a political committee of a political part and 2) any communication that republishes, disseminates, or distributes campaign material that is prepared by a candidate, an authorized committee of a candidate, or their agents.

- Defines “**covered communication**” as a publicly distributed communication that refers to a clearly identified candidate for federal office and is publicly distributed 90 days before House primaries and ending at the general election, and 120 days before a Presidential primary election and ending at the general election.
- The term “covered communication” *does not include* “a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication...” (note that this does not include the internet). An exemption also exists for a communication which constitutes a candidate debate.

Section 201. Express Advocacy

- Expands the definition of independent expenditure* to include express advocacy* **or its functional equivalent** because it can be interpreted by a “**reasonable person**” (note that this is not defined in the bill) only as advocating the election or defeat of a candidate.
- Includes a 24-hour reporting requirement after the expenditure is made for persons making independent expenditures each time a person make an independent expenditure equal to or greater than the threshold amount. The threshold amount means: for contributions made up to the 20th day before an election, \$10,000; and for contributions made between the 19th day before an election to more than 24 hours before the date of the election, \$1,000.
- Becomes effective 30 days after enactment regardless of whether the FEC has promulgated regulations to carry out the section.

Section 202. Electioneering Communication

- Changes the definition of electioneering communications* from beginning 60 days before a general election to 120 days before.
- Adds a reporting requirement that any electioneering communication must be electronically filed and “is publicly available through the Commission website not later than 24 hours after receipt in a manner that is downloadable in bulk and machine readable.”

Section 211. Expanded requirements for corporations and other organizations

- Requires that if donations to an organization are made for the purpose of campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, the organization must report donations or payments in an aggregate amount equal to or over **\$600 for independent expenditure reports.**
- Requires that **if independent expenditures are not made from the organization’s Campaign-Related Activity Account** (the definition for such accounts is available in the next section), **they must report all donations over \$600.** If they are made **from the Account, the organization must report all donations of \$6,000** or more.
- Requires that if donations to an organization are made for the purpose of campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, the organization must report donations or payments in an aggregate amount equal to or over **\$1,000 for electioneering communications reports.**

- Requires that **if electioneering communications are not made from the organization’s Campaign-Related Activity Account, they must report all donations over \$1,000. If they are made from the Account, the organization must report all donations of \$10,000 or more.**
- States that transfers from an organization to any other person for the purpose of electioneering communication shall be reported as such.
- Defines covered organization as corporations, unions, 501(c)(4)s, 501(c)(5)s, 501(c)(6)s, and 527s.

Section 212.

- If a covered organization and a donor mutually agree that the donation will not be used for campaign-related activity, at the time of the donation, the organization does not need to report the donation to the FEC.
- The Chief Executive Officer of an organization must certify all disbursements for campaign-related activity using donor funds and file a statement with the Commission which contains various certifications listed in the bill (e.g. that none of the campaign-related activity was made in cooperation with any candidate or any authorized committee of the candidate, or political committee). The statement shall be filed no later than 15 days after the end of the quarter.
- Defines covered organization as corporations, unions, 501(c)(4)s, 501(c)(5)s, 501(c)(6)s, and 527s.

Section 213. Campaign-Related Activity Accounts

- Allows organizations to make disbursements for campaign-related activity using amounts from an established bank account known as the Campaign-Related Activity Account. The Account shall be maintained separately from all other accounts of the organization and shall only consist of donations for campaign-related activity. Once the account is established, an organization must use it for all campaign-related activity.

Section 214.

- Expands the “stand by your ad” requirements.
- Requires individual disclosure statements for each television and radio ad, where the head of an organization paying for an ad must state his or her name and title and the name of the organization twice.
- Any electioneering communication or an independent expenditure paid for by an organization for a campaign-related activity must list the top five funders on the screen for a television ad and the top two funders for a radio ad.
- Includes a significant funder disclosure statement which says that the top funder must state a disclaimer in the ad and mention the name of the organization three times.

Section 221.

- Requires registered lobbyists to report information on independent expenditures and electioneering communications.
- Lobbyists must report the amount of any independent expenditure equal to or greater than \$1,000 made, along with the name of each candidate being supported or opposed and the amount spent supporting or opposing the candidate.

