



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

OFFICE OF THE CHIEF COUNSEL

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Dear _____ :

I am responding to your letter dated July 29, 2018, to David Kautter, Acting Commissioner of the Internal Revenue Service. You mentioned an article in the Ithaca Journal titled "Political spending gets more secretive with IRS change." From your comments, the article most likely concerned Revenue Procedure 2018-38, which was released to the public on July 16, 2018. You expressed concern that the revenue procedure would reduce information available to the public concerning political contributions. Thank you for sharing your concerns.

In general, under § 6104(b) of the Internal Revenue Code, the IRS must make the annual information returns filed by tax-exempt organizations available to the public. However, the IRS is not authorized to disclose the name or address of any contributor to any tax-exempt organization other than a private foundation or a § 527 political organization. Because § 6104 protects contributor privacy, the names and addresses of contributors reported to the IRS (other than contributors to private foundations and § 527 political organizations) are redacted before the release of the information that is required to be made open to public inspection. The restriction on disclosing the names and addresses of contributors was enacted in 1969 by Congress in the same public law that created the requirement for organizations described in § 501(c)(3) to report such names and addresses. Therefore, there has never been any public disclosure of the names and addresses of contributors other than the names and addresses of contributors to private foundations and § 527 political organizations, and those organizations continue to report the names and addresses of their substantial contributors, which continue to be made available to the public.

Additionally, Revenue Procedure 2018-38 continues the requirement that all exempt organizations must maintain books and records that contain the names and addresses of all substantial contributors. The revenue procedure requires that this information be made available to the IRS upon request if the IRS determines that the information is necessary for the appropriate administration of the tax law. Thus, Revenue Procedure 2018-38 does not reduce the public's awareness of the names and addresses of contributors to exempt organizations; it also does not reduce the ability of the IRS to examine such information should such an examination be deemed necessary.

If you have any questions, please contact _____ or me at _____.

Sincerely,

Mike Repass
Senior Technical Reviewer, EO
Tax Exempt & Government Entities