

115TH CONGRESS  
1ST SESSION

# S. 264

To amend the Internal Revenue Code of 1986 to allow charitable organizations to make statements relating to political campaigns if such statements are made in the ordinary course of carrying out its tax exempt purpose.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2017

Mr. LANKFORD (for himself and Mr. PAUL) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to allow charitable organizations to make statements relating to political campaigns if such statements are made in the ordinary course of carrying out its tax exempt purpose.

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 “The Free Speech Fair-  
5 ness Act”.

1 **SEC. 2. ALLOWING 501(c)(3) ORGANIZATION TO MAKE**  
2 **STATEMENTS RELATING TO POLITICAL CAM-**  
3 **PAIGN IN ORDINARY COURSE OF CARRYING**  
4 **OUT ITS TAX EXEMPT PURPOSE.**

5 (a) IN GENERAL.—Section 501 of the Internal Rev-  
6 enue Code of 1986 is amended by adding at the end the  
7 following new subsection:

8 “(s) SPECIAL RULE RELATING TO POLITICAL CAM-  
9 PAIGN STATEMENTS OF ORGANIZATION DESCRIBED IN  
10 SUBSECTION (c)(3).—

11 “(1) IN GENERAL.—For purposes of subsection  
12 (c)(3) and sections 170(c)(2), 2055, 2106, 2522,  
13 and 4955, an organization shall not fail to be treat-  
14 ed as organized and operated exclusively for a pur-  
15 pose described in subsection (c)(3), nor shall it be  
16 deemed to have participated in, or intervened in any  
17 political campaign on behalf of (or in opposition to)  
18 any candidate for public office, solely because of the  
19 content of any statement which—

20 “(A) is made in the ordinary course of the  
21 organization’s regular and customary activities  
22 in carrying out its exempt purpose, and

23 “(B) results in the organization incurring  
24 not more than de minimis incremental ex-  
25 penses.”.

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

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