- Lobbyists must report the amount of any electioneering communication equal to or greater than \$1,000 made by such person or organization, and the name of the candidate and how much was spent.

Section 301.

- Requires that a covered organization which submits regular reports to its shareholders, members, or donors on its finances shall include, in each report, information with respect to disbursements made by the organization for campaign-related activity.
- The information required to be disclosed by an organization must be posted via hyperlink on their internet site. The organization must post it no later than 24 hours after the Commission posts the information on their website.

Section 401.

- Provides for judicial review on challenging the constitutionality of the bill through the US District Court for DC, and an appeal to the Court of Appeals for the DC Circuit, and then to the Supreme Court.
- Any member of the House or Senate may intervene either in support or opposition to the position of a party to the case regarding the constitutionality of the provision of the bill.
- Any Member of the House or the Senate may bring an action for declaratory or injunctive relief to challenge the constitutionality of any provision of the bill.

Section 402. (Section 403 after passage of the rule)

- Contains a severability clause stating that if any provision of the bill is found unconstitutional, the remainder of the bill shall not be affected by the holding.

Section 403. (Section 404 after passage of the rule)

- The bill shall take effect 30 days after enactment, “without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.”

Definitions.

- **Covered Corporation:** Applies to corporations, unions, 501(c)(4)s, 501(c)(5)s, 501(c)(6)s and 527s (defined below).
 - 501(c)(4) — Civic Leagues, Social Welfare Organizations, and Local Associations of Employees
 - 501(c)(5) — Labor, Agricultural, and Horticultural Organizations
 - 501(c)(6) — Business Leagues, Chambers of Commerce, Real Estate Boards, etc.
 - A 527 is a political organization (a party, committee, association, fund, or other organization) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors.

- **Electioneering Communication:** “Any broadcast, cable, or satellite communication that: Refers to a clearly identified candidate for Federal office” and “Is publicly distributed within 60 days before a general election...or within 30 days before a primary...” (2 U.S.C. 434(f)(3)) (This is changed in Section 202 of DISCLOSE)
- **Independent Expenditure:** An expenditure by a person - (A) expressly advocating the election or defeat of a clearly identified candidate; and(B) that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents.(2 U.S.C. 431) Also of note is Justice Kennedy’s explanation in his opinion in *Citizens United* "...an independent expenditure is political speech presented to the electorate that is not coordinated with a candidate." (Opinion of the Court, Justice Kennedy)
- **Foreign Principal (national):** “A government of a foreign country and a foreign political party; a person outside of the United States... and a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” (22 U.S.C. 611)
- **Express Advocacy:** Explicit words or activities calling for the election or defeat of a clearly identified candidate.

Possible Conservative Concerns:

- **Partisan ploy to get Democrats elected to Congress.** The bill, “coincidentally” sponsored by the chairman of the Democratic Congressional Campaign Committee in charge of electing Democrats to Congress, re-writes campaign finance laws in favor of Democrats right before elections. It was crafted behind closed doors with no input from Republican members of the House Administration Committee. The bill was designed by Democrats to silence their political opponents.
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not exempt a qualifying organization from the expansion of the definitions of coordination, independent expenditure, and electioneering communications. As a result, **the NRA (or any qualified organization that falls under the exemption) will still be subject to current reporting and disclosure/disclaimer requirements for more activities under the definitions in this bill.** Other pro-Second Amendment 501(c)(4) organizations presumably not covered by the exemption will still be covered by the bill and thus, their ability to defend the Second Amendment will be weakened. Some of these groups include: National Shooting Sports Foundation, Citizens Committee for the Right to Keep and Bear Arms; Gun Owners Action League, Gun Owners of America; Second Amendment Sisters; Liberty Belles; and Law Enforcement Alliance of America.

