

The Honorable Lois G. Lerner
March 27, 2011
Page 3

(b)(5)/dp

(b)(5)/dp

7. Each of the requests for information, listed below, that has appeared on an IRS questionnaire is beyond the scope of IRS Form 1024. For each of these requests, listed below, please state: a) the IRS's authority for asking for the information; b) the IRS's rationale for needing this piece of information; c) whether any precedent exists for the IRS asking for this type of information; d) the objective standards the IRS will use when reviewing the response; and e) how the IRS will use the information to determine tax-exempt status.

(b)(5)/dp

- A) For all the events you have conducted or will conduct for 2012 and 2013, provide the date of each event, issues presented at the event, copies of material provided, speakers invited, details of speeches made at the event and actions promoted by the speakers, and expenses incurred.
- B) Provide the time, location, and content of each of your meetings, copies of any material provided at the meeting, lists of speakers who have attended the meetings, topics discussed, contents of speeches, and expenses incurred on these meetings.
- C) Provide copies of any lease or rental agreements.
- D) Provide copies of any materials or other communications prepared by another person or individual that you have or will distribute, when the distribution was or will be conducted, and who has distributed or will distribute the materials.
- E) Provide copies of all solicitations your organization has made regarding fundraising, including pamphlets, flyers, brochures, and webpage solicitations. Provide all sources of fundraising expenses.
- F) Provide all newsletters, emails and other items distributed to your members or other interested individuals.
- G) Provide all copies of your corporate and meeting minutes from your organization's inception to present.
- H) Provide the names of all donors, contributors, and grantors and the amounts of each donation, contribution, and grant.
- I) Provide the details of how your organization will use the donations, contributions, and grants.
- J) Provide a resume, total compensation package, and rationale for how each compensation package was determined for your past and present directors, officers, and key employees.
- K) Provide a list of all issues that are important to your organization, indicating your position regarding each issue.
- L) Provide details regarding all training your organization has provided or will provide, indicating who has received or will receive the training and providing all copies of the training material.
- M) Provide the member application and registration form, the membership agreement and rules that govern members, and copies of your website that only members can access.
- N) Provide a vendor list, a list of all merchandise items sold, your cost for each item, and the selling price for each item.
- O) Provide all activities your organization has engaged in with the new media, including copies of articles printed or transcripts of items aired because of that activity.

(b)(3)/6103; (b)(5)/dp

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Page 4

- P) Provide copies of all direct or indirect communication with members of legislative bodies.

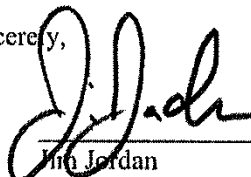
In preparing your answers to these questions, please answer each question individually and include the text of each question along with your response. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. If you have any questions about this request, please contact Brian Blase of the Committee on Oversight and Government Reform at 202-225-5074. Thank you for your attention to this matter.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.



Darrell Issa
Chairman

Sincerely,



Jim Jordan
Chairman
Subcommittee on Regulatory Affairs,
Stimulus Oversight and Government Spending

Enclosure

cc: The Honorable Elijah Cummings, Ranking Minority Member
Committee on Oversight and Government Reform

The Honorable Dennis Kucinich, Ranking Minority Member, Subcommittee on
Regulatory Affairs, Stimulus Oversight and Government Spending

DARRELL E. ISSA, CALIFORNIA
CHAIRMAN

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5061

Responding to Committee Document Requests

1. In complying with this request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when they were requested.
8. When you produce documents, you should identify the paragraph in the Committee's request to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full, compliance shall be made to the extent possible and shall include an explanation of why full compliance is not possible.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. The time period covered by this request is included in the attached request. To the extent a time period is not specified, produce relevant documents from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

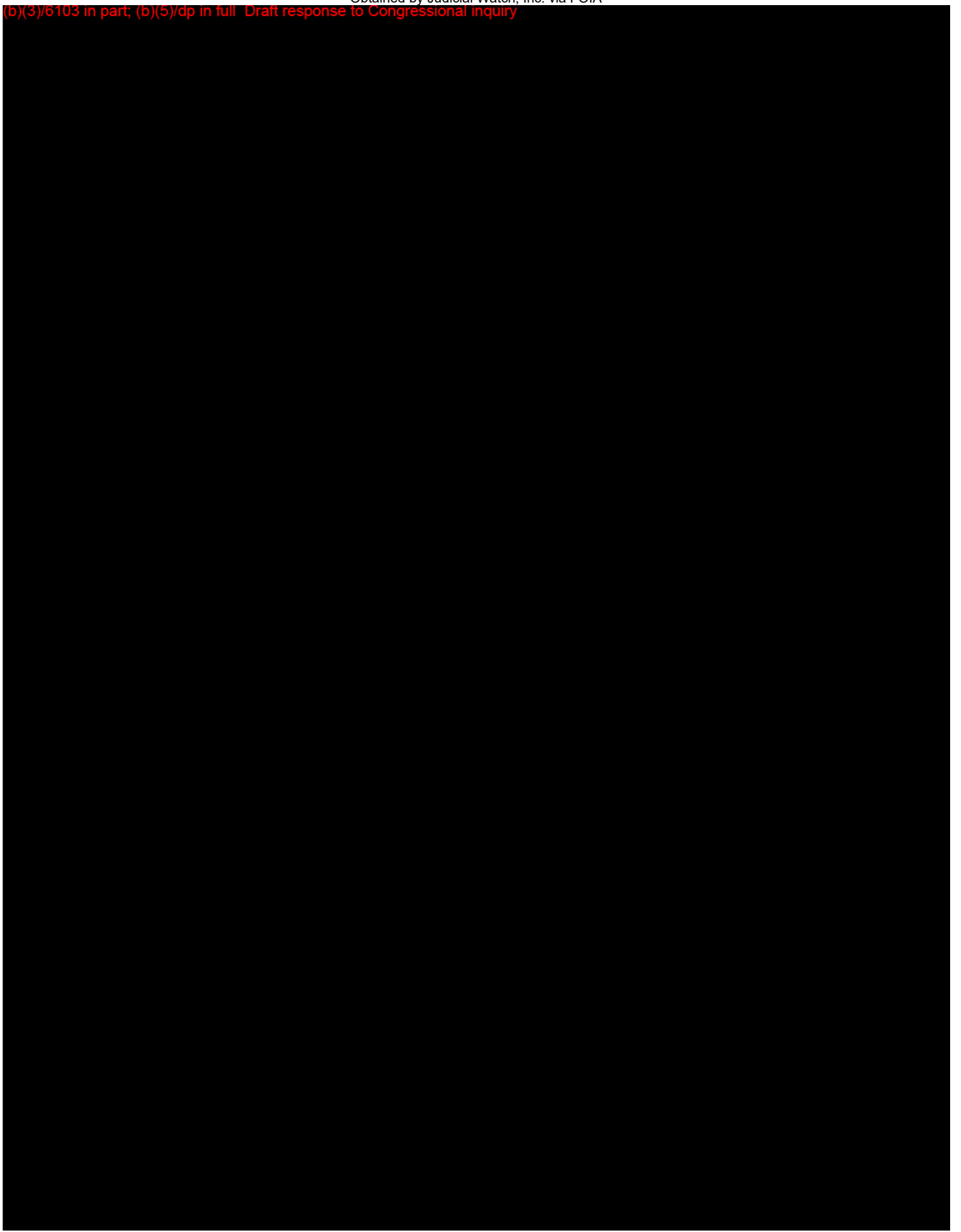
Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email, regular mail, telexes, releases, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might

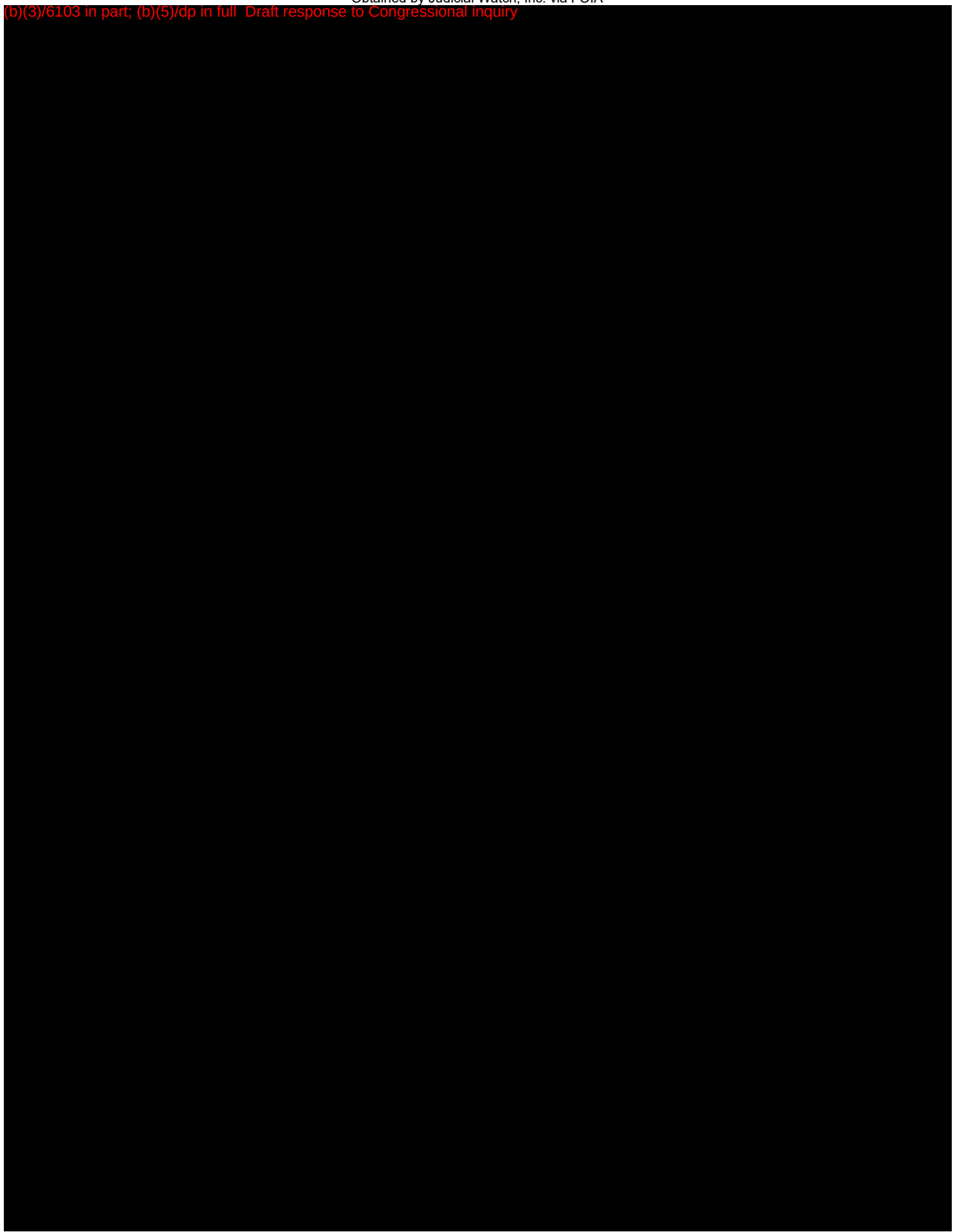
otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

