

March 6, 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 Association of Wholesaler-Distributors  
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