- **Favors unions over corporations.** Current law already bans foreign nationals from contributing to elections. See the [RSC Policy Paper on Citizens United](#) for more details. DISCLOSE makes current law much more restrictive and bans independent expenditures on activity by American corporations with 20% or more foreign ownership. However, similar restrictions are not included for unions with foreign members or non-citizen members. As eight former Federal Election Commissioners stated in a recent *Wall Street Journal* article, “... Disclose does not ban foreign speech but speech by American citizen shareholders of U.S. companies that have some element of foreign ownership, even when those foreigners have no control over the decisions made by the Americans who run the company.” Additionally, the new threshold for reporting (\$600 in donations for independent expenditures) will have little effect on unions whose members’ annual dues average much lower than \$600. *This would preclude unions from having to report.*
- **Even more union loopholes.** The manager’s amendment includes language that would allow unions to transfer money, *without reporting it*, from union to union through a loophole that does not apply to unions because of their dues-paying structure.
- **Threatens organizations with lawsuits for non-compliance.** The bill becomes effective 30 days after enactment, giving the Federal Election Commission no time to craft regulations relating to the implementation of the bill, which will certainly be complicated, and not to mention expensive, to execute. *Organizations would have to operate without any guidance from the FEC and risk possible lawsuits.*
- **Onerous disclosure and reporting requirements will deter citizen engagement.** The bill includes requirements that every incorporated entity engaged in independent campaign activity must list all donors of \$600 or more with the Federal Election Commission (FEC). The bill also requires CEOs of organizations to appear in the ads, and state their name and their organization two times. Additionally, the top five funders of the organization must be listed in the ad (and top two for radio), and if there is a top “significant” funder, he or she must identify himself or herself, his or her title, and state the name of the organization *three times in the ad*. These tedious and onerous requirements will have the effect of deterring organizations from getting involved in elections (and potentially take up most of the ad time).
- **High Costs.** The complex reporting requirements would come with huge costs to small businesses which will need to comply. The requirements are complicated and will be virtually impossible for small corporations or citizens organizations to manage. It will have the effect of silencing grassroots organizations who cannot easily comply.

- ***Bloggers might be harmed.*** Despite RSC staff consultations with renowned campaigns and elections lawyers, it remains unclear to them and us the extent to which bloggers might be harmed by this legislation. Although the bill does include a provision exempting Internet communications from provisions regarding “general public political advertising,” the exemption from **coordinated communications** affects news stories, commentaries, and editorials. Those are not general public political ads. And since the coordinated communications exception does not mention the Internet, it could open up bloggers who refer to a clearly identified federal candidate during a certain timeframe from coming under the coordinated communication definition—and thus under onerous federal regulations and prohibitions.

Democrat Inconsistency Alert!

Favoring Unions over Corporations: Quote from bill sponsor Van Hollen: “The ban on political expenditures by federal contractors, for example, includes any entity that has a contract with the federal government, *whether it is a corporation or a labor union* (emphasis added).” vs. a quote from Josh Goldstein, a spokesman for the AFL-CIO: “We do agree that *the final bill should treat corporations different than democratic organizations such as unions*. We hold the position that, among other things, the legislation should counter the excessive and disproportionate influence by big business and guarantee effective disclosure of who is paying for what.” For more quotes, see yesterday’s article from **The Hill**: [Chamber: Citizens United ‘Fix’ gives unions upper hand.](#)

Groups Opposed: An * denotes that a group who has provided a letter indicating that it will score a vote against the bill.

- *Associated Builders and Contractors
- *Associated Equipment Distributors
- Associated General Contractors (reserves the right to key vote)
- *Chamber of Commerce
- *Christian Coalition
- *Citizenlink (Formerly Focus on the Family Action)
- *Club for Growth
- *Concerned Women for America
- *Eagle Forum
- *Family Research Council Action
- *FreedomWorks
- *Gun Owners of America
- *Independent Electrical Contractors
- *International Franchise Association
- National Association of Manufacturers (may key vote the bill)
- * National Association of Wholesaler-Distributors
- *National Federation of Independent Businesses
- *National Right to Life Committee
- *National Taxpayers Union (“will be significantly weighted” in annual Rating of Congress)

Other groups opposed:

60 Plus Association
Affiliated Chambers & Business Organizations of Hawaii
Agricultural Retailers Association
Airforwarders Association
Albany Area (GA) Chamber of Commerce
Albany Area (OR) Chamber of Commerce
Alexander City Chamber of Commerce
Alliance for Justice
American Apparel & Footwear Association
American Architectural Manufacturers Association
American Association of Exporters and Importers
American Association of Suicidology
American Bakers Association
American Chamber of Commerce Executives
American Chemistry Council
American Civil Liberties Union
The American Civil Rights Union
The American Conservative Union
American Council for Health Care Reform
American Council of Engineering Companies
American Farm Bureau Federation
American Feed Industry Association
The American Financial Services Association
American Foundry Society
American Frozen Food Institute
American Gas Association
American Grassroots Coalition
American Hotel and Lodging Association
American Insurance Association
American Lighting Association
American Meat Association
American Moving & Storage Association
American Petroleum Institute
The American Society for the Defense of Tradition, Family and Property
American Soybean Association
American Target Advertising, Inc.
American Trucking Associations
American Watch Association
Americans for Limited Government
Americans for Tax Reform
Anaheim Chamber of Commerce
Arizona Bridge to Independent Living
Arizona Chamber of Commerce & Industry
Arizona-New Mexico Cable Communications Association
Arizonans for Gun Safety
Arkansas State Chamber of Commerce/Associated Industries of Arkansas
Associated Builders and Contractors, Inc.
Associated Builders & Contractors of Western Washington
Associated Equipment Distributors
Associated Food Stores, Inc.
Associated General Contractors
Associated General Contractors of California (AGC)
Associated Industries of Massachusetts
Associated Oregon Industries
Associated Wire Rope Fabricators
Association Benefits Corporation
Association of Commerce & Industry of New Mexico
Association of the Nonwoven Fabrics Industry
Association of Washington Business
Automotive Parts Remanufacturers Association
Backbone Campaign
Barrington Area Chamber of Commerce

Bismarck Mandan Chamber of Commerce
Boise Metro Chamber of Commerce
Brady Campaign to Prevent Gun Violence
Brawley Chamber of Commerce
Brea Chamber of Commerce
Brick Industry Association
Buckeye Valley Chamber of Commerce
Buffalo Niagara Partnership
Builders Exchange, Inc.
Building Owners and Managers Association International
Bullhead Area Chamber of Commerce
Business Coalition for Fair Competition
Business Council of Alabama
The Business Council of New York State, Inc.
The Business Council of Westchester
Business Roundtable
Cabarrus Regional Chamber of Commerce
California Chamber of Commerce
California League of Conservation Voters
California Retailers Association
Camarillo Chamber of Commerce
Campaign for Community Change
Canandaigua Chamber of Commerce
CatholicVote.org
Catoosa County Chamber of Commerce
Ceasefire New Jersey
Ceasefire Oregon
Cedar City Area Chamber of Commerce
Center for Competitive Politics
Center for Individual Freedom
Center for Urban Renewal and Education
Center for Science in the Public Interest
Center-Right Coalition of Florida
CenTex Chapter IEC
Central Alabama Chapter IEC
Central Indiana IEC
Central Louisiana Chamber of Commerce
Central Missouri IEC
Central Ohio AEC/IEC
Central Pennsylvania Chapter IEC
Central Washington IEC
Central Ohio Chapter of Associated Builders & Contractors, Inc.
Centre County IEC
Cerritos Regional Chamber of Commerce
The Chamber of Commerce of West Alabama
The Chamber of Commerce serving Middletown, Monroe, and Trenton (OH)
The Chamber of Commerce of Medford/Jackson County
Change Congress
Citizen Link
Citizens for a Safer Minnesota
Citizens for Limited Taxation
Citizens United
ClearWord Communications Group
Clovis Chamber of Commerce
Club for Growth
Coalition for a Fair Judiciary
Coalition to Stop Gun Violence
The Colorado Association of Commerce and Industry
Columbus Area Chamber of Commerce
Committee for Justice
Competitive Enterprise Institute
Concerned Women for America