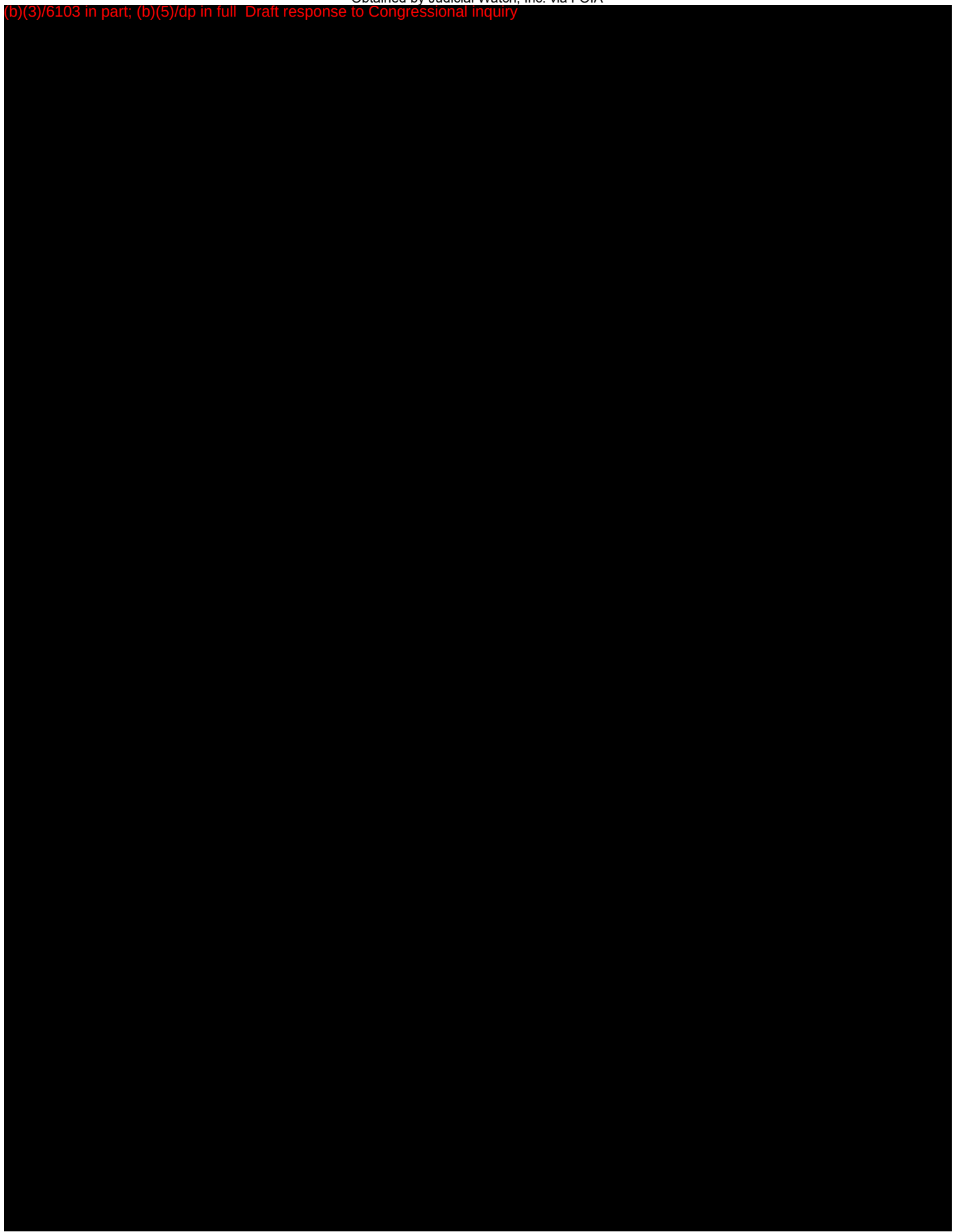
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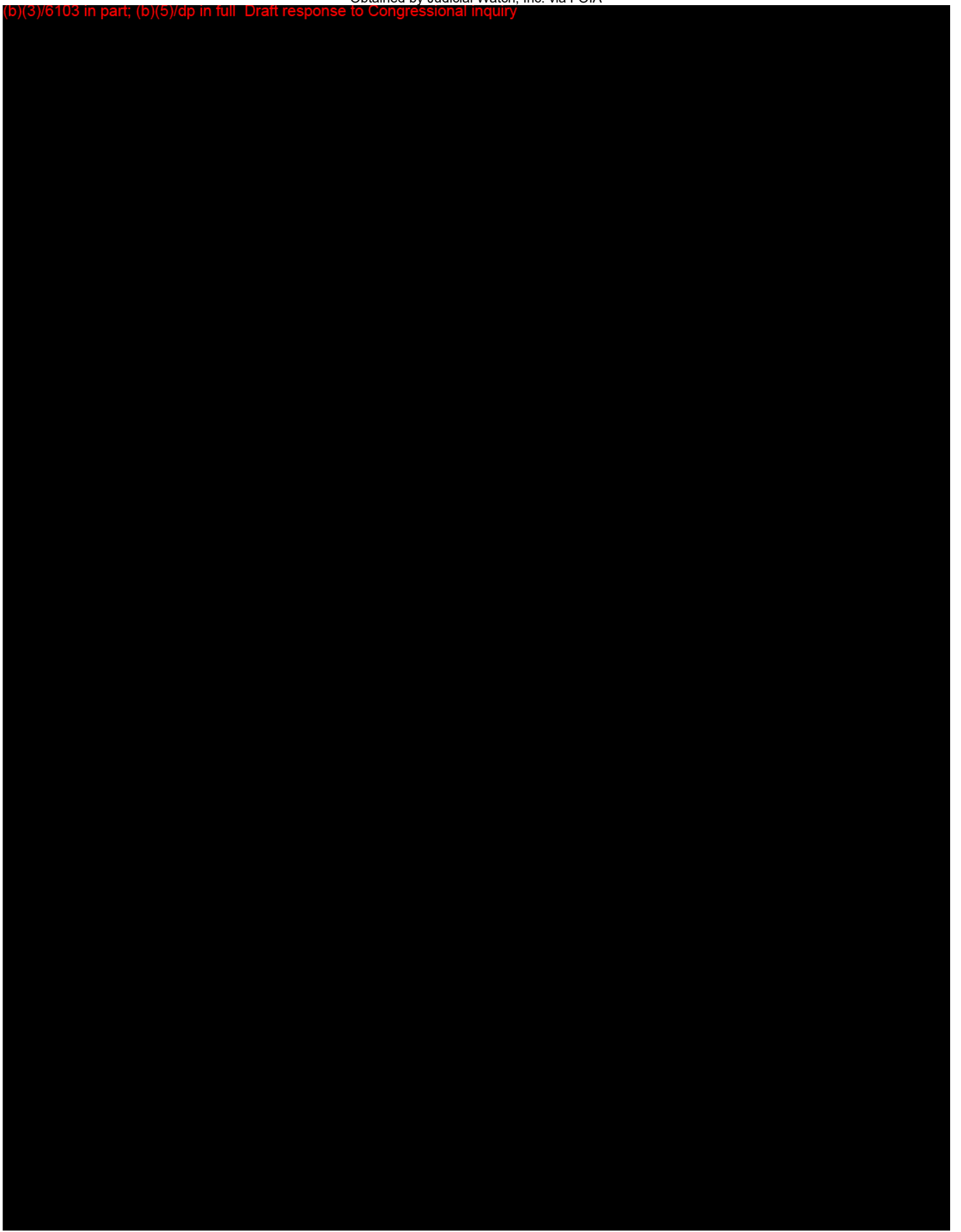
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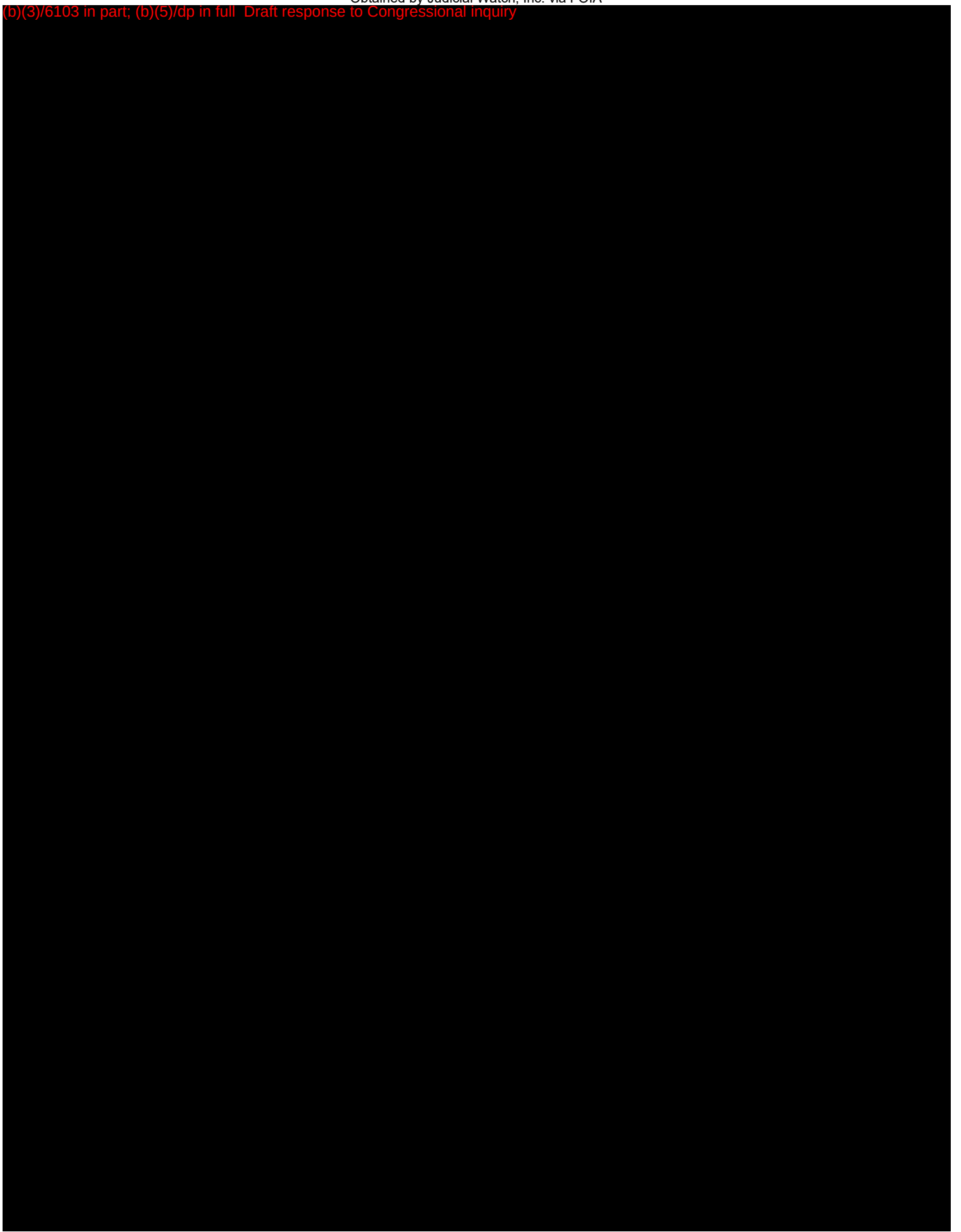
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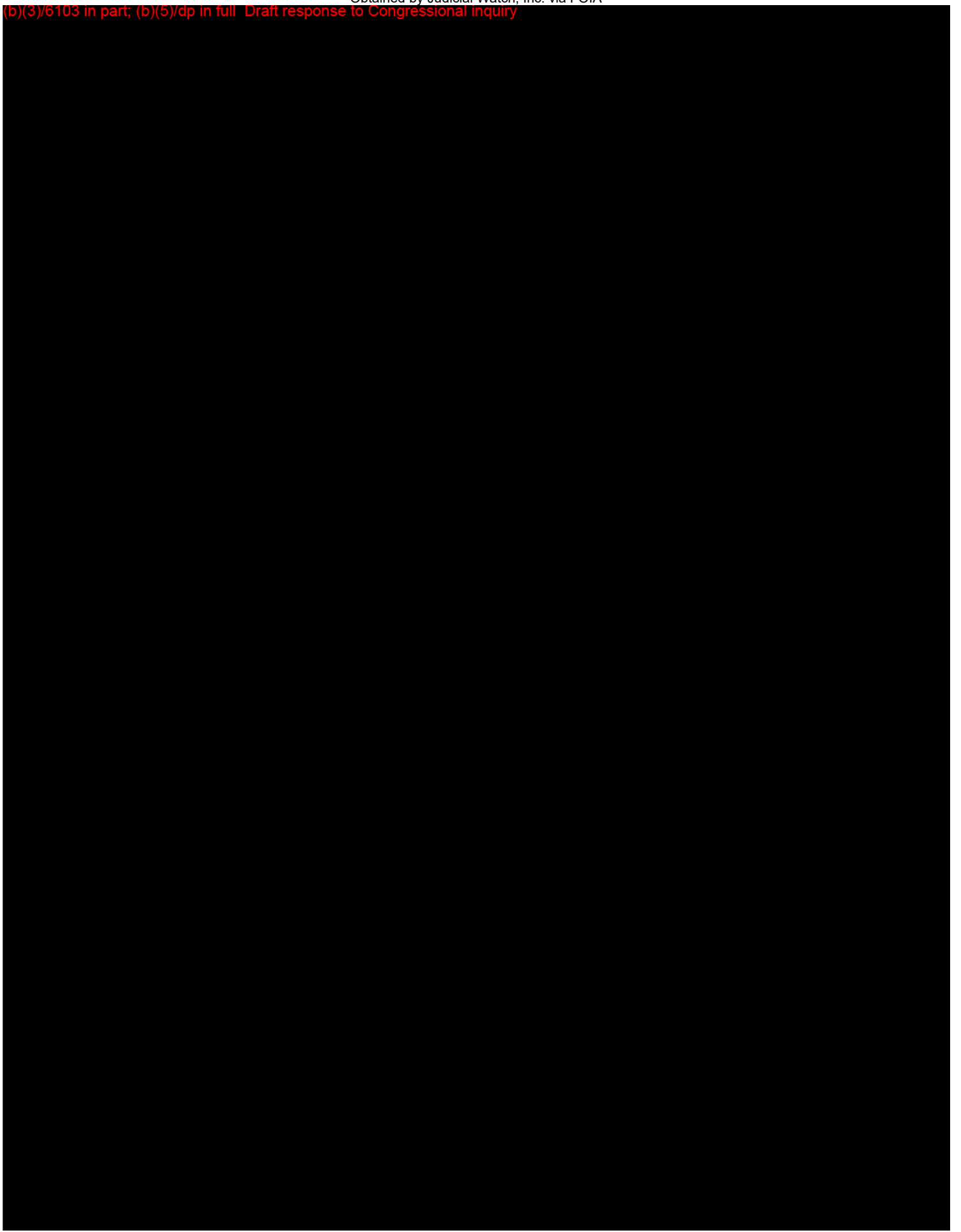
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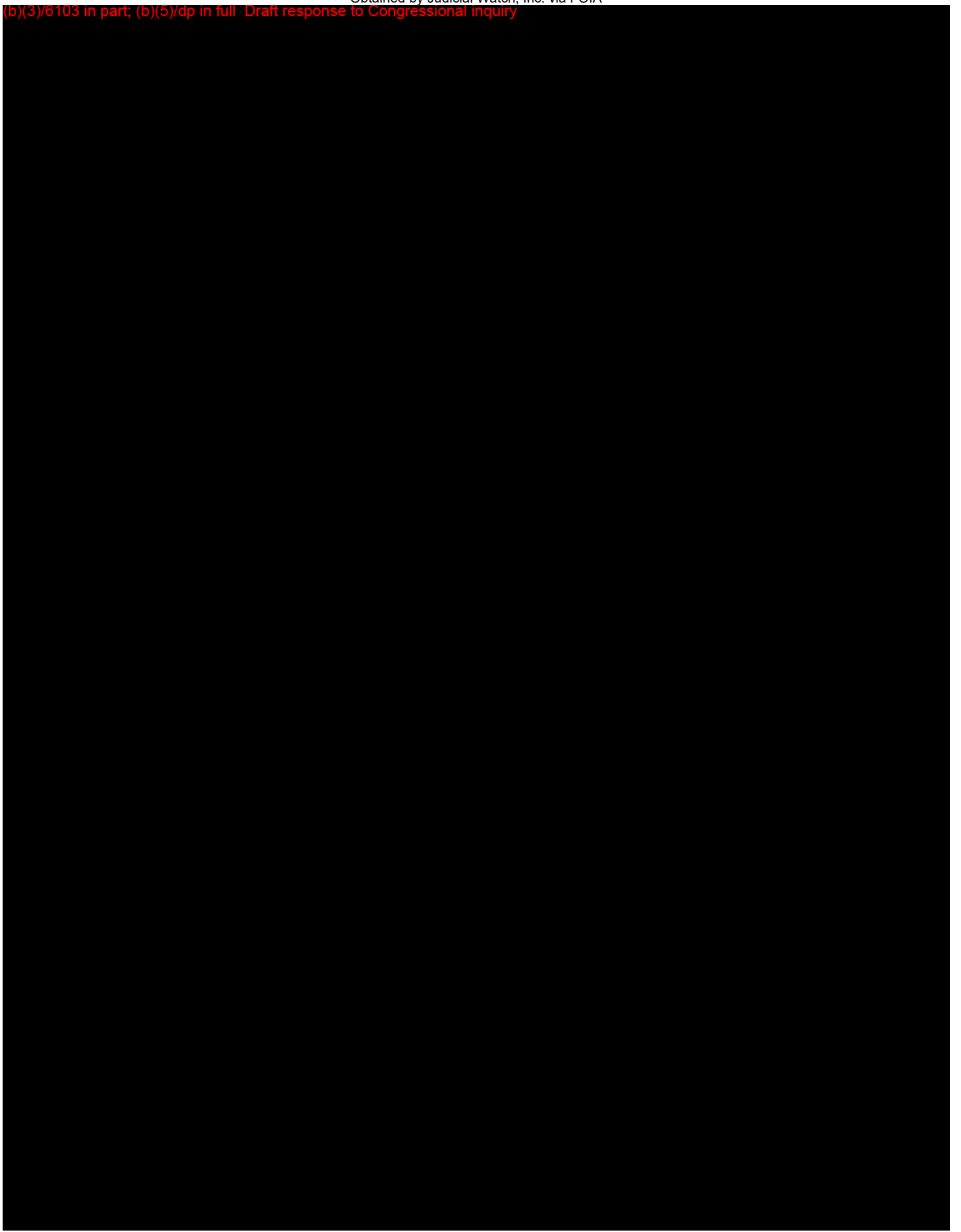
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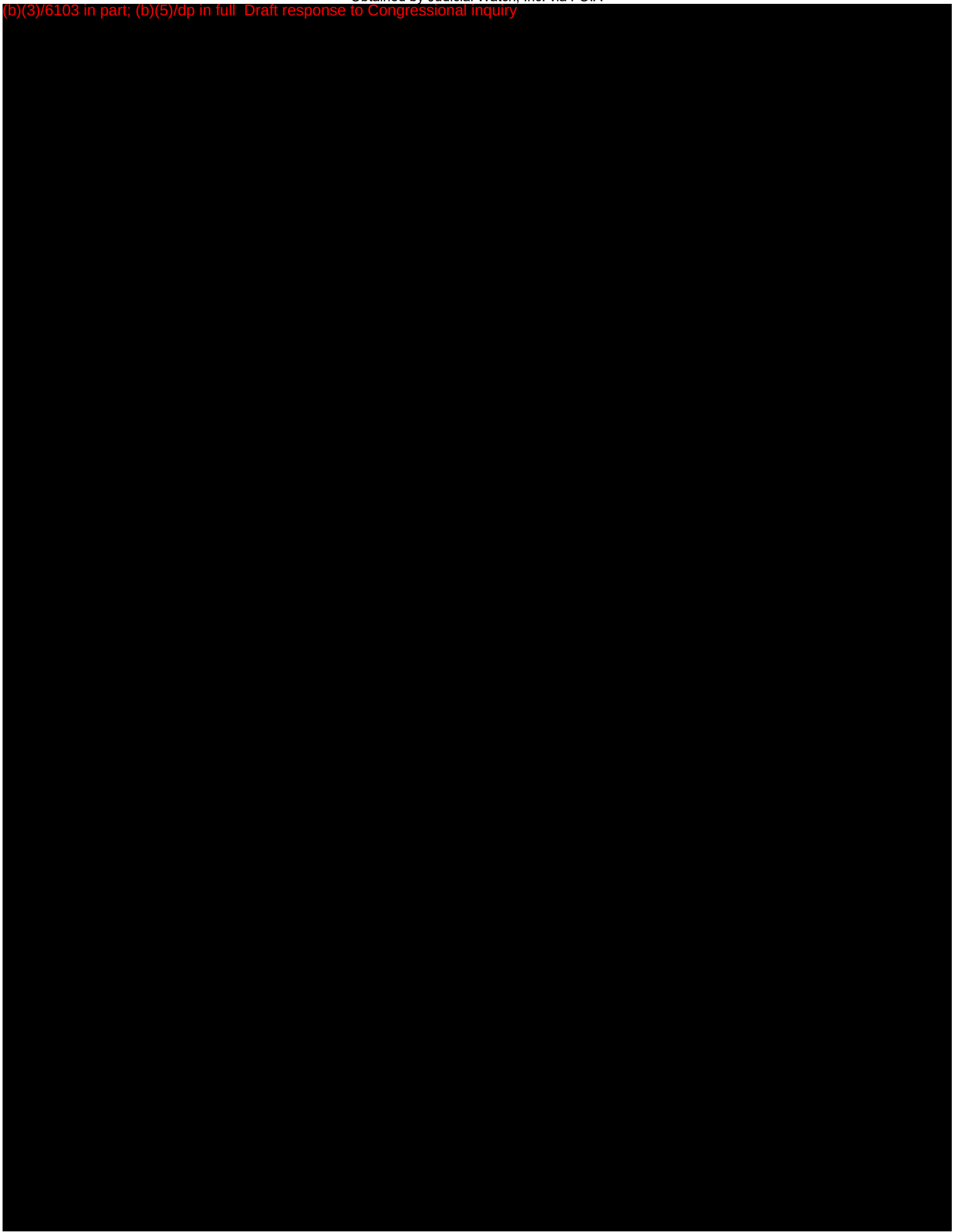
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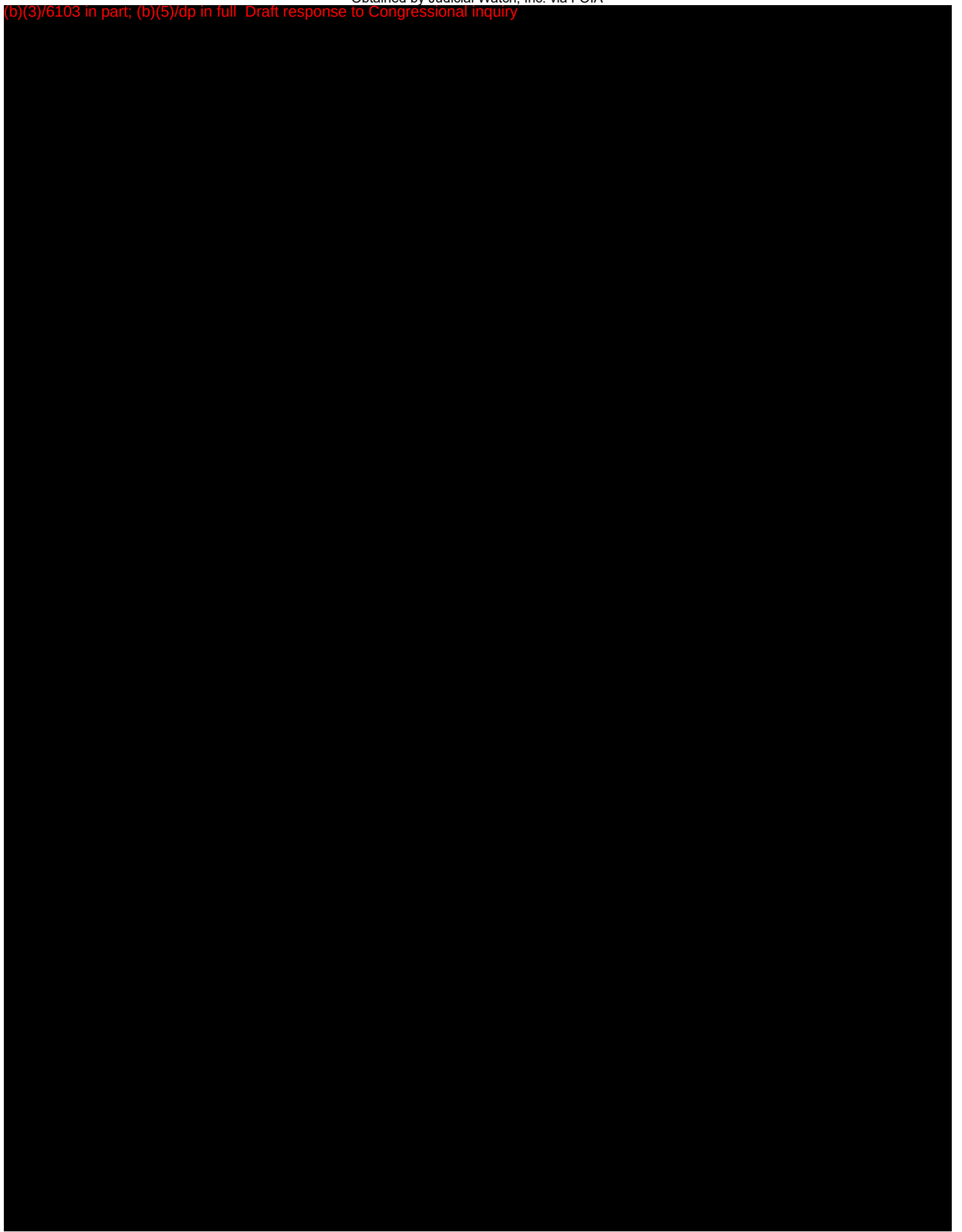
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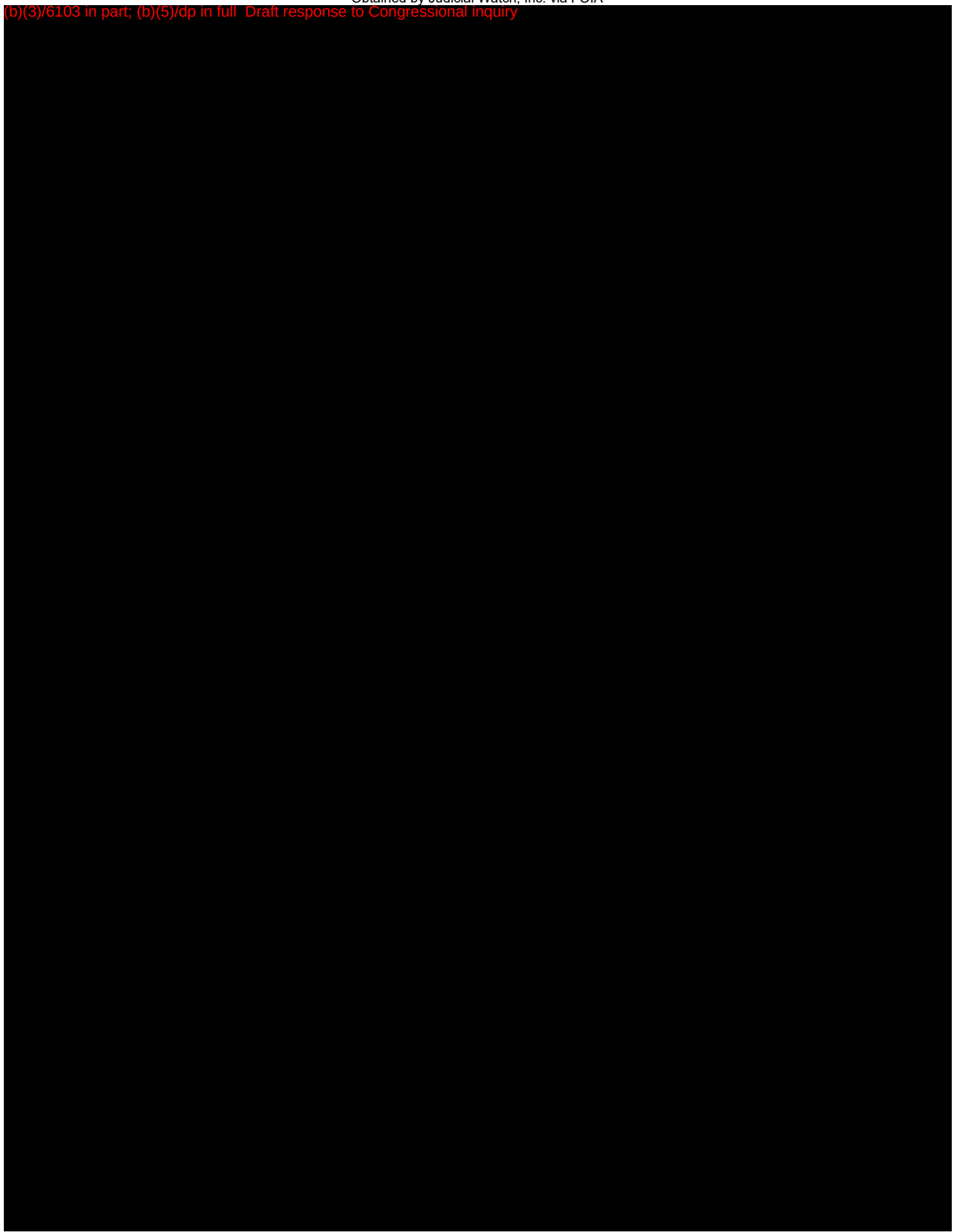
