

KEY VOTE ALERT



March 2, 2021

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce strongly opposes H.R. 1, disingenuously named the “For the People Act of 2021.” **The Chamber will consider including votes related to this bill in our annual How They Voted scorecard.**

While the Chamber shares the goal of bringing more people into the political process, significant portions of H.R. 1 are clearly intended to have precisely the opposite effect – pushing certain voices, representing large segments of the electorate and U.S. economy, out of the political process altogether.

For example, H.R. 1’s sweeping regulation of so-called “campaign-related disbursements,” regulates 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. 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.

There are many other aspects of H.R. 1 that are extremely problematic. To highlight just a few:

- H.R. 1 would fundamentally transform 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.
- H.R. 1 would deem communication by corporations, including associations, to be “coordinated” and thereby prohibited if the organization has even the most innocuous and tenuous of connections with a candidate. For example, 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 would all have the practical effect of prohibiting corporations, including associations, from engaging in the political process.



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- 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.
- H.R. 1 would give taxpayer funds to political campaigns by allowing Americans to opt-into having their political donations matched by the federal government. Taxpayer money should be used to support projects like infrastructure initiatives and education programs and not political campaigns.

American democracy benefits from the robust participation of its citizens – whether they choose to engage individually at the ballot box or collectively through a party, association, or corporation. Yet H.R. 1 would regulate and ultimately silence Americans who choose to petition their government or participate in the political process through the collective action of an association or corporation. Just as using the power of government to silence the press is antithetical to our Constitution and fundamental rights, so are the restrictions proposed in H.R. 1.

The Chamber urges you to defend the constitutional rights of all Americans and reject H.R. 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Howard", positioned below the word "Sincerely,".

Jack Howard
Senior Vice President
Government Affairs
U.S. Chamber of Commerce

