NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030

NRA

Office of the Executive Director
CHRIS W. COX

May 26, 2010

Dear Member of Congress:

I am writing to express the National Rifle Association's strong concerns with H.R. 5175, the DISCLOSE Act, as well as our opposition to this bill in its current form. It is our sincere hope that these concerns will be addressed as this legislation is considered by the full House.

Earlier this year, in *Citizens United v. FEC,* the Supreme Court struck down the ban on certain political speech by nonprofit membership associations such as the NRA. In an attempt to characterize that ruling as something other than a vindication of the free speech and associational rights of millions of individual American citizens, H.R. 5175 attempts to reverse that decision.

Under the First Amendment, as recognized in a long line of Supreme Court cases, citizens have the right to speak and associate privately and anonymously. H.R. 5175, however, would require the NRA to turn our membership and donor lists over to the government and to disclose top donors on political advertisements. The bill would empower the Federal Election Commission to require the NRA to reveal private, internal discussions with our four million members about political communications. This unnecessary and burdensome requirement would leave it in the hands of government officials to make a determination about the type and amount of speech that would trigger potential criminal penalties.

H.R. 5175 creates a series of byzantine disclosure requirements that have the obvious effect of intimidating speech. The bill, for example, requires "top-five funder" disclosures on TV ads that mention candidates for federal office from 90 days prior to a primary election through the general election; "top-two funder" disclosure on similar radio ads during that period; "significant funder" and "top-five funder" disclosures on similar mass mailings during that period; and "significant funder" disclosure for similar "robocalls" during that period. Internet communications are covered if placed for a fee on another website, such as the use of banner ads that mention candidates for federal office. Even worse, no exceptions are included for organizations communicating with their members. This is far worse than current law and would severely restrict the various ways that the NRA communicates with our members and like-minded individuals.

While there are some groups that have run ads and attempted to hide their identities, the NRA isn't one of them. The NRA has been in existence since 1871. Our four million

members across the country contribute for the purpose of speaking during elections and participating in the political process. When the NRA runs ads, we clearly and proudly put our name on them. Indeed, that's what our members expect us to do. There is no reason to include the NRA in overly burdensome disclosure and reporting requirements that are supposedly aimed at so-called "shadow" groups.

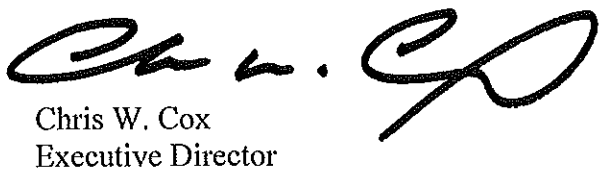
On the issue of reporting requirements, the bill mandates that the NRA electronically file all reports with the FEC within 24 hours of each expenditure. Within 24 hours of FEC posting of the reports, the NRA would be required to put a hyperlink on our website to the exact page on which the reports appear on the FEC's website – and keep that link active for at least one year following the date of the general election. Independent Expenditure reports would have to disclose all individuals who donate $600 or more to the NRA during the reporting period and Electioneering Communication reports would have to disclose all individuals who donate $1,000 or more to the NRA during the reporting period. There are literally thousands of NRA donors who would meet those thresholds, so these requirements would create a significant and unwarranted burden.

Some have argued that under the bill, all the NRA would have to do to avoid disclosing our $600 or $1,000 level donors is to create a "Campaign-Related Activity Account." Were we to set up such an account, however, we would be precluded from transferring more than $10,000 from our general treasury to the account; all individual donors to that account would have to specifically designate their contributions in that manner and would have to limit their contributions to $9,999; the burdensome disclosure requirements for ads, mailings and robocalls would still apply; and the NRA would be prohibited from spending money on election activity from any other source – including the NRA's Political Victory Fund (our PAC). In sum, this provision is completely unworkable.

Unfortunately, H.R. 5175 attacks nearly all of the NRA's political speech by creating an arbitrary patchwork of unprecedented reporting and disclosure requirements. Under the bill, the NRA would have to track the political priorities of each of our individual members – all four million of them. The cost of complying with these requirements would be immense and significantly restrict our ability to speak.

As noted above, there is no legitimate reason to include the NRA in H.R. 5175's overly burdensome disclosure and reporting requirements. Therefore, we will continue to work with members from both parties to address these issues. Should our concerns not be resolved – and to date, they have not been – the NRA will have no choice but to oppose passage of this legislation.

Sincerely,



Chris W. Cox
Executive Director