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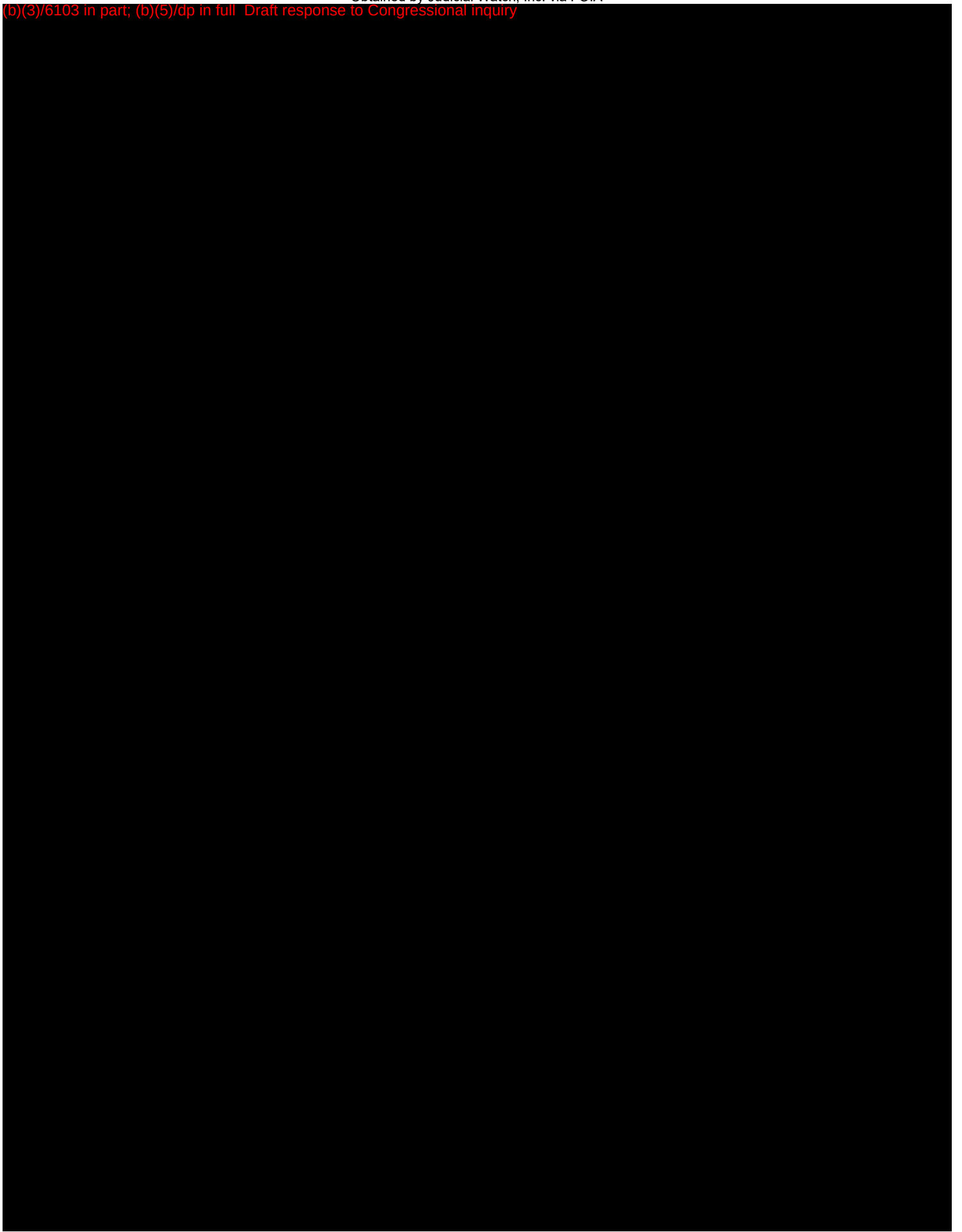
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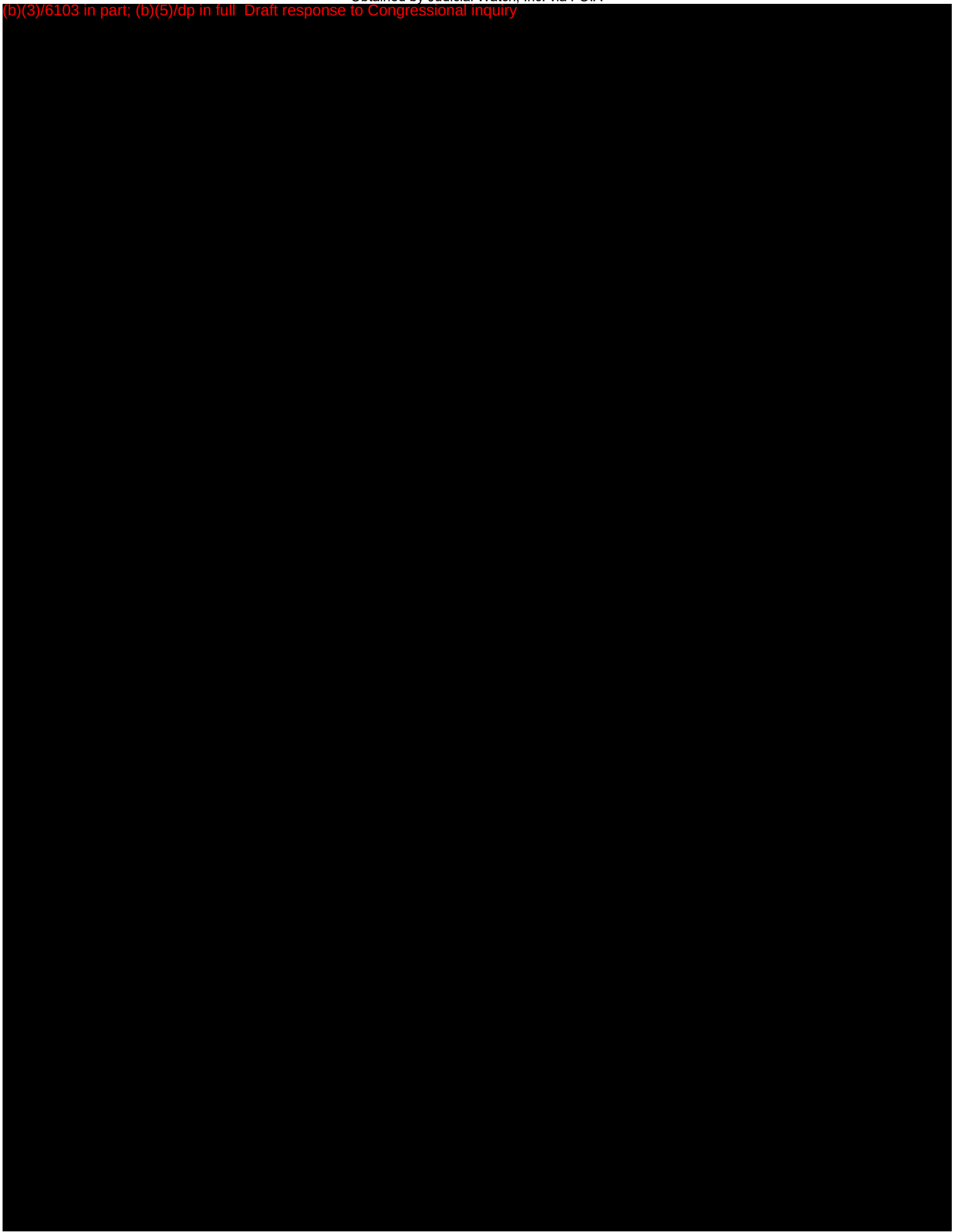
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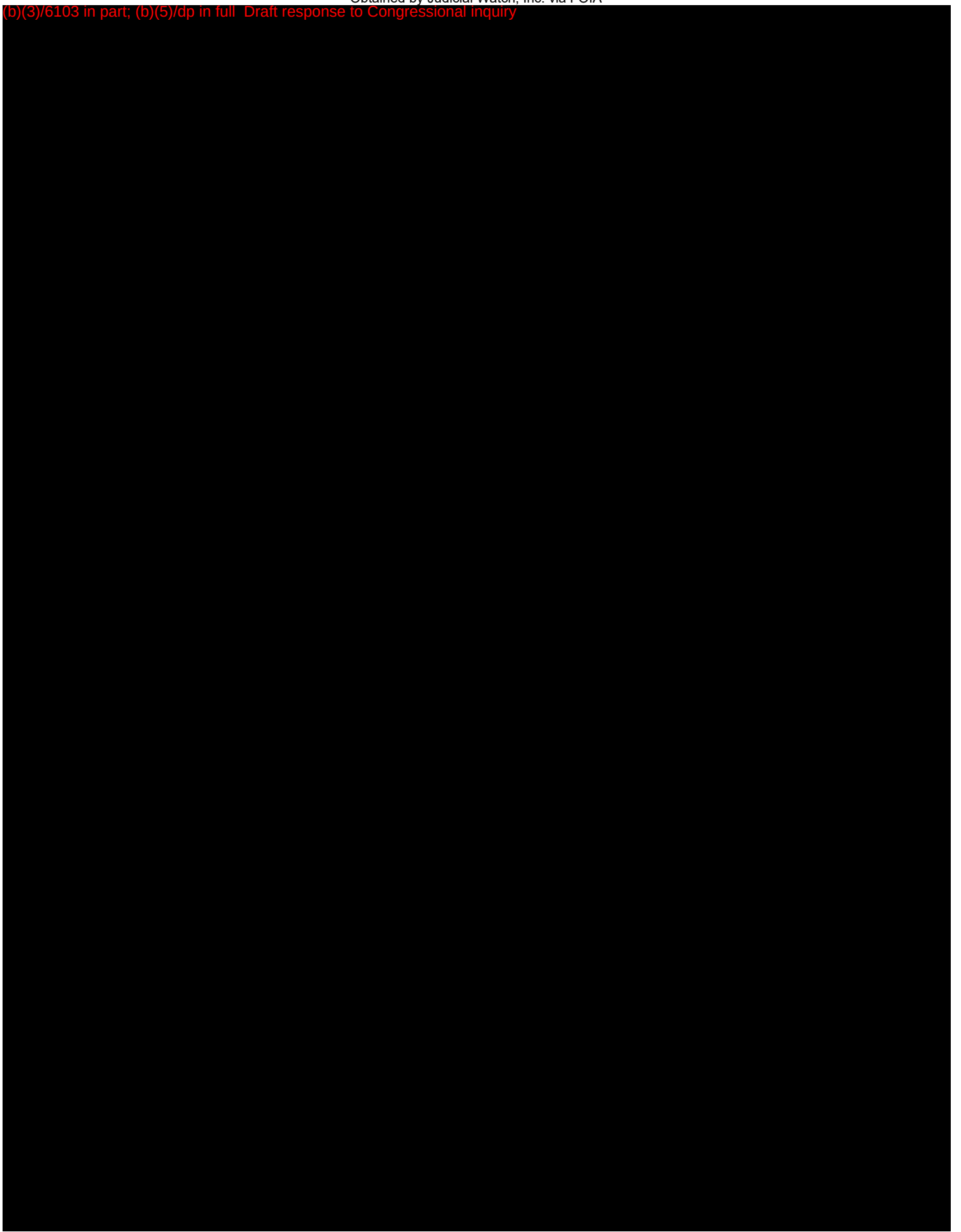
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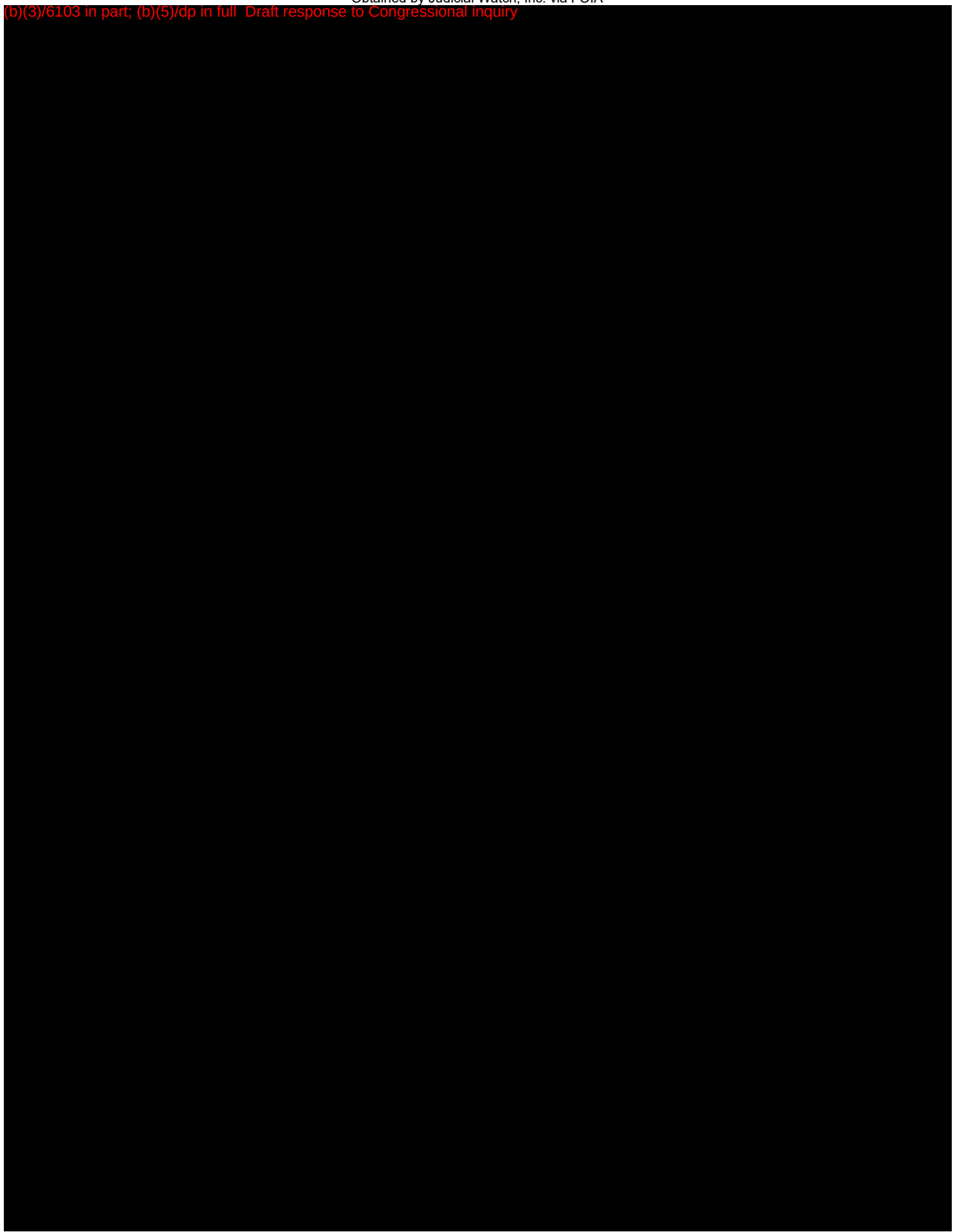
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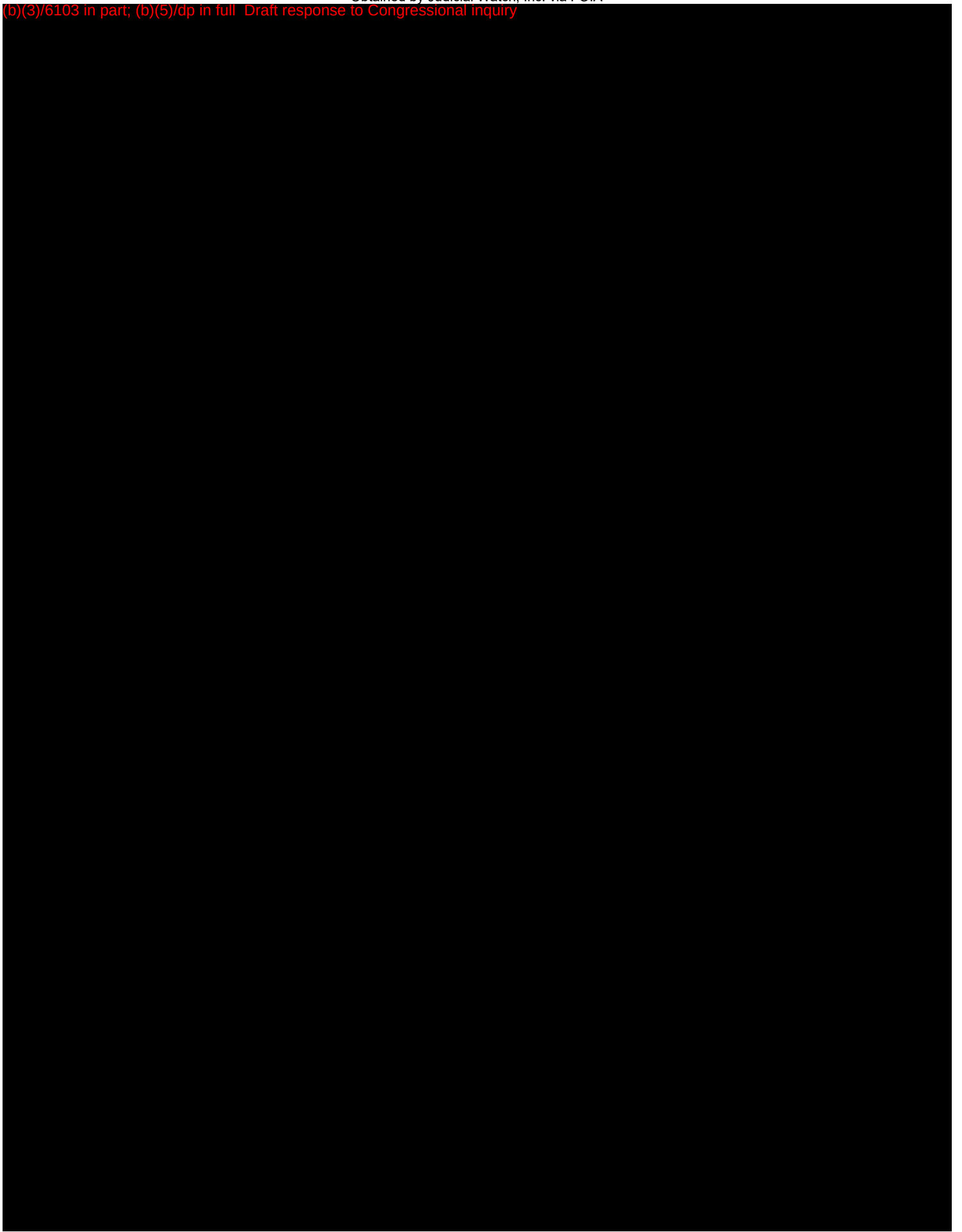
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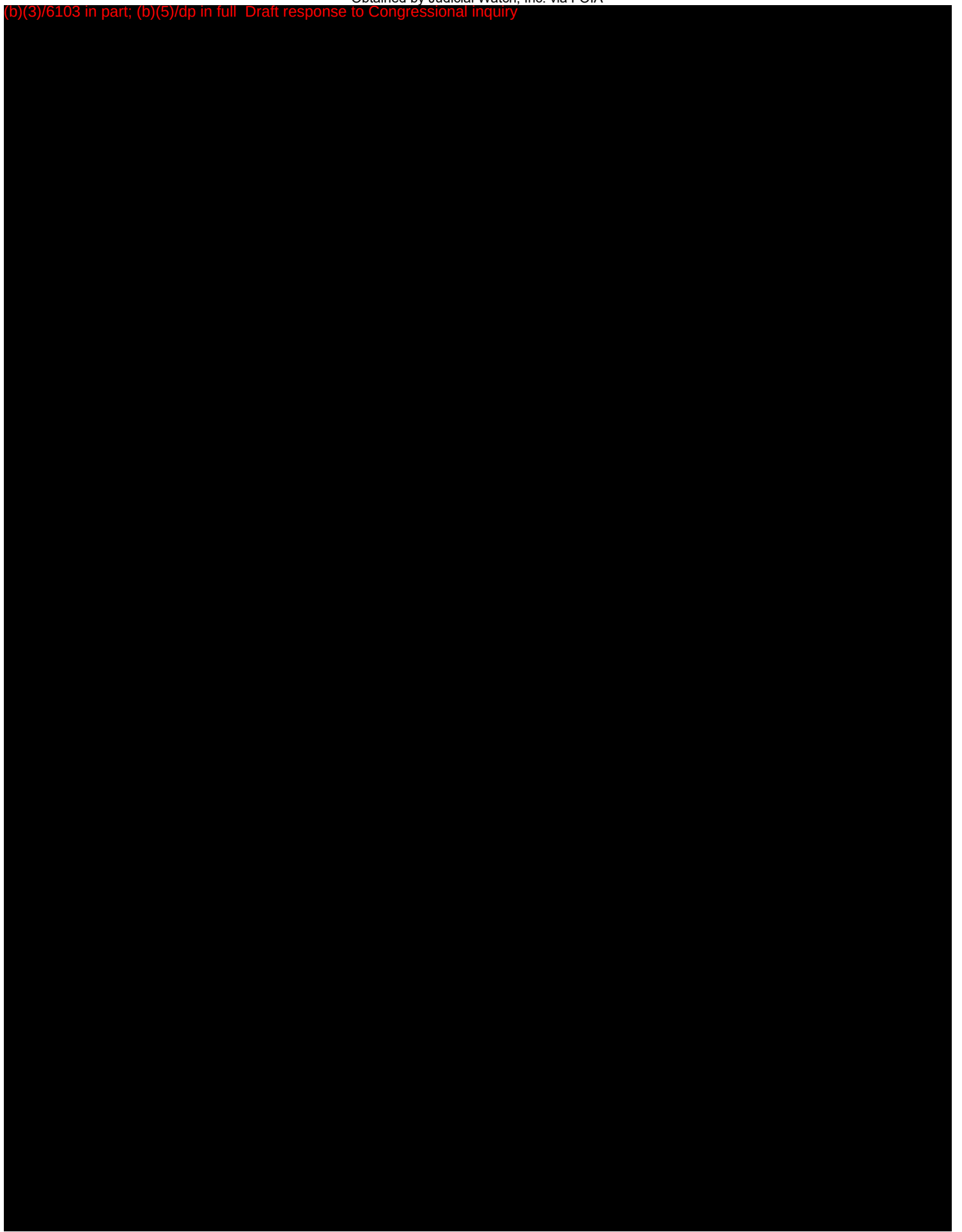
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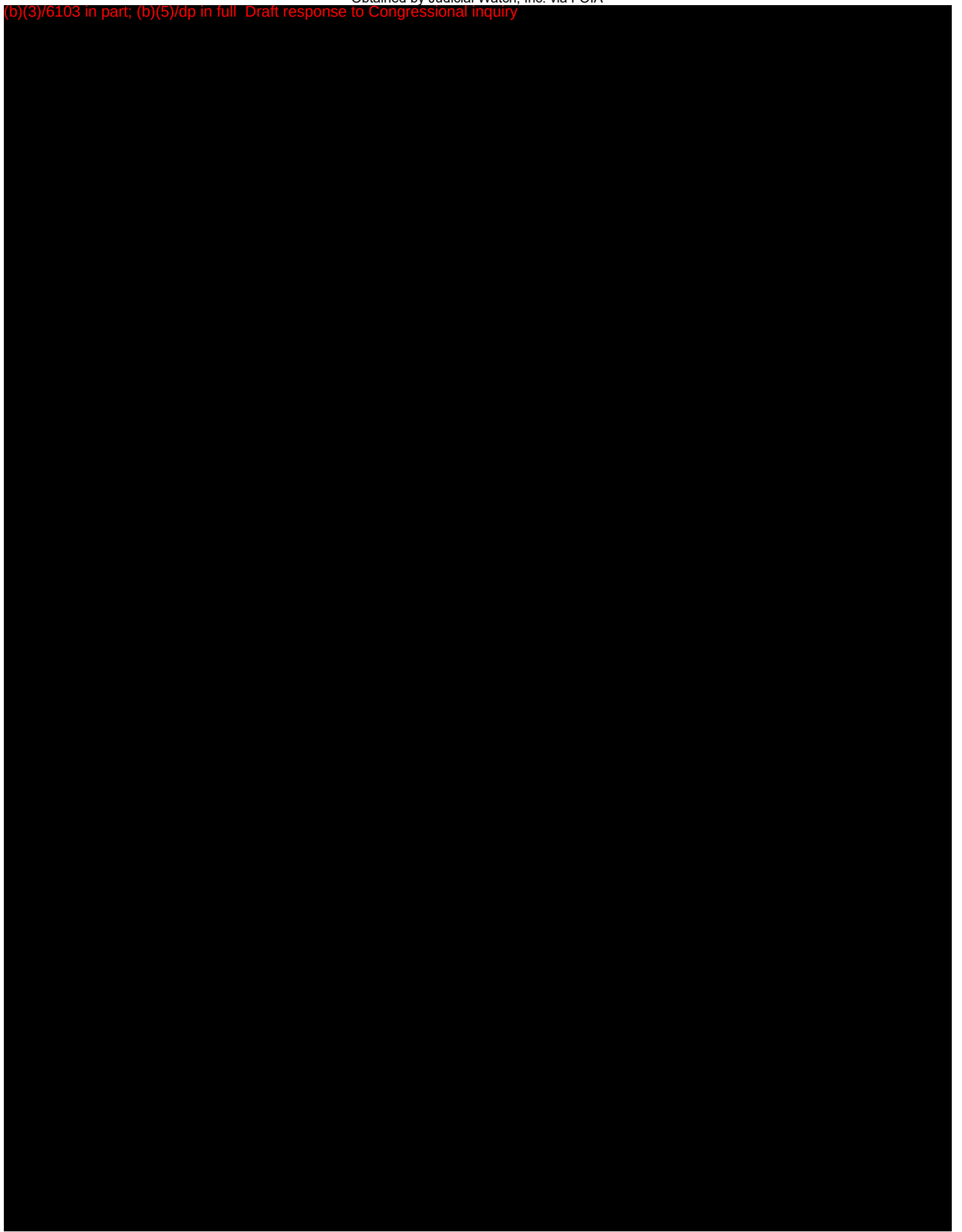
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(b)(3)/6103 in part; (b)(5)/dp in full Draft response to Congressional inquiry