ConservativeHQ.com
Construction Industry Round Table (CIRT)
Consumer Action
Consumer Electronics Association
Council for America
Council for Citizens Against Government Waste
CREDO Action
Crop Protection Association of North Carolina
DC for Democracy
Defenders of Wildlife Action Fund
Defending Dissent Foundation
Destination Marketing Association International
Direct Marketing Association
Draper Area (UT) Chamber of Commerce
Eagle Forum
East Tennessee IEC
Eastern Washington Chapter, IEC
Eau Claire Area Chamber of Commerce
Edison Electric Institute
Education Voters of America
El Centro Chamber of Commerce & Visitors Bureau
Equal Justice Society
Equipment Marketing & Distribution Association
Faith and Freedom Coalition
Family Research Council Action
The Farm Animal Welfare Coalition
Federation of American Hospitals
Flagstaff Chamber of Commerce
Florida Chamber of Commerce
Florida Fertilizer & Agrichemical Association
Foundry Association of Michigan
Free Speech Coalition
Freedom Action
Fremont Area Chamber of Commerce
Friends of the Earth
Fullerton Chamber of Commerce
Fuse Washington
Futures Industry Association
Gateway Chambers Alliance
Georgia Industry Association
Georgia Mining Association
Gillette Chamber of Commerce
Global Justice Ministry
Greater Durham Area Chamber of Commerce
Greater Effingham Chamber of Commerce & Industry
The Greater Elkhart Chamber of Commerce
Greater Fresno Area Chamber of Commerce
Greater Irving-Las Colinas Chamber of Commerce
Greater Montana IEC
Greater New Haven Chamber of Commerce
Greater Phoenix Chamber of Commerce
Greater Springfield Chamber of Commerce
The Greater York Region Chamber of Commerce
Green Bay Area Chamber of Commerce
Gun Owners of America
GunFreeKids.org
Gwinnett Chamber of Commerce
Hampton Roads Chamber of Commerce
HARDI - Heating, Airconditioning & Refrigeration Distributors International
Heeding God's Call
Henderson Chamber of Commerce
Hilton Head Island – Bluffton Chamber of Commerce

Hispanic Leadership Fund
Home School Legal Defense Association
Howard County Chamber of Commerce
Huntington Regional Chamber of Commerce
Huron County Chamber of Commerce
IEC Atlanta Chapter
IEC Chesapeake
IEC Dakotas, Inc.
IEC Dallas Chapter
IEC Florida West Coast
IEC Fort Worth/Tarrant County
IEC Georgia Chapter
IEC Greater St. Louis
IEC Hampton Roads Chapter
IEC National
IEC NCAEC
IEC New England
IEC Southern Arizona
IEC Southern Colorado Chapter
IEC Southern Indiana Chapter-Evansville
IEC Texas Gulf Coast Chapter
IEC Western Reserve Chapter
IEC of Arkansas
IEC of East Texas
IEC of Greater Cincinnati
IEC of Idaho
IEC of Illinois
IEC of Kansas City
IEC of Northwest Pennsylvania
IEC of Oregon
IEC of Southeast Missouri
IEC of Texoma
IEC of the Bluegrass
IEC of the Texas Panhandle
IEC of Utah
IEC, Inc. El Paso Chapter
IEC, Inc. Lubbock Chapter
IEC, Inc. San Antonio Chapter
IEC, South Florida Chapter, Inc.
IECA Kentucky & S Indiana Chapter
IECA of Arizona
IECA of Nashville
IECA of Southern California, Inc.
IEC-OKC, Inc.
Independent Electrical Contractors, Inc.
Indiana Cast Metals Association
Indiana Chamber of Commerce
Inland Pacific Chapter of Associated Builders & Contractors
International Association of Amusement Parks and Attractions
International Dairy Foods Association
International Foodservice Distributors Association
International Franchise Association
International Housewares Association
ISSA - The Worldwide Cleaning Industry Association
The John Birch Society
Johnson City Chamber of Commerce
Johnson City-Jonesborough-Washington County Chamber of Commerce
Kailua Chamber of Commerce
Kankakee Regional Chamber of Commerce
Kansas Chamber of Commerce
Kansas Food Dealers Association
Kentucky Chamber of Commerce

