



May 25, 2011

The Honorable John Boehner
Office of the Speaker
H-232, U.S. Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
Office of the Democratic Leader
H-204, U.S. Capitol
Washington, DC 20515

Dear Representatives:

The Center for Competitive Politics (CCP) is writing to express our support for Amendment #142 to H. R. 1540, the "National Defense Authorization Act for Fiscal Year 2012." This amendment, authored by Rep. Tom Cole, would prohibit an executive office from requiring entities bidding on Federal contracts to disclose their political contributions as a condition of submitting an offer.

CCP is a nonpartisan, nonprofit 501(c)(3) organization focused on promoting and protecting the First Amendment political rights of speech, assembly, and petition. It was founded in 2005 by Bradley A. Smith, former member and chairman of the Federal Election Commission.

The Cole Amendment was drafted in response to a proposed Executive Order by the Obama Administration that would force public disclosure of payments and donations made by government contractors and private citizens to independent organizations that are not political committees. Passage of this amendment would ensure that the contract awarding process remains free of partisan political decisions based on an entity's political spending.

Failure to pass the Cole Amendment would allow the proposed Executive Order to take effect, creating a contracting process that violates individual privacy rights and inserts politics into decision-making about federal contracts.

Currently, political contributions and expenditures to candidates and political parties are already disclosed to either the Federal Election Commission or the Internal Revenue Service and are publicly available. These disclosure requirements extend to contributions made to independent organizations for the purpose of paying for political ads as well, and those organizations must file a report when they make an expenditure. Requiring entities bidding for federal contracts to file this information again would be duplicative and would not provide any information that is not already available to the public.

Instead, the Order would force private citizens and companies to disclose membership dues and charitable donations they make to organizations that may engage in political speech, in addition to their other activities. By doing so, it would significantly infringe on individuals' privacy and First Amendment rights and the federal contracting process.

Furthermore, the disclosure terms of the Executive Order would result in the incorrect labeling of citizens who donate to finance the general operations of an organization as supporters of political ads that they had no intention of funding and may even oppose.

Lastly, the Executive Order would actually achieve the exact opposite of what it purports to do, in that it would make it easier for contracts to be awarded or denied based on political and charitable contributions.

The proposed Executive Order would provide information about the source of funds for independent expenditures and electioneering communications to officeholders, allowing them the opportunity to do what they could not effectively do before—reward or punish citizens and companies based on their political and charitable giving.

For the above reasons, we strongly encourage members to support Amendment #142 to H. R. 1540, in order to nullify the effects of a proposed Executive Order that would strip citizens of their privacy protections and First Amendment rights in a process that would give false information to the public while actually increasing the likelihood that partisan politics will intrude on federal contracting decisions. If you have any further questions about this amendment or any other campaign finance proposals, please contact me at (703) 894-6813 or by e-mail at sparnell@campaignfreedom.org.

Respectfully,

A handwritten signature in blue ink that reads "Sean Parnell". The signature is written in a cursive, flowing style.

Sean Parnell
President

cc: Senate Leadership
House Leadership