Park NaLee

From: Herring Donald Grant
Sent: Wednesday, August 15, 2012 8:48 AM
To: Park NaLee
Subject: RE: org
Signed By: Donald.G.Herring@irs.gov

Another fax arrived from the POA on May 11, requesting a ninety day extension of the sixty day extension. I have no record of responding to this particular request from the (b)(3)/6103 and, although I responded to several other communications from them about other cases, I doubt I did so in this case. I would not have known how to respond. We had no instructions that we we could grant additional extensions. In fact our instructions at that time were to take no action on the cases until further notice. This was after the Advocacy Project training was scheduled but just before it was held. I probably thought the answer would come a few days later in training. It didn't though. After the training, the case, while still in my T-number, was no longer really my case. It stayed in my T number all through the bucketing process and while the Bucket 1 and 2 cases were being assigned. The case finally was given back to me instead of being reassigned to another agent.

After training, I should have elevated the question of what to do about the fax. I did not.

When the case was given back to me, I noted that no response had ever been received on the first request for information. I owe the TP a phone call to advise them that a superseding letter is about to be sent. I will take up the matter of the May 11 fax at the same time.

Grant Herring
 Exempt Organizations Specialist
 Phone (b)(6)/(b)(7)(C)
 Fax 513-263-3690

From: Park NaLee
Sent: Tuesday, August 14, 2012 3:34 PM
To: Herring Donald Grant
Subject: FW: org

(b)(3)/6103

Need to know current status. Already found out from Cindy this morning that this org is one of several that received 60 day response time extension letter that was mailed out in mid-March of this year. And checked with our processing person here to get whatever info available via EDS. But need more info.

Did this org send in responses to development questions, request or get another extension, working on application based on responses, etc? Whatever you can tell me about current status would be very helpful. Meeting w Lois in about an hour about a congressional about this application - she wants to know all the facts in order to be able to properly respond to the letter.

My number is 202-283-9453 if easier to discuss over phone.

Thanks much!

NaLee

8/15/2012

JW1559-040059

By default gave 60 days since
 was contact until today

General dev
 Bucket 3
 case

Spoke w/
 POA + 1
 told - "simpler" letter in way
 POA - prob would request
 another 60 day
 extn.
 but tried to
 discourage
 since
 superseding
 letter in
 way.

arrived
 July

1. Guidelines
Need 1024 form +
list.
Keep - primary activity
CPE - 1980s

1. Clarify in 1st Jt
project @ questionnaire.

Project → org holding themselves out/
self-declarers based on F. 990.

→ questionnaire working on/dev.
not done yet now sent out

Questionnaire → Development letters
to fully develop applic.
Necessary part of applic.
process to make determination
whether org met Code +
Reg requirements for
exempt Recognition

2. (c)(4) + Meet Reg of primary activity
= social welfare

Form 990.

(b)(5)/dp Draft response to Congressional inquiry



(b)(5)/dp Draft response to Congressional inquiry



(b)(5)/dp Draft response to Congressional inquiry



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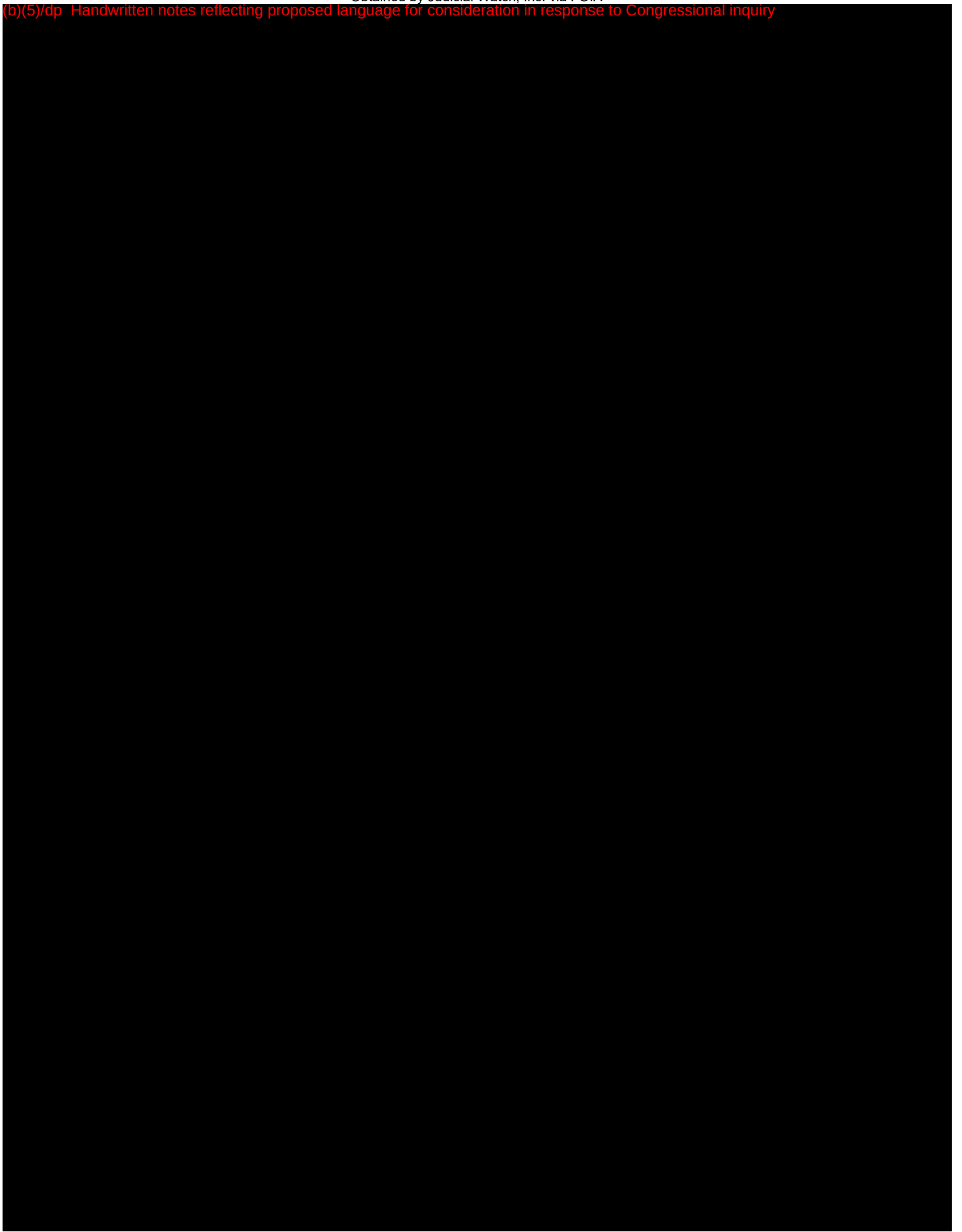
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(b)(5)/dp Handwritten notes reflecting proposed language for consideration in response to Congressional inquiry

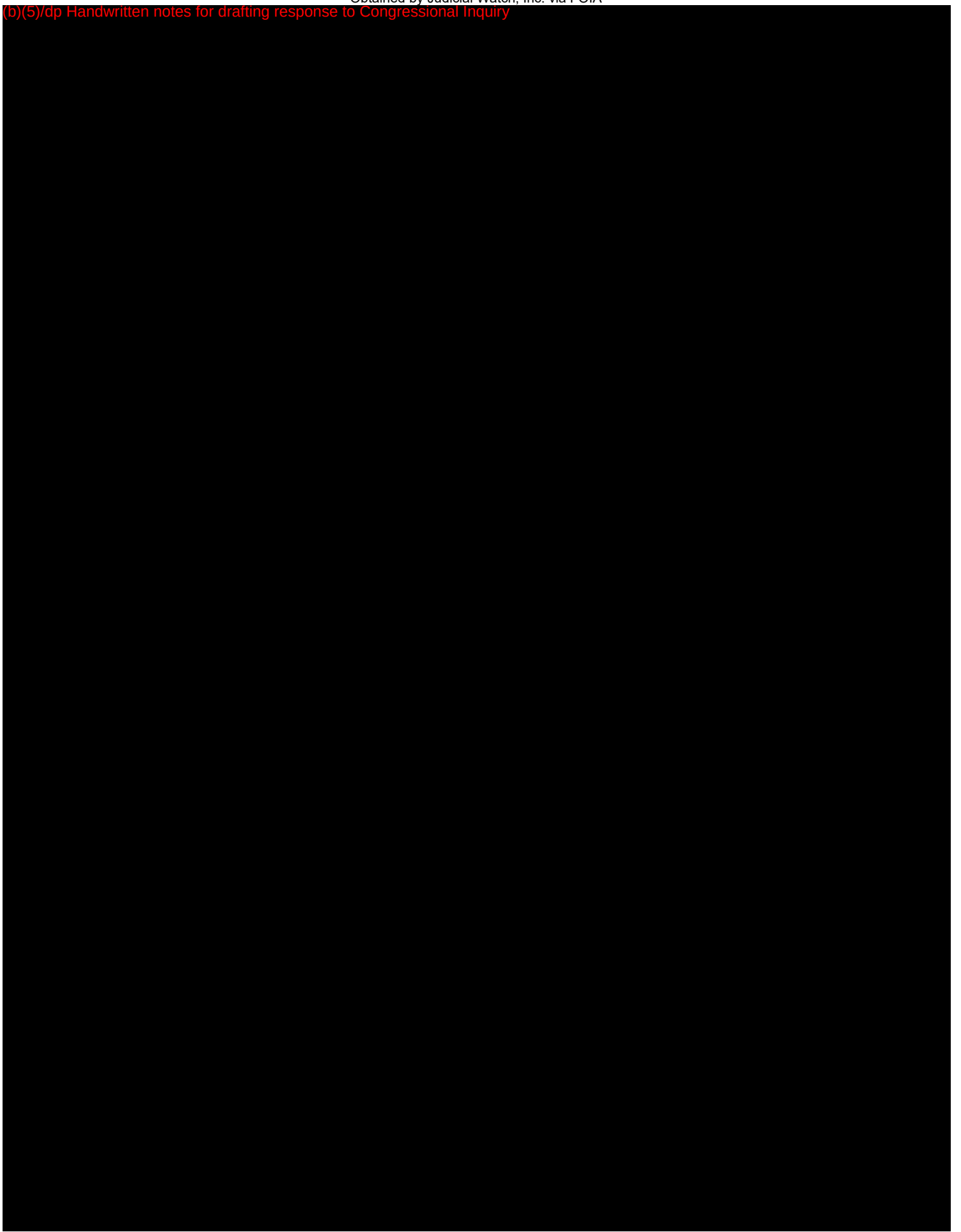


XX 25

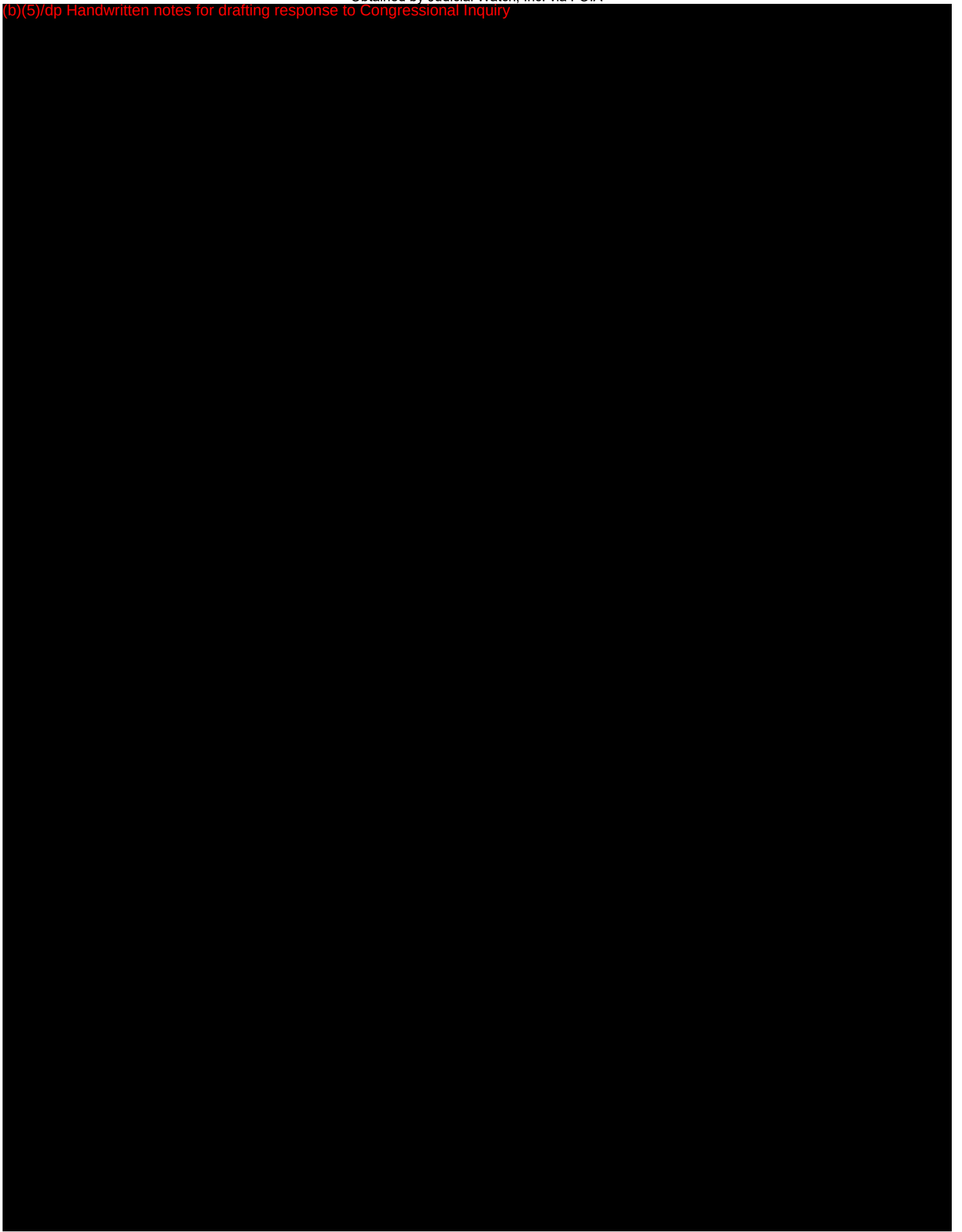
1

Initially, we discussed the
the situation. The
in order that the
set forth below are not
the scope of the form
for determining whether
needs the requirements of
2015(4) we must determine
whether the organization
is primarily engaged in
religious activities. An
organization can
engage in religious activity
and still be a secular
organization. The
of the activities to determine
whether the primary activity
is religious.