Keystone Progress
Kingdom Chamber of Commerce
Lake Havasu Chamber of Commerce
Laredo Chamber of Commerce
League of Conservation Voters
Legal Momentum
Legal Voice
Let Freedom Ring
Liberty Counsel
Liberty Guard
Little Rock Regional Chamber of Commerce
Livestock Marketing Association
The Lodi District Chamber of Commerce
Los Angeles Area Chamber of Commerce
Louisiana Association of Business and Industry
Lubbock Chamber of Commerce
Lynchburg (VA) Regional Chamber of Commerce
Management Association for Private Photogrammetric Surveyors (MAPPS)
Marine Retailers Association of America
Maryland Center-Right Coalition
Maryland Chamber of Commerce
McLean County (IL) Chamber of Commerce
MEC IEC of Dayton
Media Matters Action Network
Metals Service Center Institute
Michigan Chamber of Commerce
Mid-Oregon Chapter IEC
Mid-South Chapter IEC
Middle Tennessee Chapter - Associated Builders and Contractors, Inc.
Midwest IEC
Mississippi Chapter - Associated Builders and Contractors, Inc.
Missouri Chamber of Commerce & Industry
Mobile Area Chamber of Commerce
Modesto Chamber of Commerce
Montana Chamber of Commerce
Montana IEC
Montgomery Area Chamber of Commerce (AL)
Montgomery County (PA) Chamber of Commerce
Morgan, Meredith & Associates
Morrisville Chamber of Commerce
Mount Vernon-Lee Chamber of Commerce
National Association of Chemical Distributors
National Association of Home Builders
National Association of Manufacturers
National Association of Mutual Insurance Companies
National Association of Printing Ink Manufacturers, Inc.
National Association of Realtors
National Association of Wholesaler-Distributors
National Consumers League
National Federation of Independent Business
National Grain and Feed Association
National Marine Distributors Association
National Marine Manufacturers Association
National Milk Producers Federation
National Mining Association
National Paper Trade Association
National Pork Producers Council
National Poultry & Food Distributors Association
National Ready Mixed Concrete Association
National Renderers Association
National Restaurant Association
National Retail Federation

National Right to Life Committee
National Right to Work Committee
National Roofing Contractors Association
National Stone, Sand & Gravel Association
National Tax Limitation Committee
National Taxpayers Union
Natural Resources Defense Council
Nebraska Agri-Business Association
NETWORK, A National Catholic Social Justice Lobby
NetworkGeorgia LLC
New Jersey IEC
New Jersey Motor Truck Association
New York Public Interest Research Group
New Yorkers Against Gun Violence
Niagara USA Chamber of Commerce
North American Equipment Dealers Association
North Carolinians Against Gun Violence
North Dakota Chamber of Commerce
North Las Vegas Chamber of Commerce
Northern Kentucky Chamber of Commerce
Northern New Mexico IEC
Northern Ohio ECA
NW Washington IEC
Ocean State Action (Rhode Island)
Ohio Cast Metals Association
Ohio Coalition Against Gun Violence
Oklahoma Agribusiness Retailers Association
Oshkosh Chamber of Commerce
Otsego County Chamber of Commerce
Outdoor Power Equipment and Engine Service Association
Oxnard Chamber of Commerce
Palm Desert Chamber of Commerce
Pennsylvania Chamber of Business and Industry
Pennsylvania Foundry Association
Perry Area Chamber of Commerce
Petroleum Equipment Institute
Planned Parenthood Action Fund
Planned Parenthood Federation of America
Plattsburgh-North County Chamber of Commerce
Pioneer Institute
Printing Industries of America
Progress Florida
Progress Michigan
Progress Now
Progress Now Colorado
Progress Ohio
Progressive Future
Property Rights Alliance
Protest Easy Guns
Public Advocates Inc.
Public Service Research Council
Puerto Rico Chamber of Commerce
Puget Sound Washington Chapter IEC
Pullman Chamber of Commerce
Regional Black Chamber of Commerce SFV
The Remanufacturing Institute
Renewing American Leadership
Reno Sparks Chamber of Commerce
Republican National Lawyers Association
RepublicanPAC.com
Retail Grocers Association of Greater Kansas City
Retail Industry Leaders Association

