

Union Calendar No. 475

114TH CONGRESS
2^D SESSION

H. R. 5053

[Report No. 114–612]

To amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that the identity of contributors to 501(c) organizations be included in annual returns.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2016

Mr. ROSKAM introduced the following bill; which was referred to the Committee on Ways and Means

JUNE 9, 2016

Additional sponsors: Mr. COOK, Mr. HARRIS, Mr. POMPEO, Mr. RIBBLE, Mr. HUELSKAMP, Mr. GOSAR, Mr. GRAVES of Georgia, Mrs. WAGNER, Mrs. BLACK, Mr. GROTHMAN, Mr. HENSARLING, Mr. BARLETTA, Mr. CHAFFETZ, Mr. TIPTON, Mr. MARCHANT, Mr. BOUSTANY, Mr. RICE of South Carolina, Mr. TOM PRICE of Georgia, Mrs. NOEM, Mr. REED, Mr. LOUDERMILK, Mr. JODY B. HICE of Georgia, Mr. NEWHOUSE, Mr. ISSA, and Mr. DUNCAN of South Carolina

JUNE 9, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 26, 2016]

A BILL

To amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that the identity of contributors to 501(c) organizations be included in annual returns.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Preventing IRS Abuse*
 5 *and Protecting Free Speech Act”.*

6 **SEC. 2. PROHIBITION ON REQUIRING THAT IDENTITY OF**
 7 **CONTRIBUTORS TO 501(C) ORGANIZATIONS**
 8 **BE INCLUDED IN ANNUAL RETURNS.**

9 *(a) IN GENERAL.—Section 6033 of the Internal Rev-*
 10 *enue Code of 1986 is amended by redesignating subsection*
 11 *(n) as subsection (o) and by inserting after subsection (m)*
 12 *the following:*

13 *“(n) IDENTIFYING INFORMATION OF DONORS.—*

14 *“(1) IN GENERAL.—For purposes of subsection*
 15 *(a), the Secretary may not require the name, address,*
 16 *or other identifying information of any contributor to*
 17 *any organization described in section 501(c) of any*
 18 *amount of any contribution, grant, bequest, devise, or*
 19 *gift of money or property.*

20 *“(2) EXCEPTIONS.—*

21 *“(A) IN GENERAL.—Paragraph (1) shall*
 22 *not apply—*

23 *“(i) to any disclosure required by sub-*
 24 *section (a)(2), and*

1 “(ii) *with respect to any a contribu-*
 2 *tion, grant, bequest, devise, or gift of money*
 3 *or property made by an officer or director*
 4 *of the organization (or an individual hav-*
 5 *ing powers or responsibilities similar to*
 6 *those of officers or directors) or any covered*
 7 *employee.*

8 “(B) *COVERED EMPLOYEE.*—*For purposes*
 9 *of this paragraph, the term ‘covered employee’*
 10 *means any employee (including any former em-*
 11 *ployee) of the organization if the employee is one*
 12 *of the 5 highest compensated employees of the or-*
 13 *ganization for the taxable year.*

14 “(C) *COMPENSATION FROM RELATED ORGA-*
 15 *NIZATIONS.*—

16 “(i) *IN GENERAL.*—*Compensation of a*
 17 *covered employee by the organization shall*
 18 *include any compensation paid with respect*
 19 *to employment of such employee by any re-*
 20 *lated person or governmental entity.*

21 “(ii) *RELATED ORGANIZATIONS.*—*A*
 22 *person or governmental entity shall be*
 23 *treated as related to the organization if such*
 24 *person or governmental entity—*

1 “(I) controls, or is controlled by,
2 the organization,

3 “(II) is controlled by one or more
4 persons that control the organization,

5 “(III) is a supported organization
6 (as defined in section 509(f)(3)) during
7 the taxable year with respect to the or-
8 ganization,

9 “(IV) is a supporting organiza-
10 tion described in section 509(a)(3) dur-
11 ing the taxable year with respect to the
12 organization, or

13 “(V) in the case of an organiza-
14 tion that is a voluntary employees’
15 beneficiary association described in
16 section 501(c)(9), establishes, main-
17 tains, or makes contributions to such
18 voluntary employees’ beneficiary asso-
19 ciation.”.

20 (b) *CONFORMING AMENDMENT.*—Section 6033(b)(5) of
21 such Code is amended—

22 (1) by striking “all”, and

23 (2) by adding at the end the following: “to the
24 extent not prohibited by subsection (n),”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to returns required to be filed for taxable*
3 *years ending after the date of the enactment of this Act.*

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