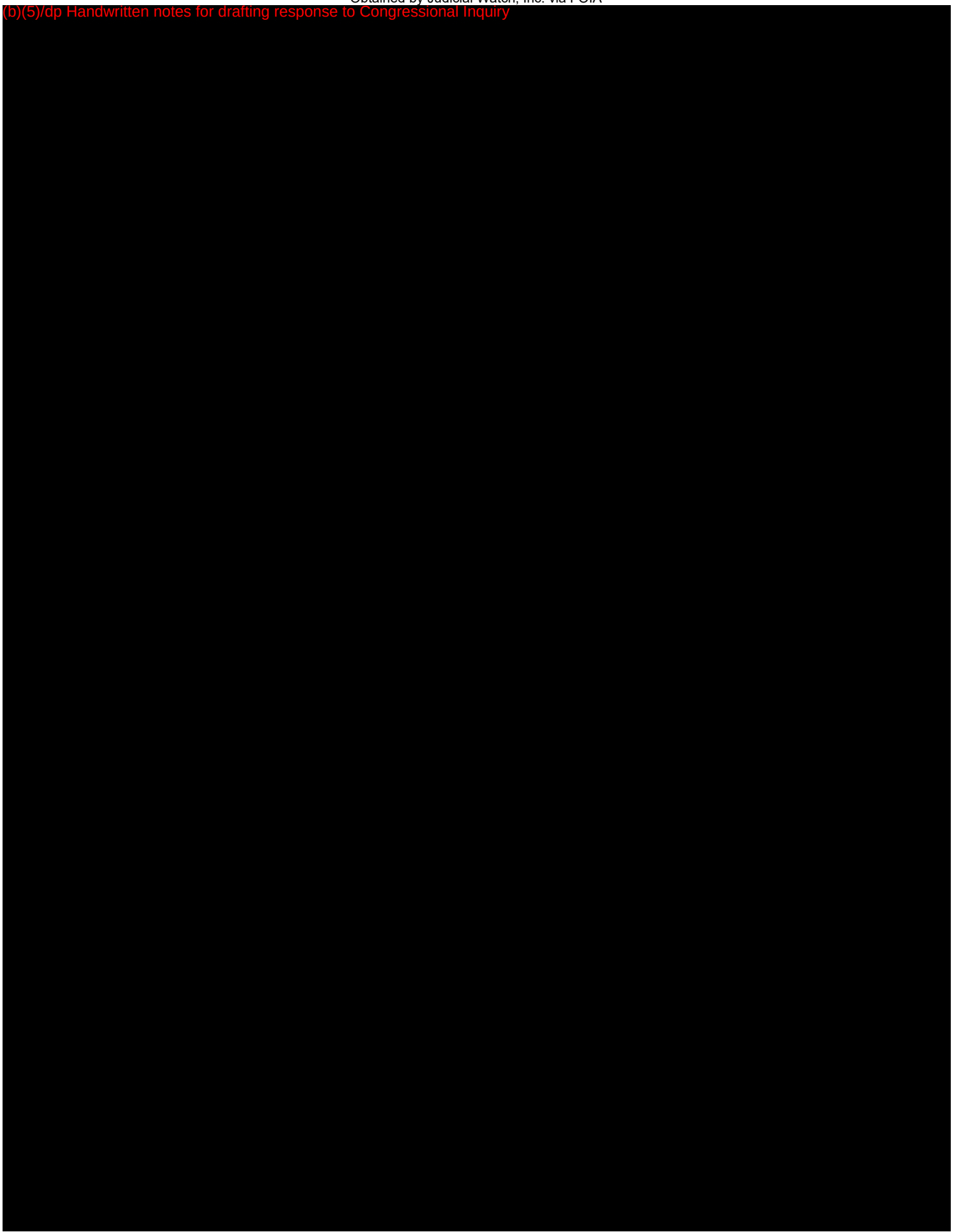
(b)(5)/dp Handwritten notes for drafting response to Congressional Inquiry



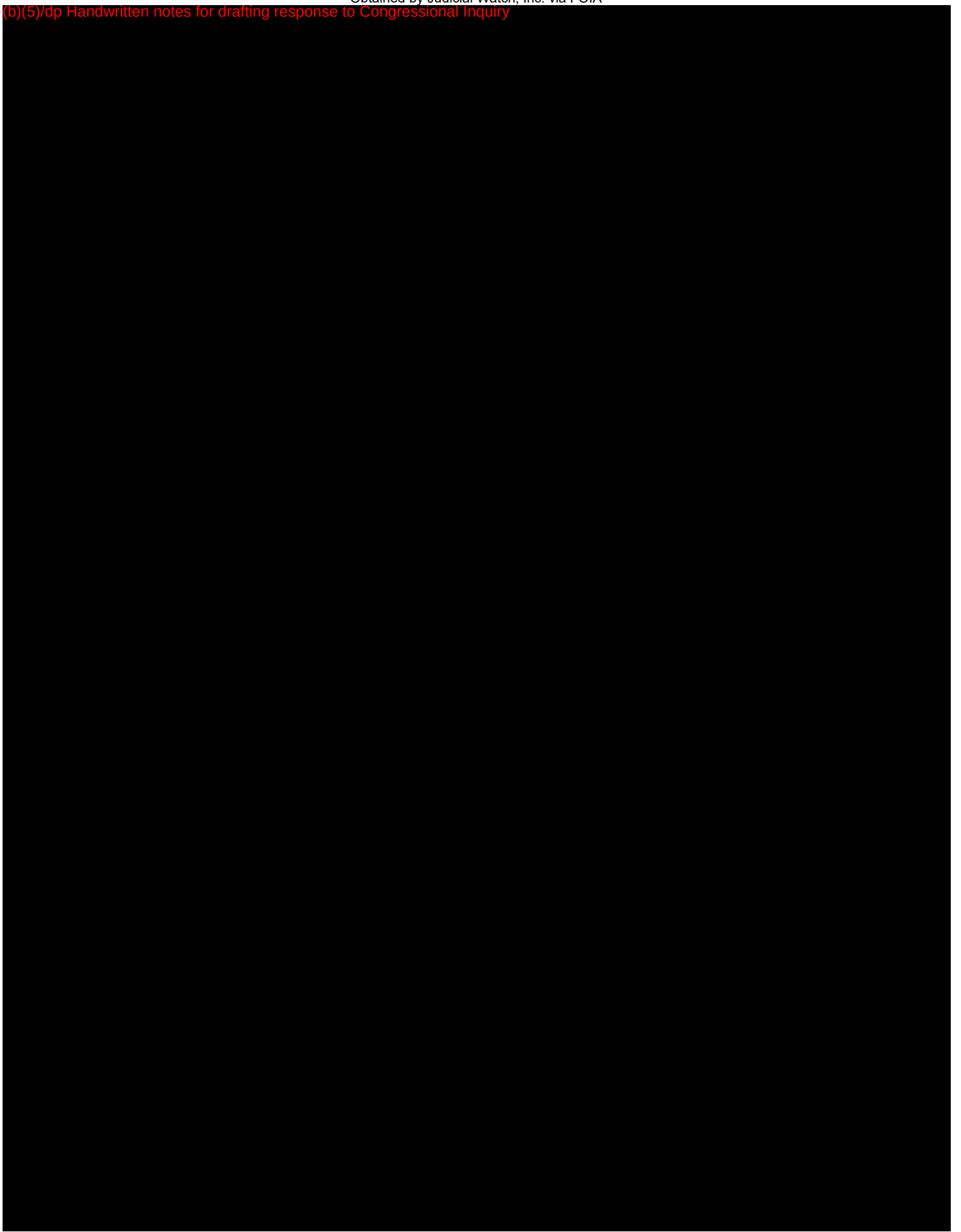
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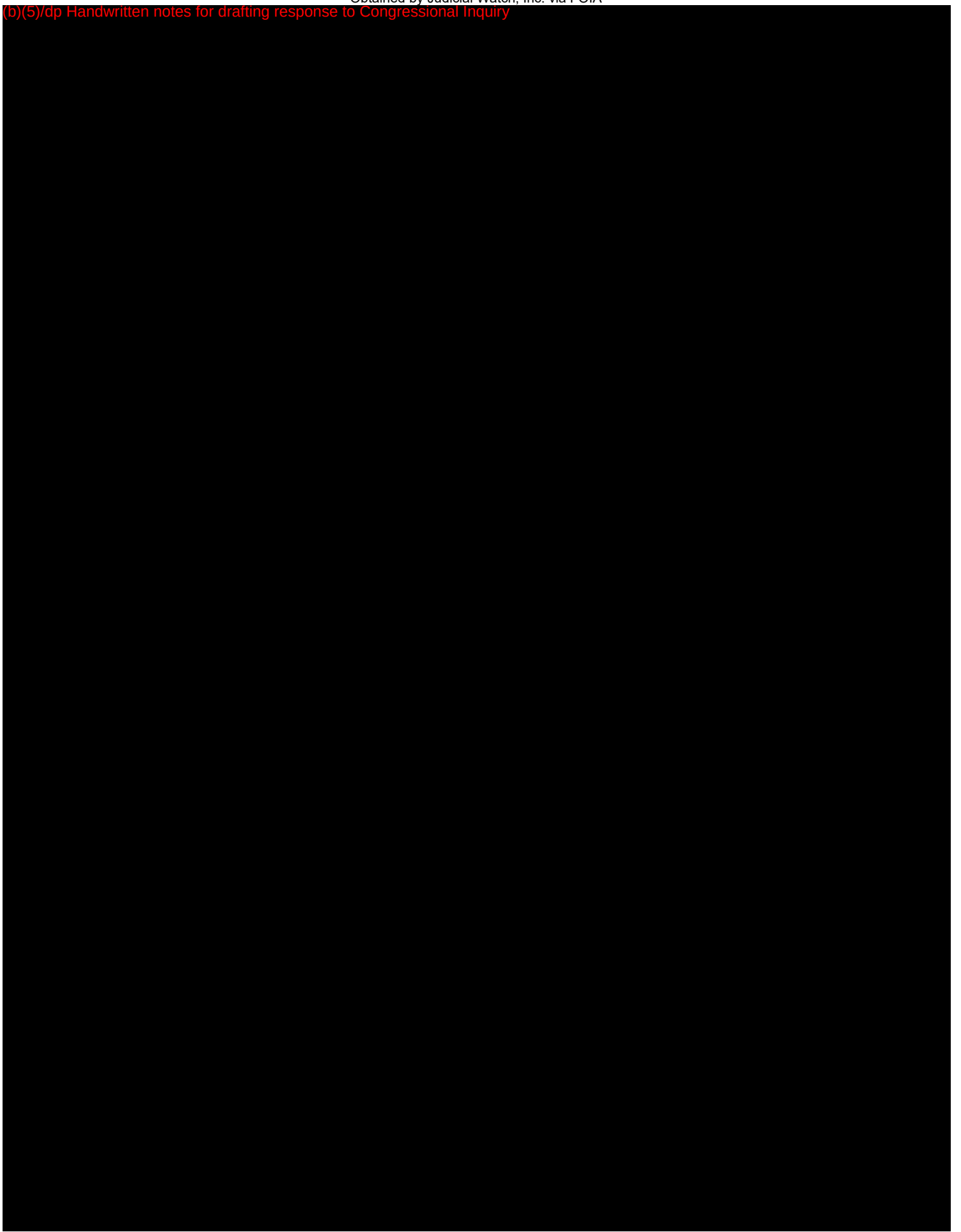
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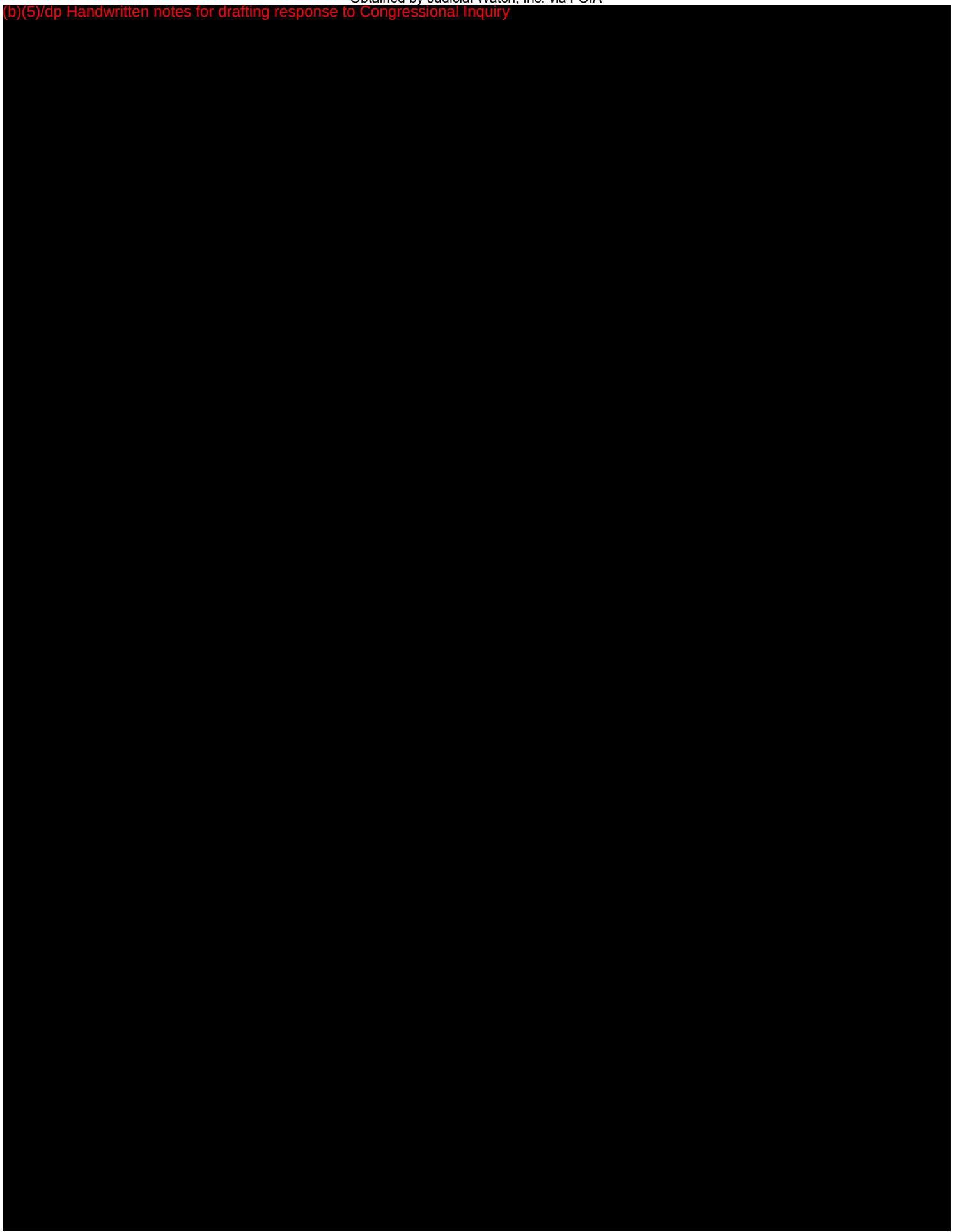
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(b)(5)/dp Handwritten notes for drafting response to Congressional Inquiry



(b)(5)/dp Handwritten notes for drafting response to Congressional Inquiry



3720

See U to check w/ Floyd re: Comm's hearing transcripts

Park Nalee

Justin

From: Lerner Lois G
Sent: Thursday, April 05, 2012 7:56 PM
To: Fish David L; Paz Holly O; Megosh Andy; Kindell Judith E; Lowe Justin; Park Nalee; Miller Thomas J
Cc: Urban Joseph J; Marx Dawn R
Subject: FW: Questions for the Record--House FY13 Appropriations request hearing
Importance: High
Attachments: IRS - QFRs.doc

Due next Fri

I have copied and pasted the part that relates to us below. There is no way in the world, we can have response ready by next Friday, but we can try. I am out Friday, but will be available to talk. I have put an invite on the calendar for Mon

Questions for the Record Submitted by Congressman Kevin Yoder

501(c)(4)'s

No

Question. Commissioner Shulman: Has the IRS recently changed its policy with respect to the process for examining an organization's application for 501(c)(4) tax exempt status? If so, What was the basis for changing procedures?

Question. Who authorized this change? *N/A*

Question. Did the IRS have any communications with officials at the White House, political appointees of any part of the Administration, or Members of Congress or their staffs that prompted these changes? *N/A - Hatch - 1*

Question. Does the IRS use one examination regime for organizations deemed to engage in political activities and those that are not? *NO*

Question. What types of documentation are you now requiring organizations provide as part of the application review process? *Hatch - 4*

Question. Does the IRS balance its examination process to ensure equitable treatment among organizations across the political spectrum? *development*

Question. How does the IRS target organizations for additional examination? *checkbook*

No, the applic is reviewed under the specific Code/Regs...

On March 14, twelve US Senators wrote to you about IRS inquiries of organizations in Kentucky, Ohio, Tennessee, and Texas. Are you in receipt of that letter? *Hatch Ltr.* *Yes*

Question. In it, the Senators note that "it is imperative that organizations applying for tax-exempt status are able to rely on a consistent and foreseeable review structure from the IRS." Is it your view that the IRS's process for reviewing organizations' 501(c)(4) status applications is today "consistent and foreseeable?" *Yes*

Question. Given the importance to your agency's credibility of addressing quickly the concern that the IRS examination process is being used for blatantly political purposes,

4/6/2012

JW1559-040099

when do you expect to respond to the Senators' letter?

Question. I want to ask in open session one question which was put to the IRS in the Senators' March 14th letter: Will you provide this Subcommittee with copies of all IRS inquiries sent to and responses received from Priorities USA?

Question. Will you provide this Subcommittee with copies of all inquiries sent to organizations with or applying for 501(c)(4) status since January 1, 2012? → technical screening > Holly checking

On February 16, 2012, you received a letter from seven Democratic Senators urging you to do two things:

- 1) Re-evaluate the IRS' longstanding test used to determine the extent to which 501(c)(4) organizations may engage in political campaigns on behalf of or in opposition to candidates for public office.
- 2) "Investigate" wholly unsubstantiated "allegations" that "some political organizations" may be violating the current primary activity test.

Subsequent to you receiving this letter, Congress started to receive reports that an array of small, local 501(c)(4) organizations that openly and forcefully opposed the policies of President Obama—especially his healthcare law—operating in political battleground states, such as Ohio, started receiving very unusual and onerous requests for information from the IRS. As noted in a letter you recently received from members of the Senate finance committee, these requests sought unusual data on an incredibly short timeline.

Question. Commissioner Shulman, either prior to or after February 16, 2012, did you, any member of your staff, any employee of the IRS, or any other person acting on your behalf or on behalf of the IRS, have any communications --orally or written in any form (including electronic communications), with any Senator, Senate staff person, or any official, officer, employee or agent of the Democratic National Committee, the Democratic Congressional Campaign Committee, or the Democratic Senatorial Campaign Committee about investigating 501(c)(4) entities? If so, please provide the name of the parties to each such communication, the date of such communications, and the content of such communications.

Question. Commissioner Shulman, either prior to or after February 16, 2012, did you, any member of your staff, any employee of the IRS, or any other person acting on your behalf or on behalf of the IRS, have any communications --orally or written in any form (including electronic communications), with President Obama, any appointee, official, employee, agent or other person acting on behalf of the White House, the Treasury Department, or the Obama Presidential Campaign, including Advisors to President Obama's campaign, or organizations affiliated with President Obama's campaign, such as officers, employees, donors or agents of "Super PACs" supportive of the President's re-election about investigating 501(C)(4) entities? If so, please provide the name of the parties engaged in such communication, the date of such communications and the content of such communication.

Question. Will you take all possible steps and issue any directives necessary to ensure that no records, recordings, emails, communications, records, files or correspondence in any form whatsoever related IRS inquiries, communications with or investigations of 501(c)(4) entities are preserved, including exempting them from any recurring document destruction or other electronic communications policies that may in the ordinary course result in their destructions, alteration or loss?

4/6/2012

JW1559-040101

Commissioner Schulman, as you know, historically, not just 501(c)(4) entities, but also 501(c)(5) (labor organizations) and (c)(6)(trade associations) have been permitted to engage in campaigns for public office so long as such intervention does not constitute the organization's primary activity. As evidenced by the letter of February 14, 2012, Congress is aware of many burdensome and unusual requests with deadlines as short as two weeks to 501(c)(4) entities that have opposed the President and his policies.

specific info
 Question. Please provide to us any correspondence since January 1, 2011 requesting similarly detailed information on similarly short deadlines from 501(c)(4) or (c)(5) entities with history of supporting the President and or his policies that are of similar size and sophistication to the entities that have received the letter referenced in the Senate Finance Committee letter of February 14, 2012. *March 14 Hatch Ltr #8*

Question. Will you also provide to this Committee a complete list of all 501(c)(4) or (c)(5) entities that have received inquiries from the IRS concerning their tax exempt status or factors bearing on their tax exempt status or requesting information about the identity of their donors since December 15, 2011, as well as copies of all such requests. *IGFA 4 NO 6104 disc. R and Hatch*

TIGTA has opened an investigation we're cooperating - mention planning investig. - Lois to talk to TIGTA
 Question. Commissioner Schulman, if it should ever dawn on the Inspector General tasked with overseeing your agency that the matters about which I have been asking you warrant scrutiny to reassure the public that the IRS is not once again being subordinated to partisan political purposes, will you cooperate with reservation and direct every appointee, officials, employee and contractor of your agency to do so as well?

