National Rifle Association of America
Institute for Legislative Action
11250 Waples Mill Road
Fairfax, Virginia 22030

Office of the Executive Director
Chris W. Cox

June 11, 2010

Dear Senator:

There have been many questions regarding the National Rifle Association's position on S. 3295, the DISCLOSE Act. The purpose of this letter is to express our opposition to this bill as introduced.

Earlier this year, in *Citizens United v. FEC,* the U.S. 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, S. 3295 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. S. 3295, 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.

S. 3295 creates a series of byzantine disclosure requirements that have the obvious effect of intimidating speech. The bill, for example, requires CEO and "top-five funder" disclosures on television ads that mention candidates for federal office from 90 days prior to a primary election through the general election. For radio ads during the same period, CEO and "significant funder" disclosure is required. 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.

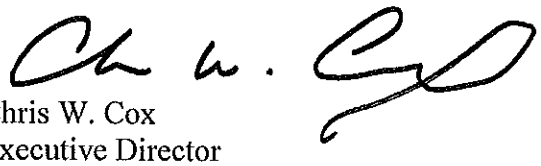
On the issue of reporting requirements, the bill mandates that the NRA electronically file all reports with the FEC within 24 hours of each expenditure. Within 24 hours of FEC posting of the reports, the NRA would be required to put a hyperlink on our website to the FEC's website – and keep that link active for at least one year following the date of the general election. Independent Expenditure 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 clearly create a significant burden.

Some have argued that under the bill, all the NRA would have to do to avoid disclosing our $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 broadcast ads 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, S. 3295 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 S. 3295's overly burdensome disclosure and reporting requirements. Therefore, the NRA is opposed to this bill as introduced.

Sincerely,



Chris W. Cox
Executive Director