

# United States Senate

September 18, 2020

Michael Rigas  
Acting Director  
United States Office of Personnel Management  
1900 E Street, N.W.  
Washington, D.C. 20415

Dear Acting Director Rigas:

We write to ask that you direct the Combined Federal Campaign (CFC) to remove the National Rifle Association Foundation (NRA Foundation) and any other related affiliates from its approved list of potential recipients of charitable contributions from federal employees. The CFC will kick off its annual campaign on September 21, 2020.<sup>1</sup> It is imperative that OPM enforce its own high standards for inclusion in the CFC and therefore remove the NRA Foundation and all related entities from the list of eligible CFC charities in advance of the next giving campaign.

As you may know, last month New York Attorney General Letitia James filed suit against the National Rifle Association (NRA), a 501(c)(4) organization that purports to control CFC participant the NRA Foundation (which is a 501(c)(3) organization), alleging a slew of fraudulent behavior including various tax violations, improper expense documentation, and improper wage reporting.<sup>2</sup> Specifically, the lawsuit claims that NRA executives misused charitable funds to enrich themselves by spending lavishly on vacations and private jets.<sup>3</sup> The suit also claims that NRA executives awarded contracts to their own family and friends.<sup>4</sup> Given the severity of the allegations of fraud, waste, and abuse that were pervasive through senior leadership and the organization's complete lack of Board oversight, New York now seeks to completely dissolve the NRA.<sup>5</sup> In addition to the New York lawsuit, Karl Racine the Attorney General of Washington D.C. filed suit against the NRA and the NRA Foundation also alleging misuse of funds.<sup>6</sup> Attorney General Racine alleges that the NRA Foundation was not an independent charity but instead "operated as a wholly controlled subsidiary of the NRA, without independence or a separate identity from the NRA."<sup>7</sup>

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<sup>1</sup> <https://nonprofitquarterly.org/everytown-demands-federal-workers-campaign-drop-nra-foundation/>

<sup>2</sup> <https://www.nytimes.com/2020/08/06/us/ny-nra-lawsuit-letitia-james.html>

<sup>3</sup> <https://www.npr.org/2020/08/06/899712823/new-york-attorney-general-moves-to-dissolve-the-nra-after-fraud-investigation>

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> <https://www.nytimes.com/2020/08/06/us/ny-nra-lawsuit-letitia-james.html>

<sup>7</sup> <https://oag.dc.gov/sites/default/files/2020-08/NRA-Foundation-Complaint-Redacted.pdf>

The mission of the Combined Federal Campaign “is to promote and support philanthropy through a program that is employee focused, cost-efficient, and effective in providing all federal employees the opportunity to improve the quality of life for all.”<sup>8</sup> The earlier precursor to the CFC began in 1956 when President Eisenhower ordered the President's Advisor on Personnel Management to develop and administer a uniform policy and program for fundraising within the federal workforce.<sup>9</sup> Six decades later, the CFC today is “is known to be the most inclusive workplace giving campaign in the world with the number of participating charities estimated at over 20,000 nonprofit charitable organizations worldwide.”<sup>10</sup> Since 1961 the CFC has raised more than \$8.4 billion.<sup>11</sup> The most recent data show that in 2018, CFC donors pledged \$90.2 million.<sup>12</sup> According to the Workplace Giving Alliance, from 2014-2018, the CFC raised over \$488,000 for the NRA Foundation.<sup>13</sup>

Under applicable federal regulations, participating CFC charities must “[c]ertify that contributions are effectively used for the announced purpose of the charitable organization.”<sup>14</sup> According to the complaint filed by Attorney General Racine, “the Foundation Board of Trustees, contrary to its fiduciary duties, repeatedly chose to serve the interests of the NRA above those of the charitable nonprofit purposes of the Foundation.”<sup>15</sup>

In addition, participating charities must “[c]ertify that the organization is directed by an active and responsible governing body whose members have no material conflict of interest and, a majority of which serve without compensation.”<sup>16</sup> According to the complaint filed by Attorney General Racine, “a majority of the members of Foundation Board of Trustees must also be Directors of the NRA, and all remaining members must be outstanding members of the NRA.” Additionally, the NRA President and NRA Executive Vice President, currently Wayne LaPierre, are automatically “ex officio” members of the NRA Foundation Board of Trustees with “full powers.” Finally, the NRA Foundation’s Executive Director is not selected by the Foundation’s Board, but instead by the NRA’s Executive Director of Advancement. In short, the allegations raised by the attorneys general contradict OPM’s goal of demonstrating a commitment to public service, and if true, violate federal regulations.<sup>17</sup>

In order to maintain the integrity of the CFC and ensure that participating charities adhere to OPM’s own regulations, we request that you remove the NRA Foundation and all related entities from the list of eligible CFC charities in advance of the next giving campaign. Thank you in

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<sup>8</sup> <https://www.opm.gov/combined-federal-campaign/>

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> <https://givecfc.org/>

<sup>12</sup> <https://www.charities.org/news/2018-cfc-results-america's-charities-nonprofit-members-outperform-overall-results>; <https://www.thenonproffitimes.com/donors/combined-federal-campaign-continues-funding-freefall/>

<sup>13</sup> [https://www.wg-alliance.org/uploads/1/6/4/4/16442864/million\\_donors\\_choose\\_2014-2016\\_cfc\\_pledge\\_results\\_7\\_sept\\_2017.pdf](https://www.wg-alliance.org/uploads/1/6/4/4/16442864/million_donors_choose_2014-2016_cfc_pledge_results_7_sept_2017.pdf); [https://www.wg-alliance.org/uploads/1/6/4/4/16442864/2018\\_mdc\\_full\\_report\\_final\\_10-9-19.pdf](https://www.wg-alliance.org/uploads/1/6/4/4/16442864/2018_mdc_full_report_final_10-9-19.pdf); [https://www.wg-alliance.org/uploads/1/6/4/4/16442864/2017\\_mdc\\_full\\_report\\_final\\_revised\\_11-8-2018.pdf](https://www.wg-alliance.org/uploads/1/6/4/4/16442864/2017_mdc_full_report_final_revised_11-8-2018.pdf)

<sup>14</sup> <https://www.law.cornell.edu/cfr/text/5/950.203>

<sup>15</sup> <https://oag.dc.gov/sites/default/files/2020-08/NRA-Foundation-Complaint-Redacted.pdf>

<sup>16</sup> *Id.*; 5 CFR § 950.203(a)(5)

<sup>17</sup> <https://www.chcoc.gov/content/opm-memo-2020-combined-federal-campaign>

advance for your consideration and we look forward to your prompt reply by October 1, 2020.

Thank you for your consideration.

/s/ Robert Menendez

United States Senator

/s/ Charles Schumer

United States Senator

/s/ Sheldon Whitehouse

United States Senator

/s/ Edward J. Markey

United States Senator

/s/ Ron Wyden

United States Senator

/s/ Richard Blumenthal

United States Senator

/s/ Chris Murphy

United States Senator

/s/ Chris Van Hollen

United States Senator

/s/ Cory A. Booker

United States Senator

/s/ Dianne Feinstein

United States Senator

/s/ Elizabeth Warren

United States Senator

/s/ Mazie Hirono

United States Senator

/s/ Kristen Gillibrand

United States Senator