Lois J. Lerner

Director of Exempt Organizations

From: Amato Amy

Sent: Thursday, April 05, 2012 4:00 PM

To: Gillis Ursula S; Boehmer Susan; Hedemann Janice M; O'Donnell Douglas W; Burns Stuart; Colaciello Joe; Livingston Catherine E; Ingram Sarah H; Lerner Lois G; Urban Joseph J; McField Terri; Chew Debra; Davy Monica H; Burger Michelle L; Smith Belinda (MITS)

Cc: Davis Jonathan M (Wash DC); Flax Nikole C; Walters Kathleen E; Norton William G Jr

Subject: Questions for the Record--House FY13 Appropriations request hearing

Importance: High

Attached are follow-up questions for the IRS from the March 23 hearing, as submitted by the House Financial Services and General Services Subcommittee on Appropriations.

Please take a look at my thoughts on who should take the lead in drafting the responses. If you disagree, please let me know as soon as possible so I may reassign them. There is a very rapid turn-around time on these responses. I need your cleared replies by next Friday, April 13, in order start the official clearance process to meet the Subcommittee's deadline. Sorry, and thanks!

Emerson

Budget: CFO

4/6/2012

JW1559-040103

Taxpayer Service: CFO
Tax Gap: CFO with RAS
Office Space: REFM

Serrano
VDP: LB&I
BSM: MITS
Efficiency Savings: CFO
ROI: CFO
ACA: Program Office

Yoder
TEGE

Diaz-Balart
Counsel

Womack
Counsel

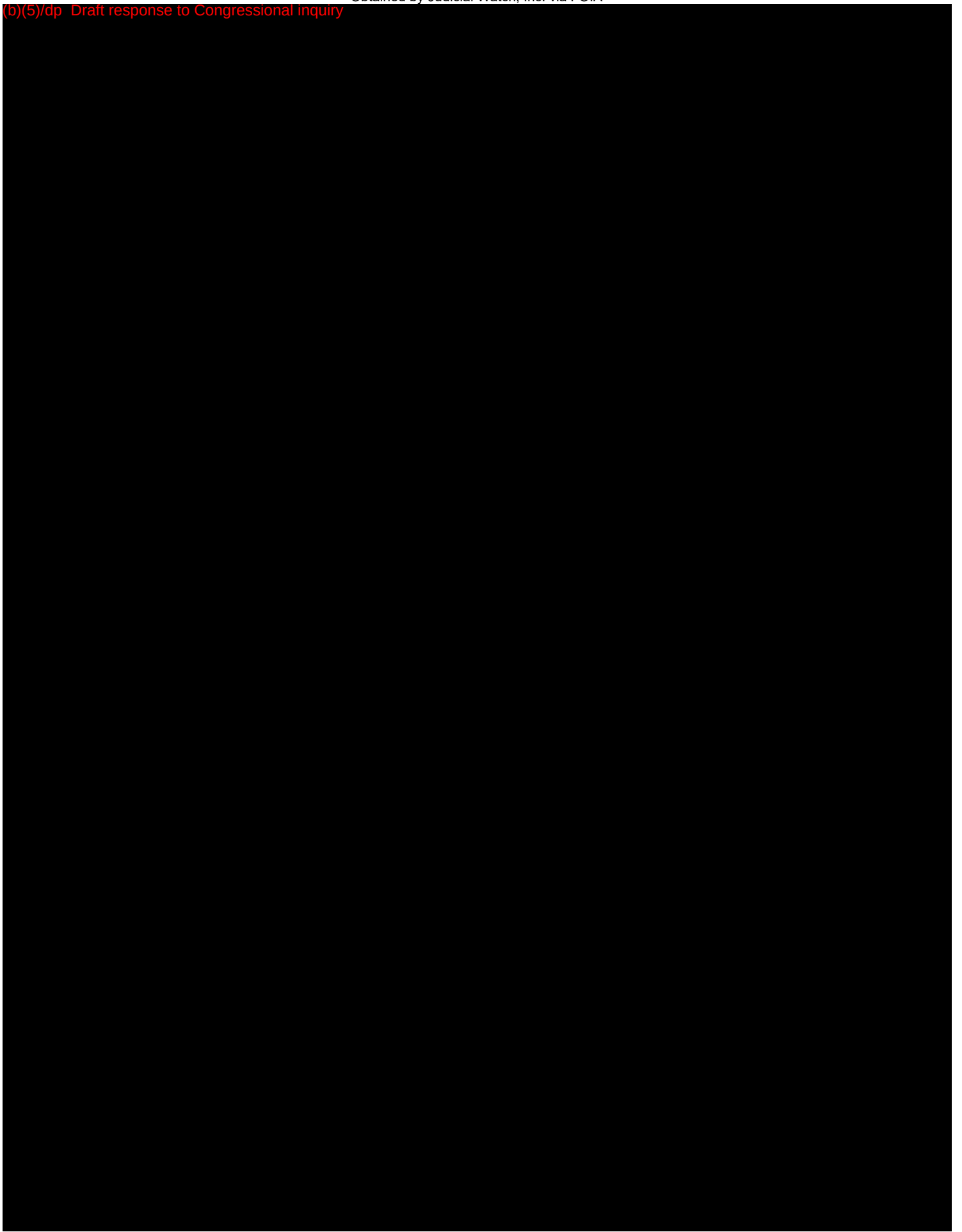
Lee
Diversity, first question: EDI
Diversity, second question: HCO with EDI
Budget Cuts: CFO
Effect on EITC/CTC: W&I

