

The Clerk read as follows:

Mr. Sarbanes moves to recommit the bill H.R. 5053 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

SEC. 3. PROHIBITION ON REQUIRING CONTRIBUTOR IDENTITY NOT TO APPLY IN CASE OF ORGANIZATION INTERVENING IN POLITICAL CAMPAIGN.

The amendments made by section 2 of this Act shall not apply in the case of an organization described in section 501(c) of the Internal Revenue Code of 1986 which directly or indirectly participates in, or intervenes in, any political campaign on behalf of (or in opposition to) any candidate for public office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland is recognized for 5 minutes in support of his motion.

Mr. SARBANES. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, we have had a debate here today on this larger issue of accountability to the American people when it comes to our politics, the way we govern, and the huge amounts of secret money that are pouring into our politics in a way that has left the average American feeling cynical and disconnected from their democracy. If anything, what Americans want to see is not less information and less accountability when it comes to politics, but more of it.

Now, many people out there are just kind of hanging on by a fingernail in terms of any confidence or trust when it comes to our democracy and our politics because they see how Big Money has sort of taken over the conversation and that the megaphone that Big Money has is hard to compete with if you are just a regular person out there who wants your voice to be heard. But it is made even worse when you don't know who is holding that megaphone when that speech comes in with all that money behind it and you don't know who the speaker is because that is hidden away because all of this money has become secret.

One of the mechanisms that is being used by Big Money out there to kind of foist themselves onto our politics and push average Americans on to the margins of their own democracy is to go in there and try and hijack, commandeer, and takeover these 501(c) organizations. These tax exempt organizations end up really engaging primarily in political activity but are masquerading as these 501(c) organizations that are supposed to be engaged in tax exempt activities.

So what this motion to recommit would do is pretty straightforward. It says that if one of these 501(c) tax exempt organizations—and I am reading now from the motion to recommit, from the amendment that would be made—is directly or indirectly participating in or intervening in any political campaign on behalf of or in opposi-

tion to any candidate for public office, then in that instance, the IRS ought to be able to collect that information on who their donors are.

Look, it makes sense. Taxpayers out there are saying: We understand that there are organizations that should be tax exempt because of the good work that they are doing, that they are actually social welfare organizations, the local Boys & Girls Club, organizations like that, providing a public benefit. That is okay. We will pay our taxes. But we understand that those organizations shouldn't have to because they are doing something that is good for the public and good for the community and so forth.

But if an organization is getting taken over by some group that has got a political goal or political objective, then it shouldn't be entitled to that tax exemption anymore.

That is what this motion to recommit says: You don't get to deny the IRS the kind of information that will allow them to make a judgment as to whether you deserve to have that tax exempt status. So that is all that we are trying to do.

There are two things that the IRS needs to look at when they are deciding whether a C organization is engaged primarily in political activity. One is, where is the money going? How are they spending it? They will be able to see that. But the other is, where is the money coming from that is getting spent? Who is behind the thing? That helps them decide, is this organization really fulfilling tax exempt purposes, or is it just masquerading that way when, in fact, what it is doing is engaged primarily in political activity?

So we want the IRS to have the information that allows them to reach a judgment as to whether an organization that is benefiting from this tax exemption really deserves to get that tax exemption. That is what this motion to recommit would do.

We need more accountability, not less, in our politics. We need more information to decide who appropriately is benefiting from this tax exempt status.

Mr. Speaker, for that reason, I urge my colleagues to support the motion to recommit, and I yield the balance of my time.

Mr. ROSKAM. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. Mr. Speaker, the motion to recommit essentially says this: All kind of speech is sacred, and all types of speech should be protected, except certain kinds. So you can say whatever you want to say, you can say it however you want to say it, but if it is political, we are going to treat it differently. And that is the problem; that is absolutely the problem.

H.R. 5053 is commonsense legislation that protects Americans from having their information improperly disclosed.

It eliminates a burdensome reporting requirement for not-for-profits, and the IRS itself has indicated that it doesn't use the reported information for tax enforcement.

There is absolutely no reason not to eliminate the Schedule B on the Form 990. Not only is it unnecessary, but the IRS doesn't have a good track record at protecting sensitive information or treating everyone fairly. We shouldn't be giving the Internal Revenue Service access to this information, especially when they don't need it to do their job.

Mr. Speaker, I urge my colleagues to vote against the motion, "yes" on H.R. 5053, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. SARBANES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the order of the House of today, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 p.m.), the House stood in recess.

□ 1601

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN of Tennessee) at 4 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the order of the House of today, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of the motion to recommit H.R. 5053, and

Passage of H.R. 5053, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Any remaining electronic vote will be conducted as a 5-minute vote.