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Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEE ON THE BUDGET

COMMITTEE ON HOUSE ADMINISTRATION

COMMITTEE ON EDUCATION AND THE WORKFORCE

www.toddrokita.house.gov

May 16, 2011

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President,

We write to express our serious concerns with your proposed Executive Order requiring applicants for federal contracts to disclose their financial political contributions, and those of their directors or officers, to candidates for federal office, political parties and committees, and groups who choose to exercise their First Amendment rights to participate in federal elections. The proposed Executive Order is unnecessary and will yield results that contradict your Administration's goal to ensure that "contracting decisions are merit-based to deliver the best value for the taxpayer." We request that you withdraw your proposed Executive Order and instead work with the appropriate congressional committees of jurisdiction to analyze potential constructive reforms to the federal procurement process.

In an attempt to "increase transparency and accountability," your proposed Executive Order overreaches into the personal political activities of companies' officers and directors in an area federal law already governs. Federal law forbids federal contractors from making contributions to any political party, committee, or federal candidate for public office or to any person for any political purpose or use. Additionally, all contributions by an individual exceeding $200 per election cycle to federal political committees must be disclosed through mandatory reports regulated by the Federal Election Commission (FEC). This proposed Executive Order mandating federal contractors (and their officers and directors) to disclose their contributions—including membership dues and charitable contributions—to trade associations and social welfare organizations serves no effective governmental purpose that is not already addressed by federal law.

Instead of improving the federal procurement process to become more objective, the proposed Executive Order would increase political considerations as a determinative factor in how federal contracts are awarded. It would be more likely that applicants will be rewarded or punished by government agencies for their political views, or the political views of their directors or officers. Consequently, public distrust in the federal contracting process would increase, as losing contract bidders could then point to the differences in their disclosed contributions and those of their competitors as evidence of bias.

Lastly, the fear of being subject to penalties and prosecutions for honest mistakes by an applicant who did not disclose contributions that they "reasonably expected" or are alleged to have expected might be used in support of political activities would discourage participation in the federal contract bidding process. Therefore, the proposed Executive Order's vague standard of compliance and further avenue to criminalize the political process will reduce the number of entities competing for contracts.

As highlighted above, the proposed Executive Order would not achieve its goal to ensure the integrity of the federal contracting system by reducing the influence of politics. Instead, it will deeply imbed politics into the federal procurement process. The House Committees on Oversight and Government Reform and Small Business recently held a joint-hearing to address your proposed draft, and should you decide not to withdraw this flawed Executive Order, we would immediately introduce legislation in the House of Representatives to prevent it from taking effect.

Thank you for your consideration of this matter. We look forward to your response.

Sincerely,

Todd Rokita

Wally Herger

Gregg Harper

Tim Walberg

Doug Lamborn

Dan Burton

VT-3

TX-1

IL8

SC-5

OHIO 1

UT1

TX 6

AZ-1

OK-4

FL-02

IN-08

PA-22

TN-03

Phil Roe TN-01

LA-3

OK-5

IN-3

GA-08

Jaime Herrera Beutler WA-03

Mo Brooks AL-05

SC-4

Steve King

Rob Woodall GA-7

Tim Griffin (AR-02)

FL-02

(OH-05)

Paul Broun GA10

Patrick McHenry

Mike Coffman

Renee Ellmers

List of Cosigners – 44 signers

1. The Honorable Roscoe Bartlett
2. The Honorable Joe Barton
3. The Honorable Rob Bishop
4. The Honorable Mo Brooks
5. The Honorable Paul Broun
6. The Honorable Larry Bucshon
7. The Honorable Dan Burton
8. The Honorable Steve Chabot
9. The Honorable Jason Chaffetz
10. The Honorable Mike Coffman
11. The Honorable Tom Cole
12. The Honorable Renee Ellmers
13. The Honorable Chuck Fleischmann
14. The Honorable Trent Franks
15. The Honorable Scott Garrett
16. The Honorable Louie Gohmert
17. The Honorable Paul Gosar
18. The Honorable Trey Gowdy
19. The Honorable Tim Griffin
20. The Honorable Morgan Griffith
21. The Honorable Greg Harper
22. The Honorable Wally Herger
23. The Honorable Jaime Herrera Beutler
24. The Honorable Jim Jordan
25. The Honorable Steve King
26. The Honorable Doug Lamborn
27. The Honorable Jeff Landry
28. The Honorable James Lankford
29. The Honorable Rob Latta
30. The Honorable Patrick McHenry
31. The Honorable David McKinley
32. The Honorable Mick Mulvaney
33. The Honorable Mike Pence
34. The Honorable Mike Pompeo
35. The Honorable Phil Roe
36. The Honorable Todd Rokita
37. The Honorable Austin Scott
38. The Honorable Steve Southerland II
39. The Honorable Marlin Stutzman
40. The Honorable Tim Walberg
41. The Honorable Joe Walsh
42. The Honorable Allen West
43. The Honorable Lynn Westmoreland
44. The Honorable Rob Woodall