Pastor
Counsel

4/6/2012

JW1559-040105

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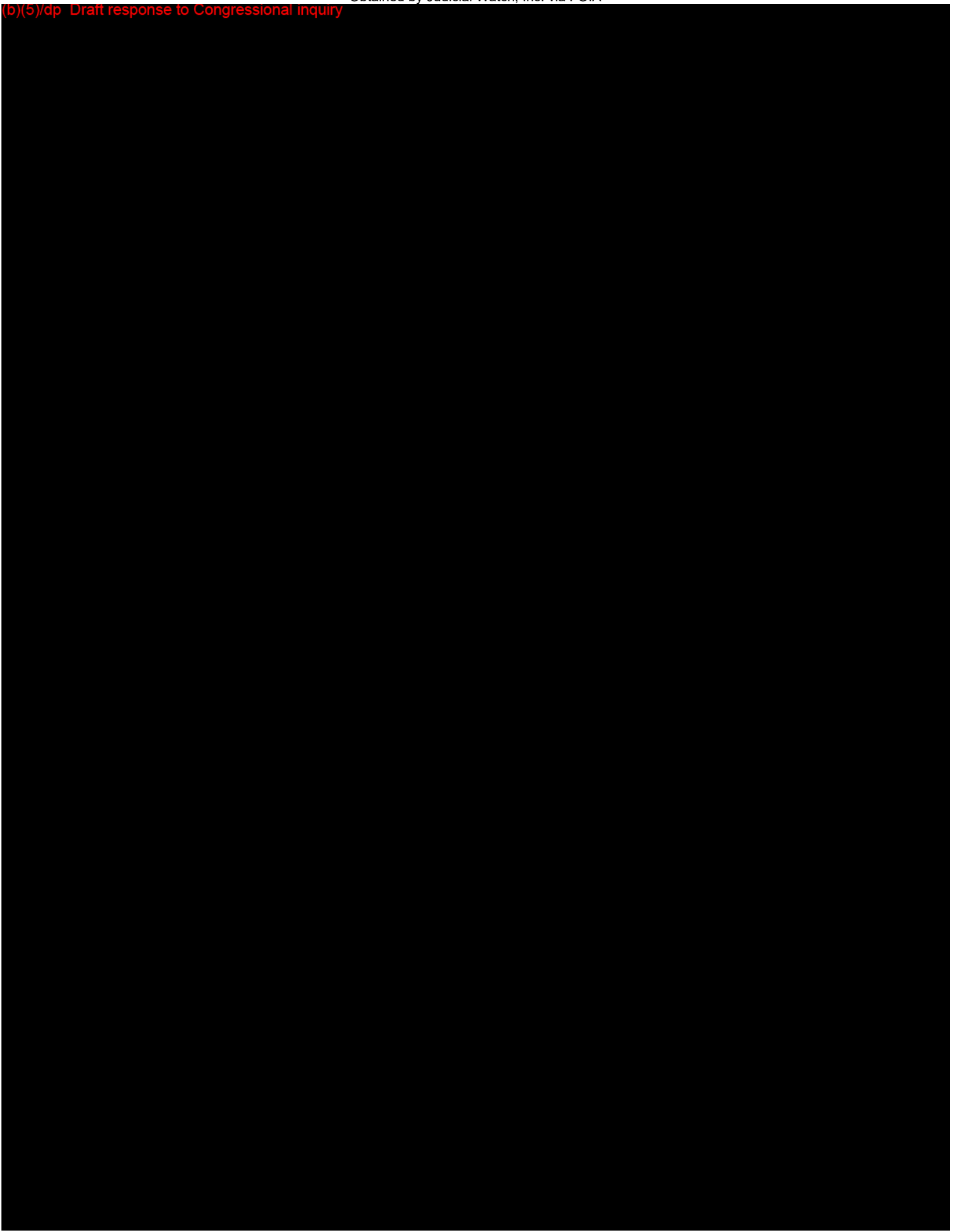
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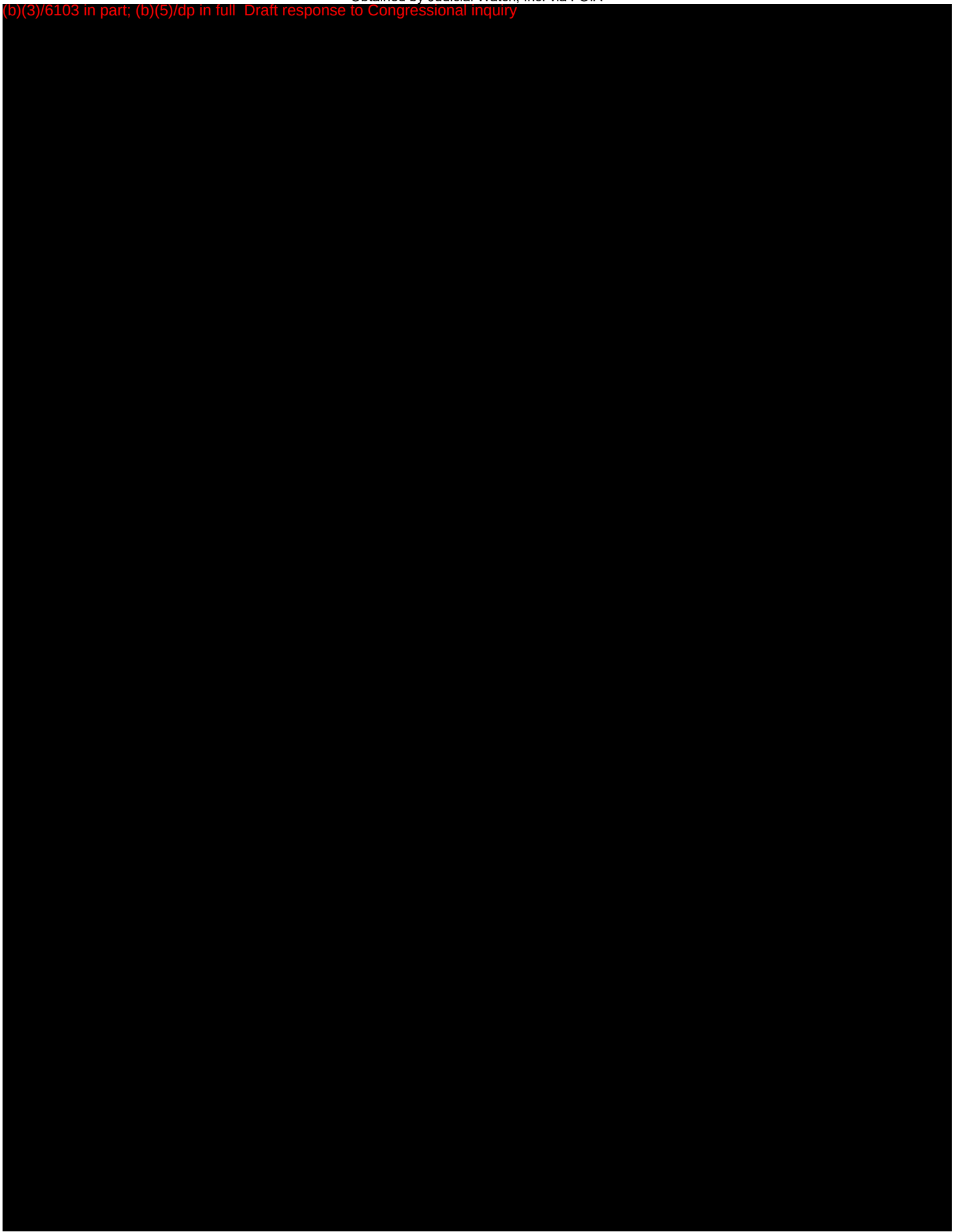
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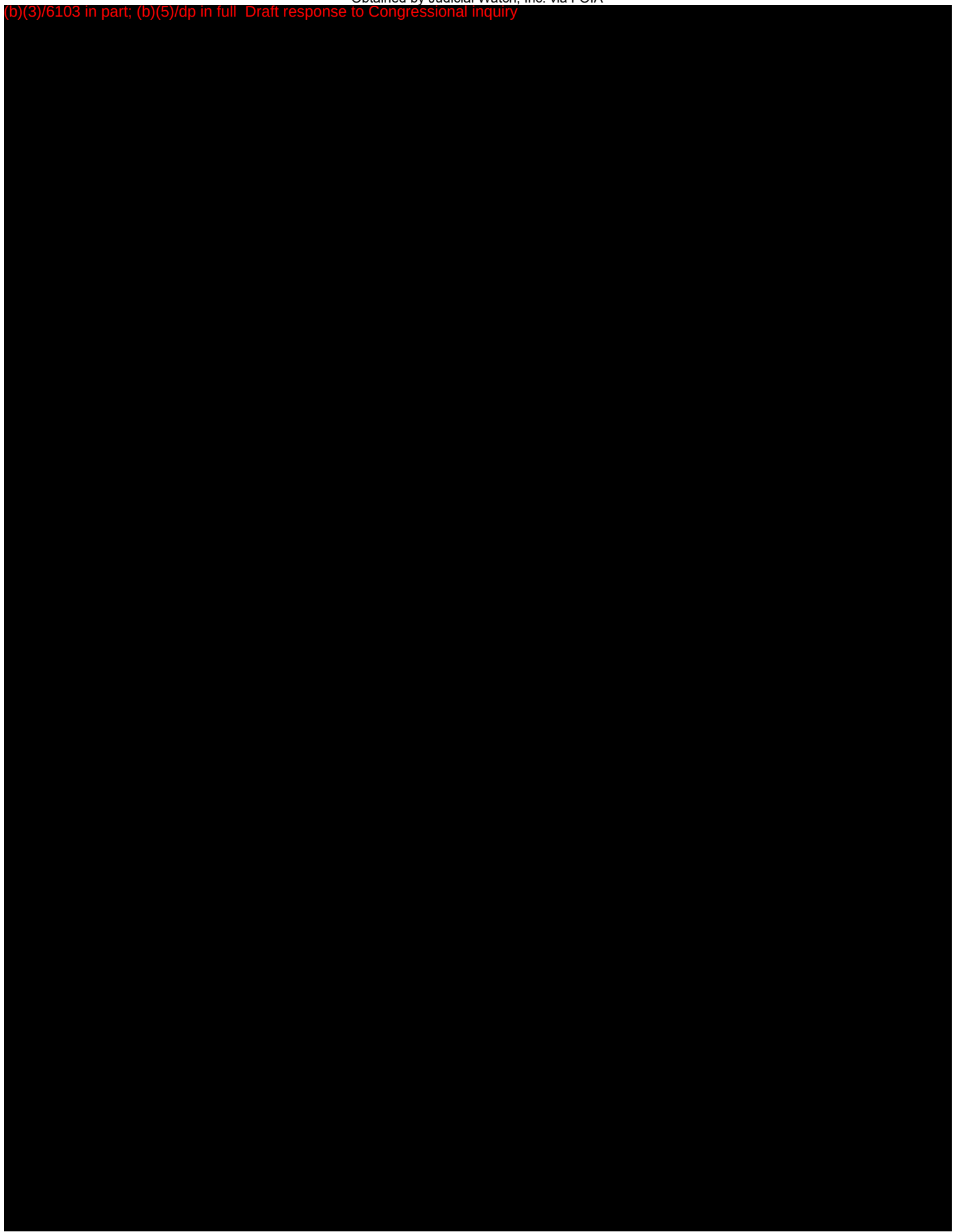
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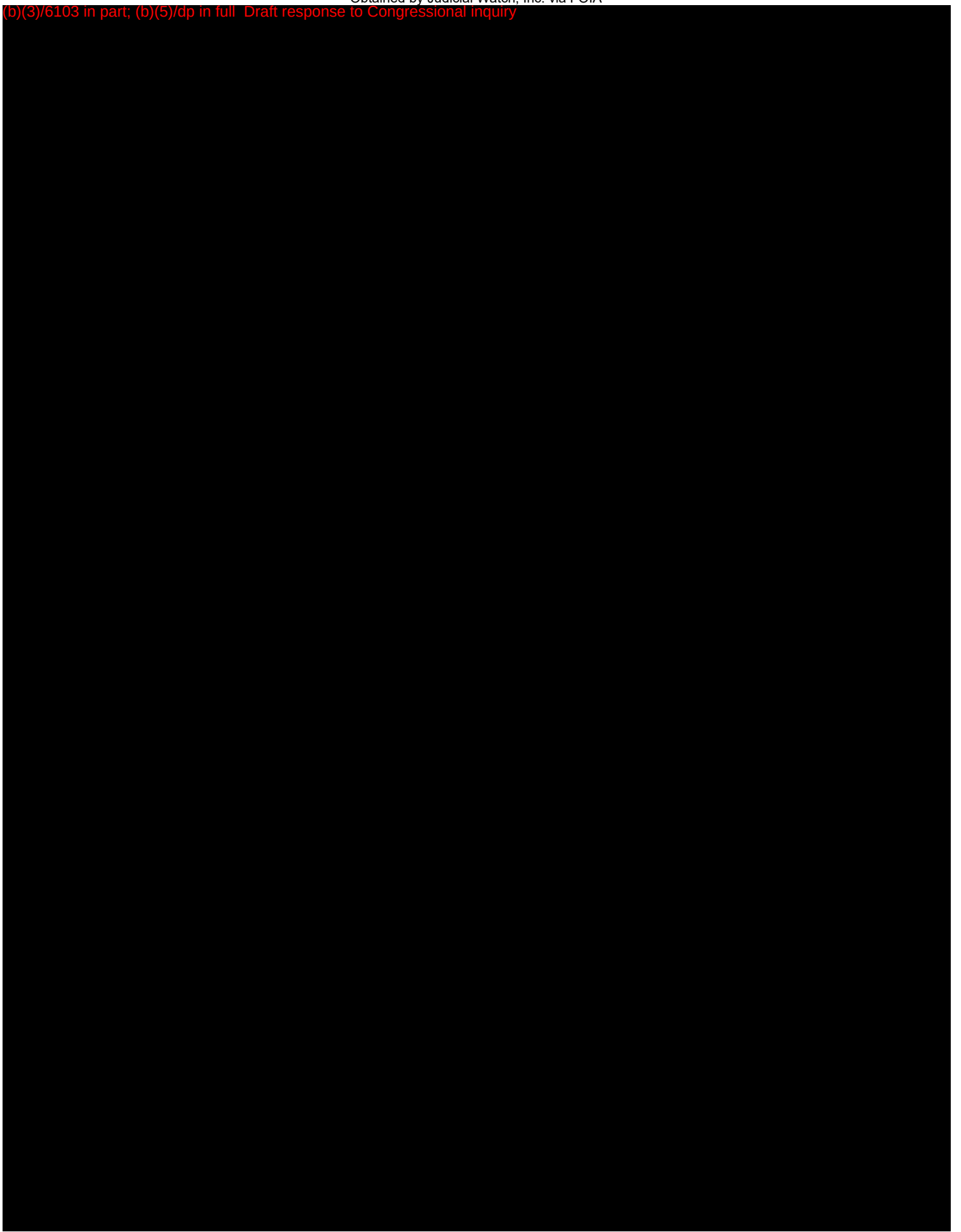
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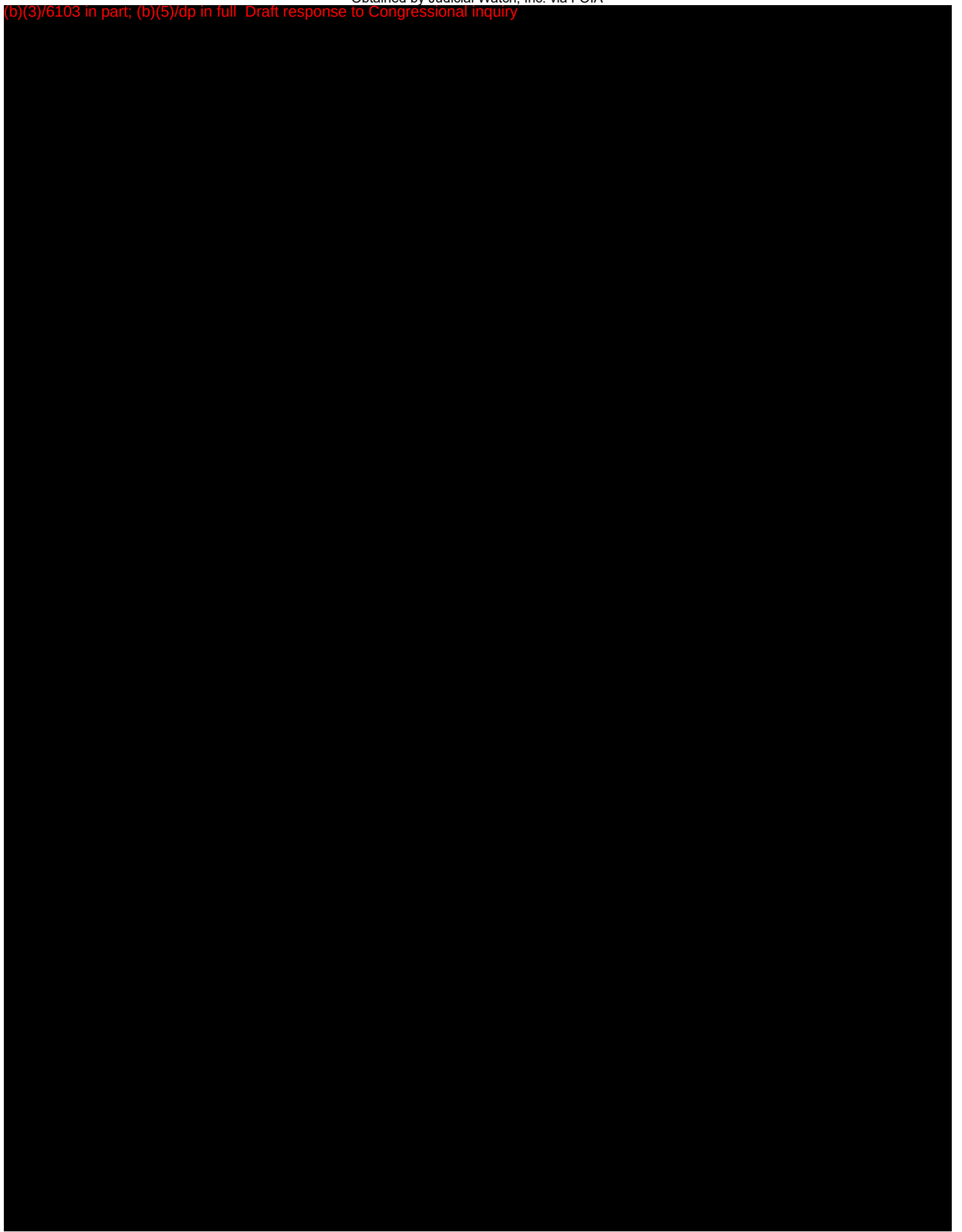
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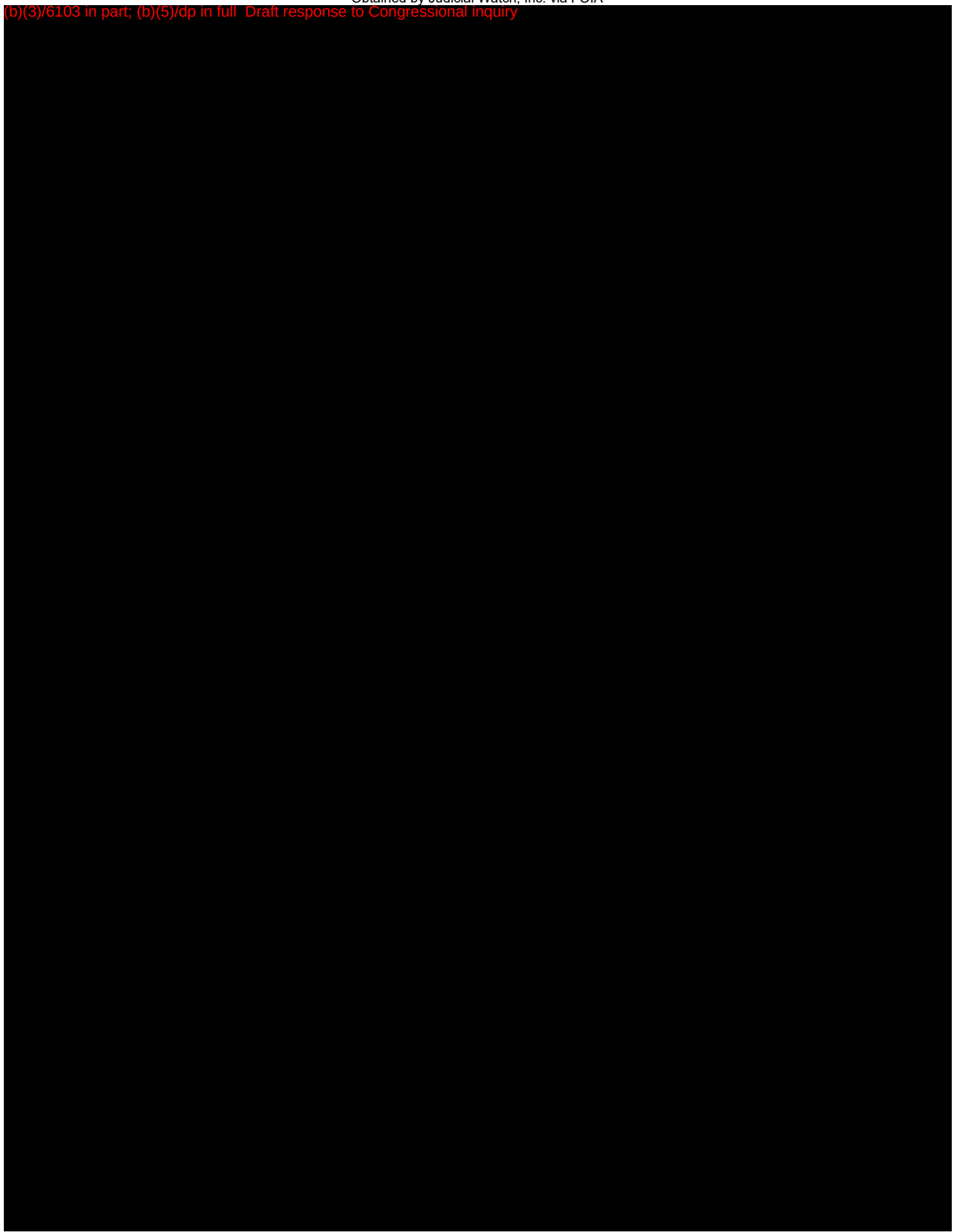
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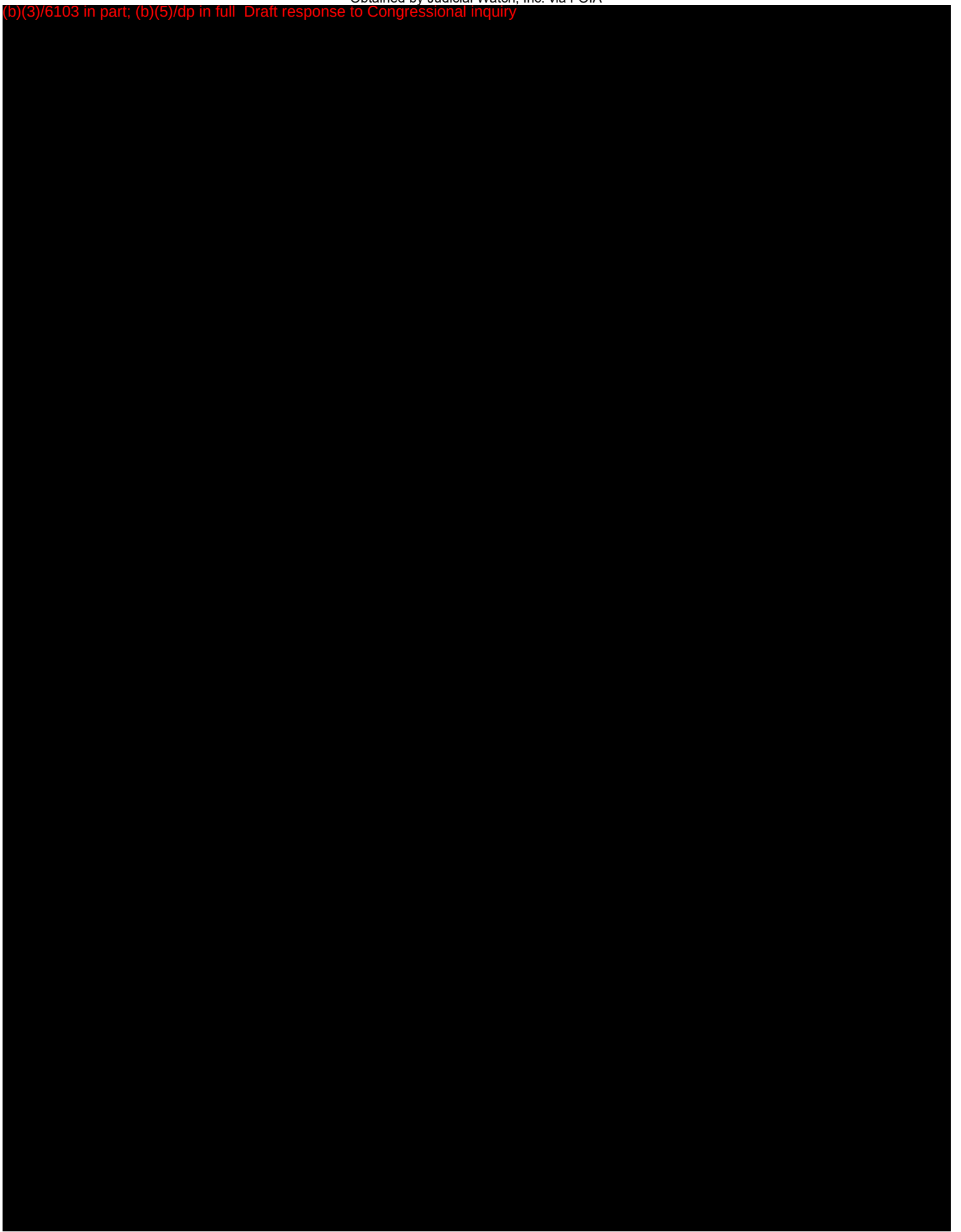
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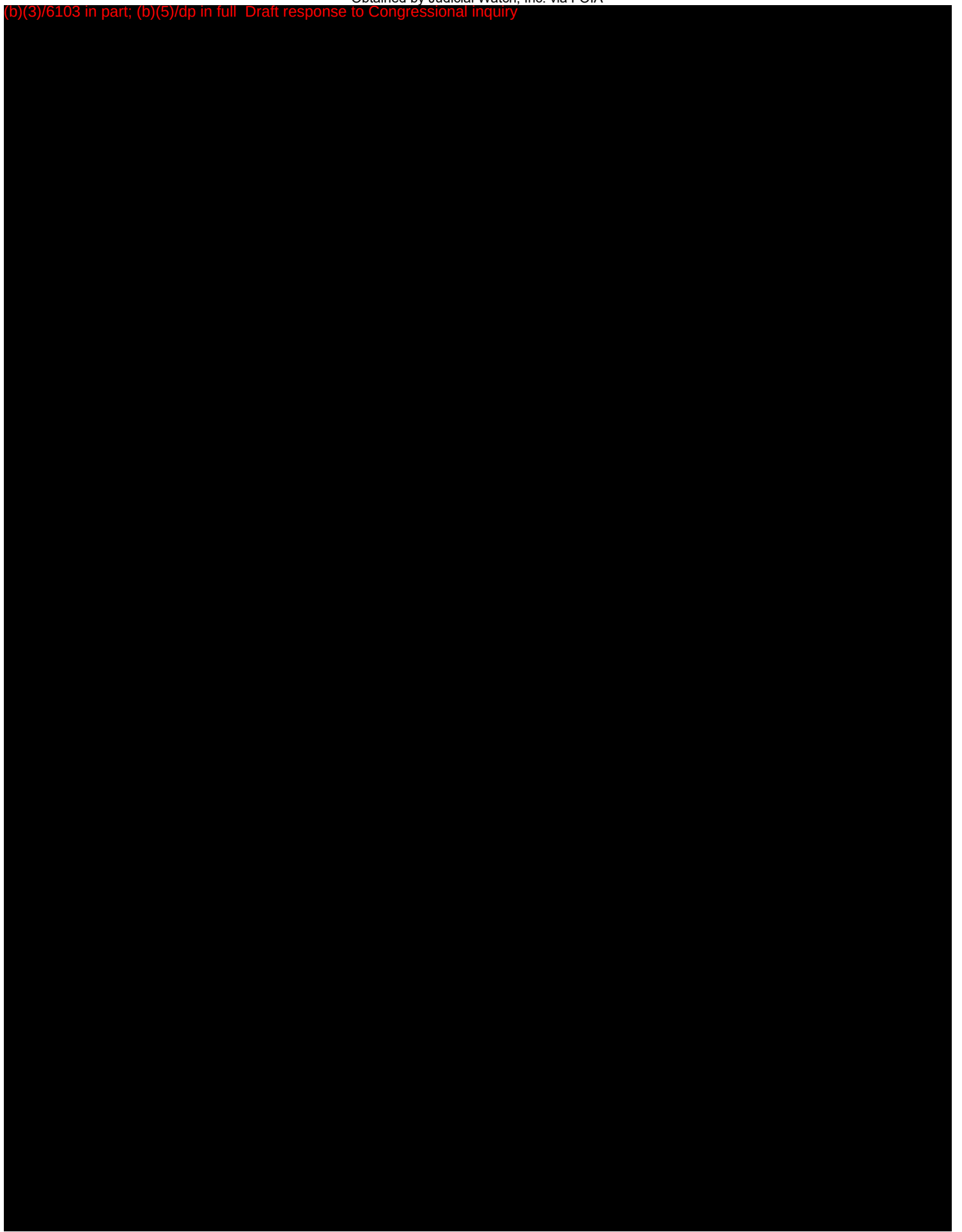