Rhode Island Chamber of Commerce Coalition
RightMarch.com
Rio Grande Valley IEC
Rocky Mountain Agribusiness Association
Rocky Mountain Chapter - Associated Builders and Contractors, Inc.
Rocky Mountain Chapter IEC
Rome Area Chamber of Commerce
Rowan County Chamber of Commerce
Salisbury Area Chamber of Commerce
San Jose Silicon Valley Chamber of Commerce
Schuylkill Chamber of Commerce
Scott County Housing Council
Scottsdale Area of Chamber of Commerce (AZ)
Sierra Club
Small Business & Entrepreneurship Council
Smart Business Hawaii
Society of American Florists
South Carolina Fertilizer & Agrichemicals Association
Southern Crop Production Association
Southern New Mexico IEC
Southeast Pennsylvania Chapter - Associated Builders and Contractors, Inc.
Southeast Texas Chapter - Associated Builders and Contractors, Inc.
St. George Area Chamber of Commerce
The State Chamber of Oklahoma
States United to Prevent Gun Violence
Students for Gun Free Schools
Students for Gun Free Schools in Texas
Students for Life of America
Tea Party Express
Tea Party WDC
Tempe Chamber of Commerce
Tennessee Chapter - Associated Builders and Contractors, Inc.
Texarkana USA Chamber of Commerce
Texas Association of Business
Texas State IEC
Textile Care Allied Trades Association
Tides Advocacy Fund
Traction
Traction Action Fund
Traditional Values Coalition
Transportation Intermediaries Association
Tri State IEC
Tri-City Regional Chamber of Commerce
Truck Renting and Leasing Association
Tuscon Metropolitan Chamber of Commerce
United Church of Christ
United Egg Producers Association
United Methodist Church, General Board of Church and Society
USAction
U.S. Chamber of Commerce
U.S. Public Interest Research Group
U.S. Travel Association
Violence Policy Center
Virginia Center for Public Safety
Warren County Regional Chamber of Commerce
Washington Automotive Wholesalers Association
WECA IEC
West Virginia Citizen Action Group
Western Colorado IEC
Wichita Chapter IEC
Wilco Justice Alliance
Winston-Salem Chamber of Commerce

Wisconsin Anti-Violence Effort
Wisconsin Crop Production Association
Women Against Gun Violence
Women of Reform Judaism

Note: The Heritage Foundation also wrote this blog post listing concerns with the bill:

<http://blog.heritage.org/2010/05/25/impending-government-censorship/>

Committee Action: The bill was introduced on April 29, 2010 and referred to the House Committee on House Administration and to the Committee on the Judiciary. The bill was marked up and reported out of Committee, as amended, by a vote of 5-3, on May 20, 2010.

Administration Position: See the Statement of Administration Policy supporting the bill [here](#).

Cost to Taxpayers: CBO estimates that implementing H.R. 5175 would cost \$2 million in fiscal year 2011 and about \$10 million over the 2011-2015 period, subject to appropriation of the necessary funds.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill would greatly expand the federal control over political speech by citizens associations.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 5175 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 5175 contains private-sector mandates, as defined in UMRA, on lobbyists, political organizations, and other entities or individuals that make political expenditures. Based on information from the FEC, CBO estimates that the aggregate cost to comply with the mandates would fall below the annual threshold established in UMRA for private-sector mandates (\$141 million in 2010, adjusted annually for inflation). Many organizations would likely opt out of political speech, rather than try to comply.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to the Committee Report, "Clause 9 of House rule XXI requires committee reports on public bills and resolutions to contain an identification of congressional 'earmarks,' limited tax benefits, limited tariff benefits, and the names of requesting Members. The bill as reported contains no such items."

Constitutional Authority: The Committee states that Article 1, Section 4 of the U.S. Constitution grants Congress the authority to make laws governing the time, place and manner of holding Federal elections. *Many conservatives may find this citation inaccurate in light of the First Amendment protection of free speech.*

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