Construction Industry Round Table

A force for positive change in the design / construction industry

Legislative News

05/17/10 – Proposed Bill Intent on Gagging Corporate Political Speech
Senator Schumer (D-NY) and Congressman Van Hollen (D-MD 8th) introduced legislation deceptively named the *Democracy Is Strengthened by Casting Light on Spending in Elections* Act, H.R. 5175 and S.3295 (i.e., the "DISCLOSE Act," or "Schumer – Van Hollen Act") in response to the Supreme Court decision in the *Citizens United* case (see, CIRT's 01/25/10 related judicial story). While their ostensible intent is to ensure disclosure of money in politics, their candidly-stated goal is to deter - even intimidate - business from participating in the political process at all. Moreover, they want this bill enacted into law on a fast track so that it would take effect and have an impact on this November's elections.

The proposed legislation is a threat to First Amendment rights of businesses across the country. It represents a significant departure from past campaign finance legislation, which sought to treat unions and corporations comparably and was framed in a genuinely bipartisan manner. Not so H.R. 5175/S.3295, for example: (1) bill provisions include an outright ban on campaign-related activity by companies that have contracts with the federal government valued at $50,000 or more; and (2) corporations with even a very small amount of foreign ownership—as low as 20 percent—would be subject to similar, unconstitutional prohibitions on free speech. HOWEVER, the bill imposes no comparable restrictions on labor unions that receive federal grants, negotiate collective bargaining agreements with the government, or have international affiliates.

The Chamber of Commerce is leading an association/business wide effort to respond to this challenge. To that end, a letter has been prepared to be sent to the Hill in opposition to this dangerous bill. The letter provides an excellent summary of the provisions of the bill for those of you who want to know more. Hopefully, it can be a starting point for your own letter or provide information as talking points in opposition. This bill has picked-up a great deal of momentum masquerading as a "good government bill" or a bi-partisan response to a Supreme Court decision that has been criticized (mostly by the "left") – BUT, its negative impact will be significant. The best chance to stop this legislation is in the Senate – to that end, let your Senators know that you strongly oppose S.3295/H.R. 5175. You can read the Chamber's letter here: http://www.naw.org/files/DRAFT.pdf.

All Rights Reserved. Attribution to CIRT. For more information, contact Mark Casso at cirt@cirt.org.