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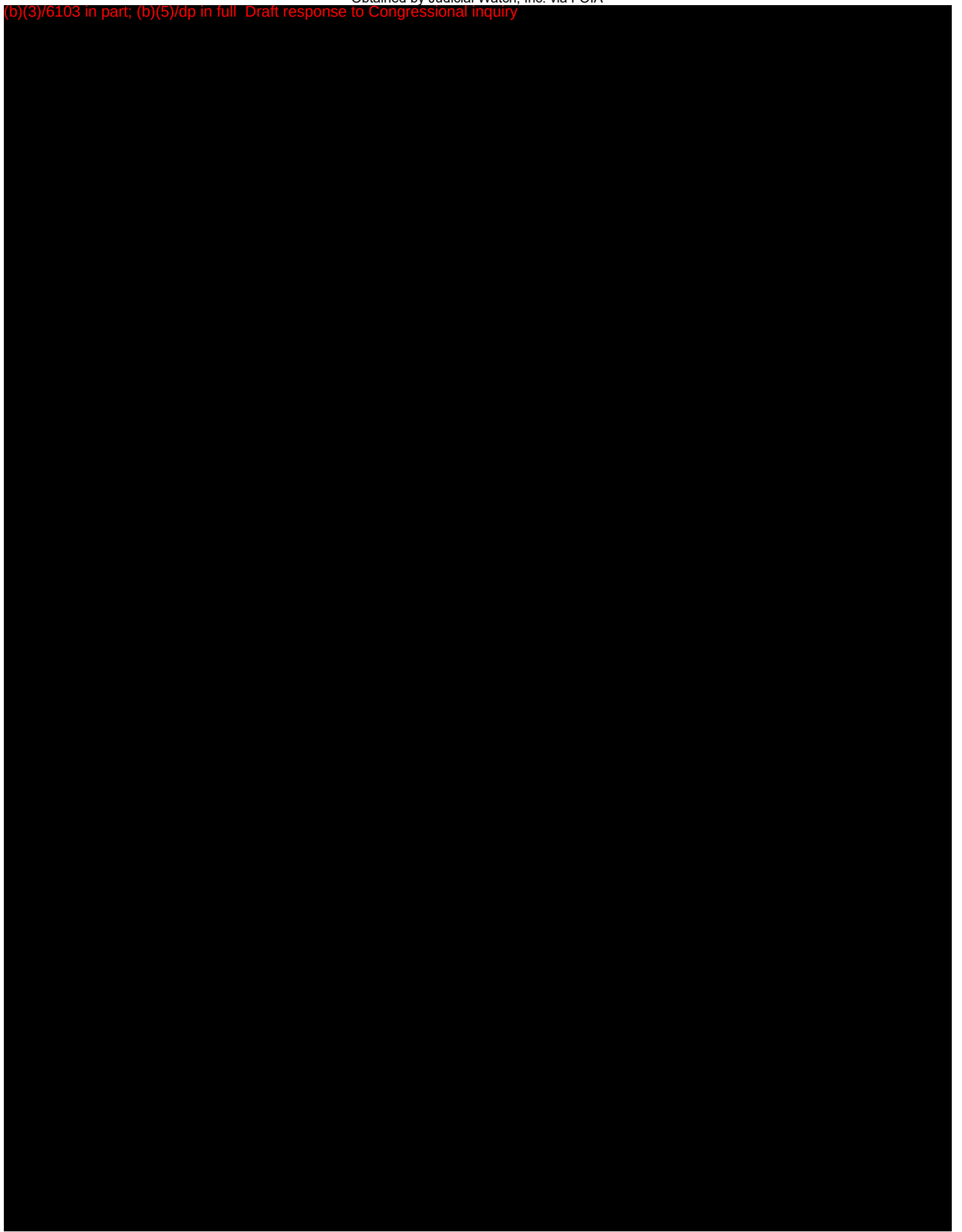
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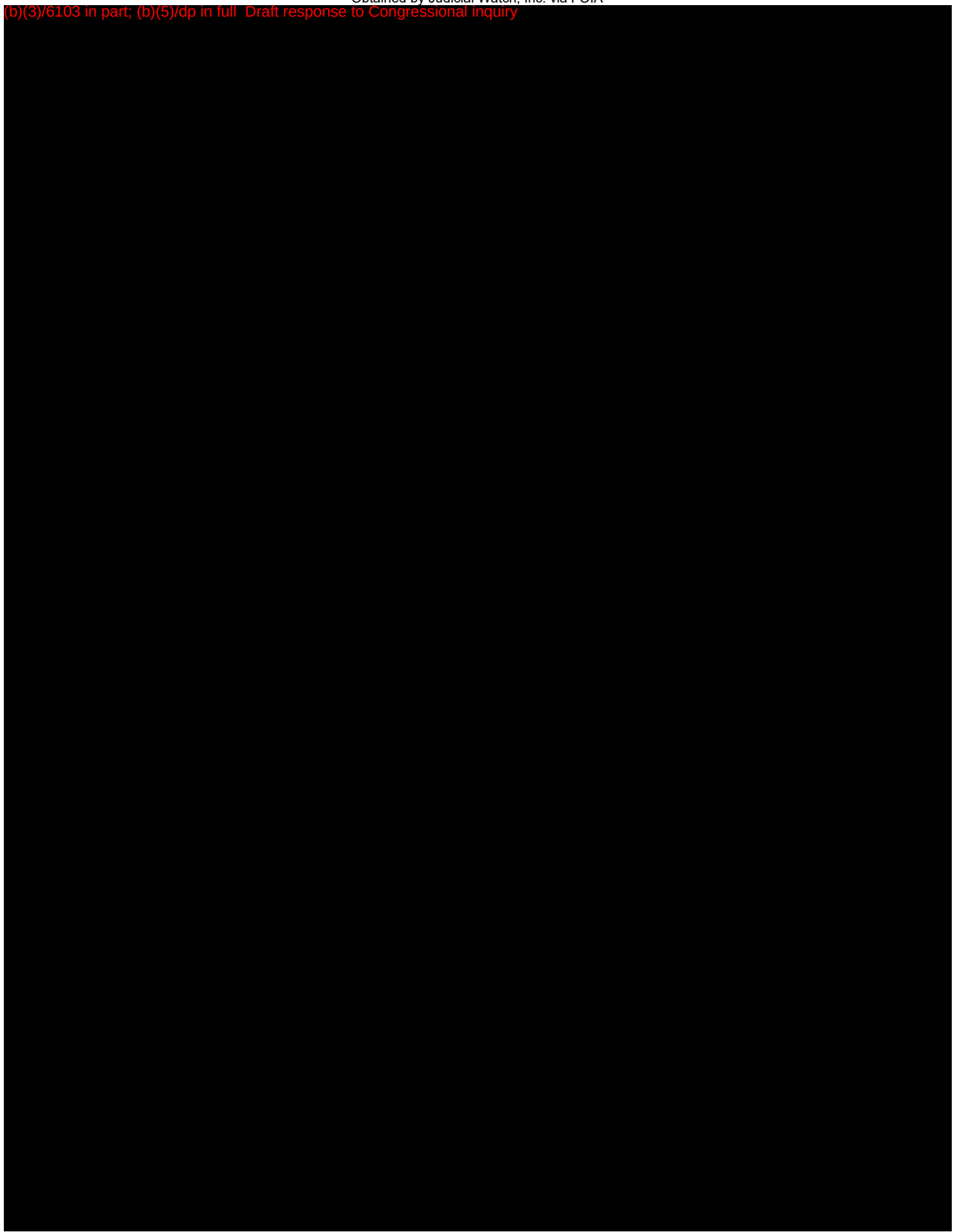
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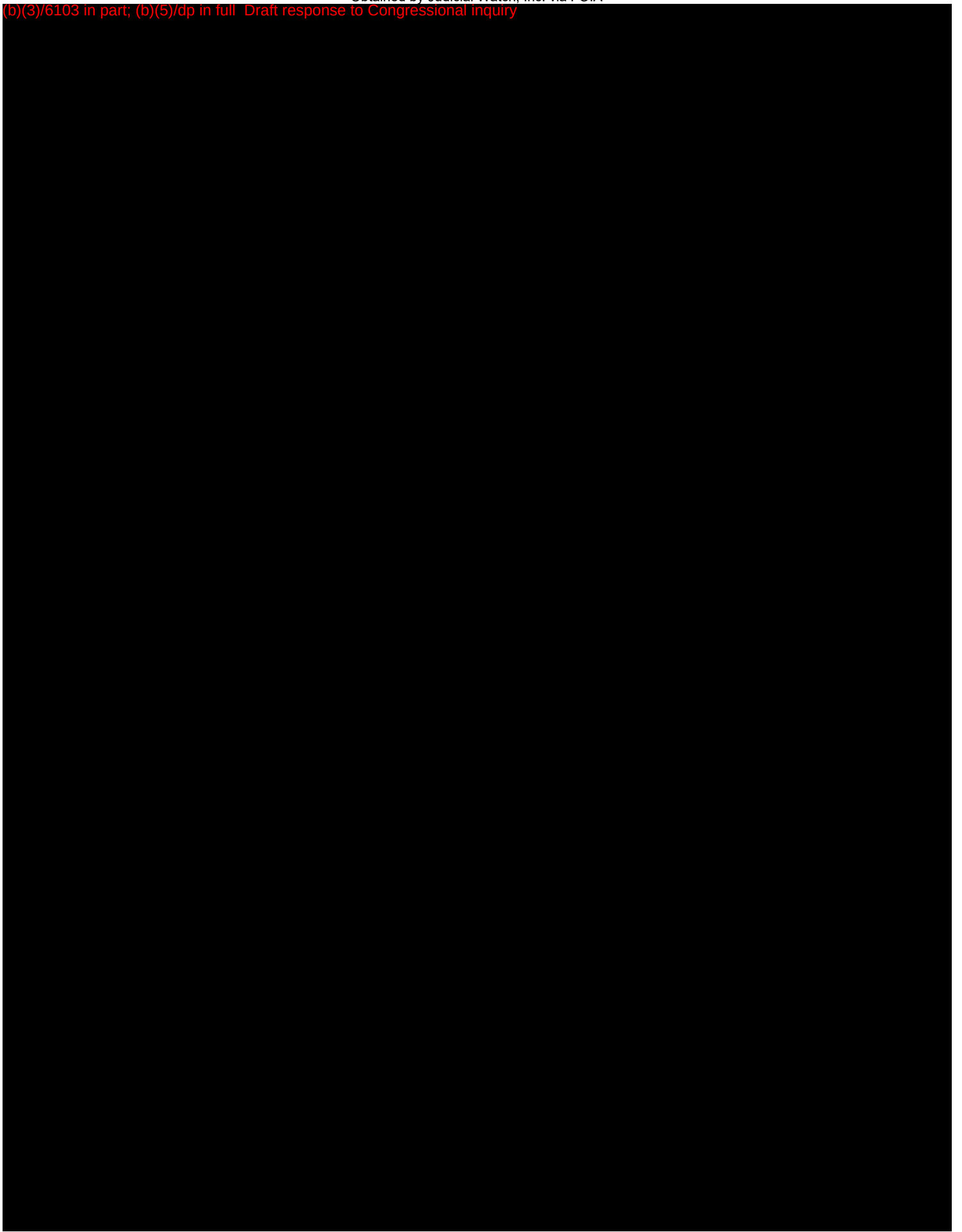
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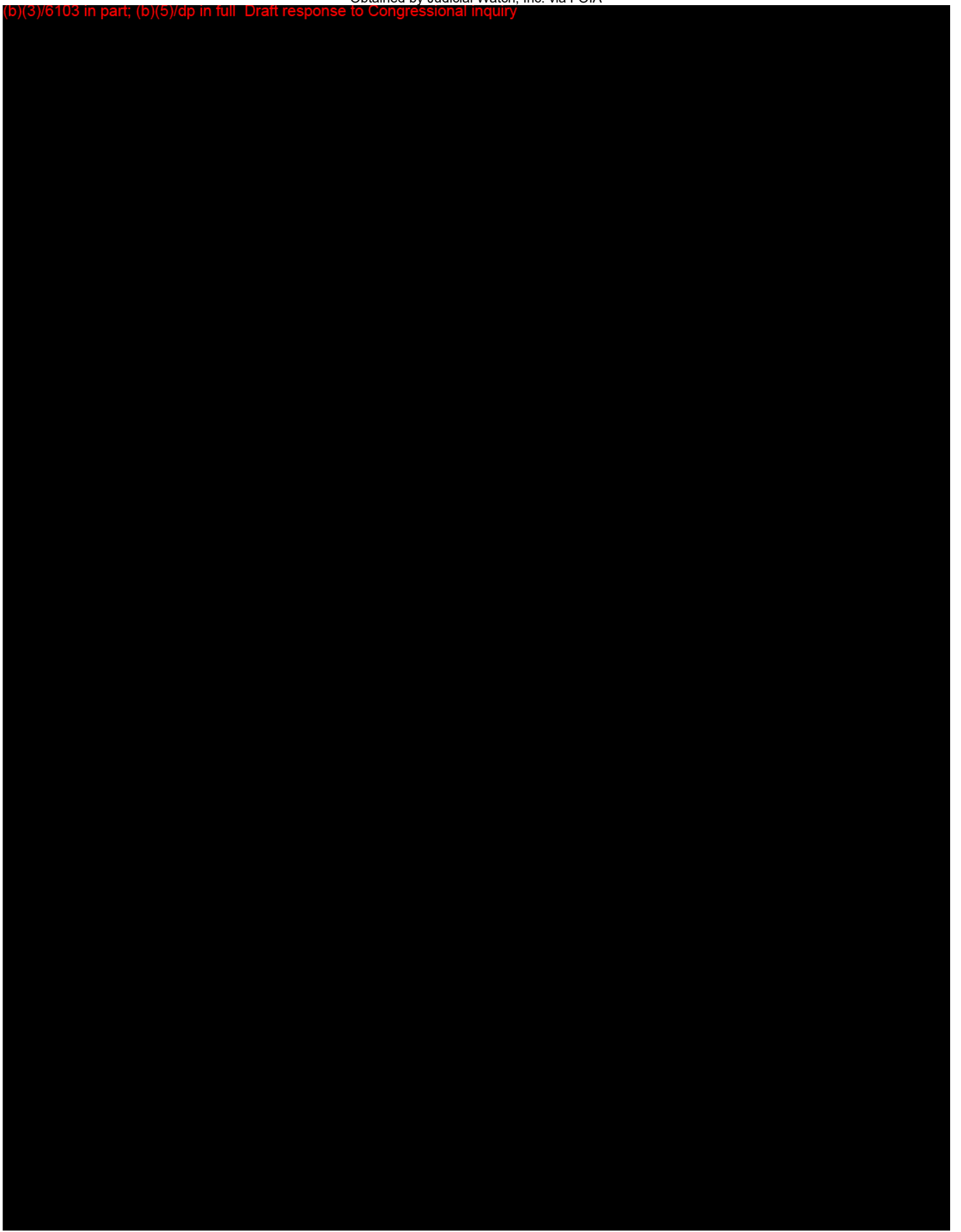
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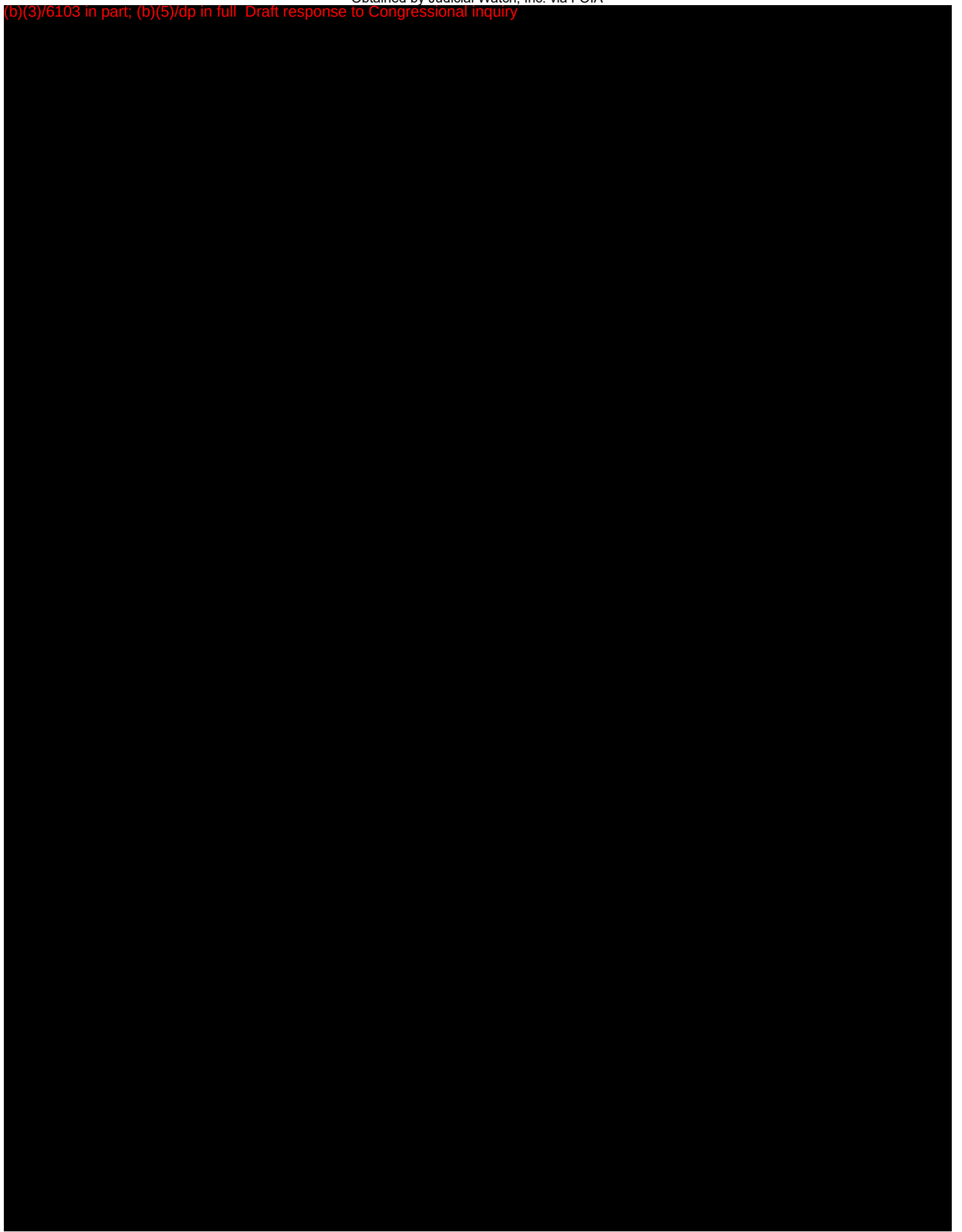
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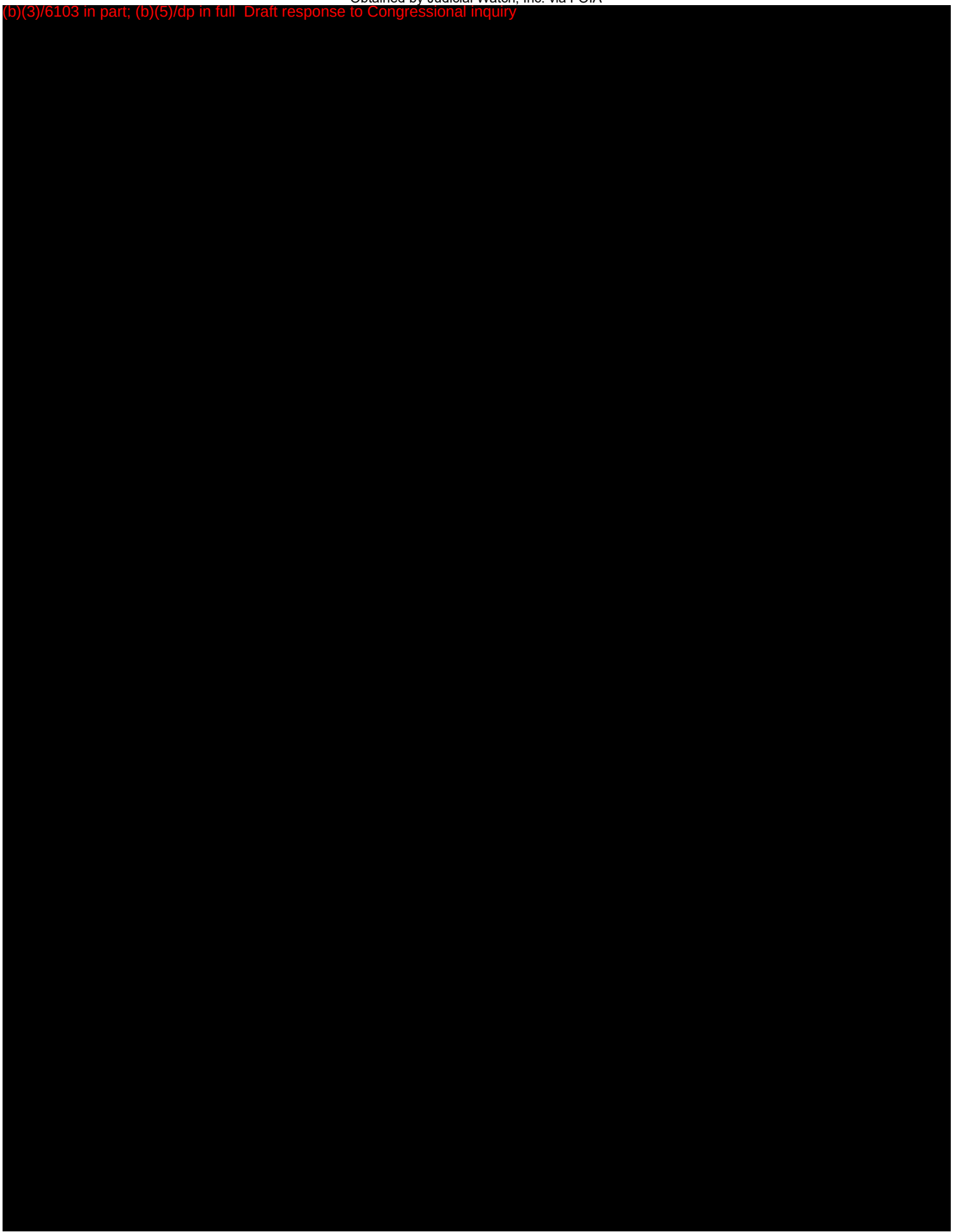
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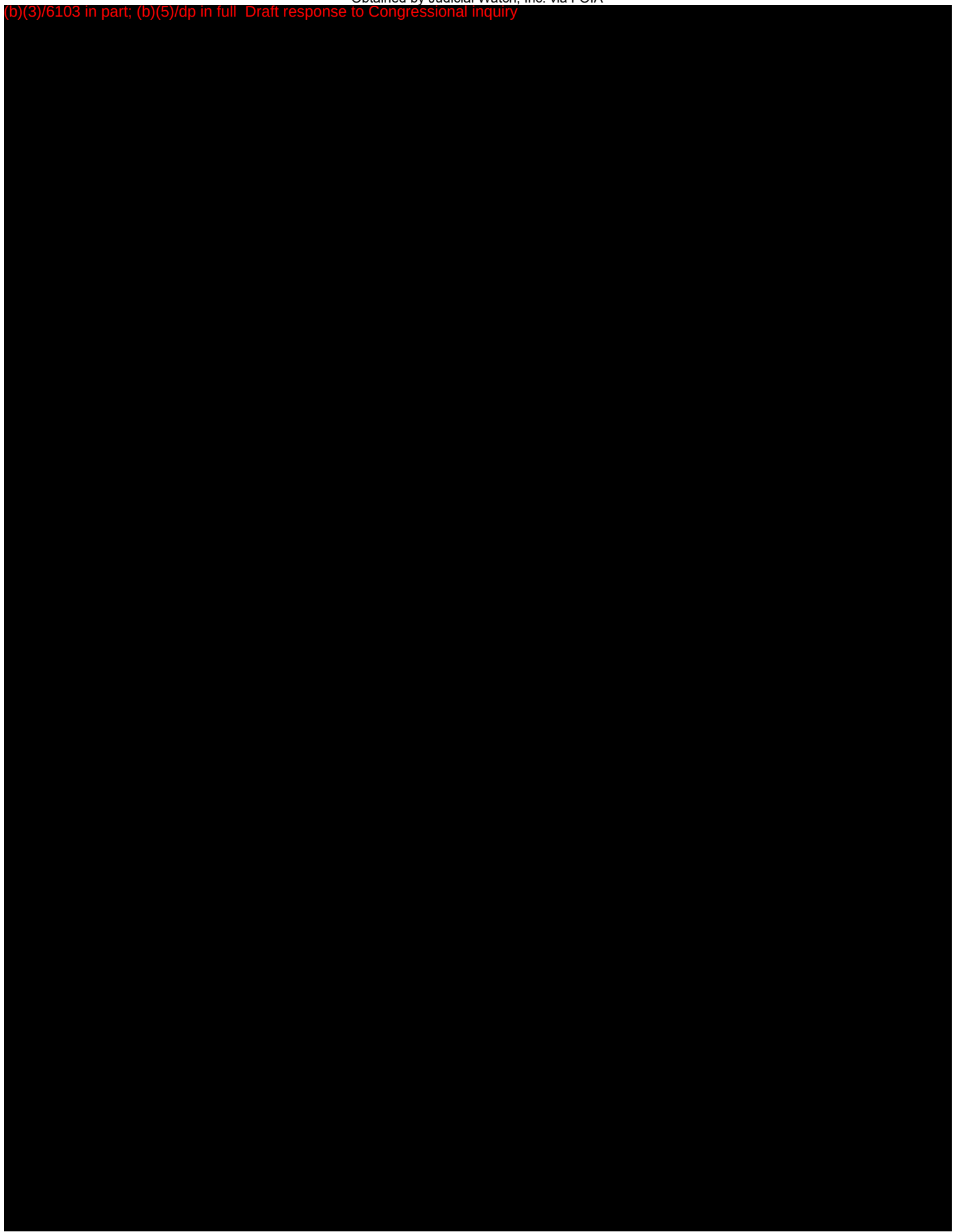
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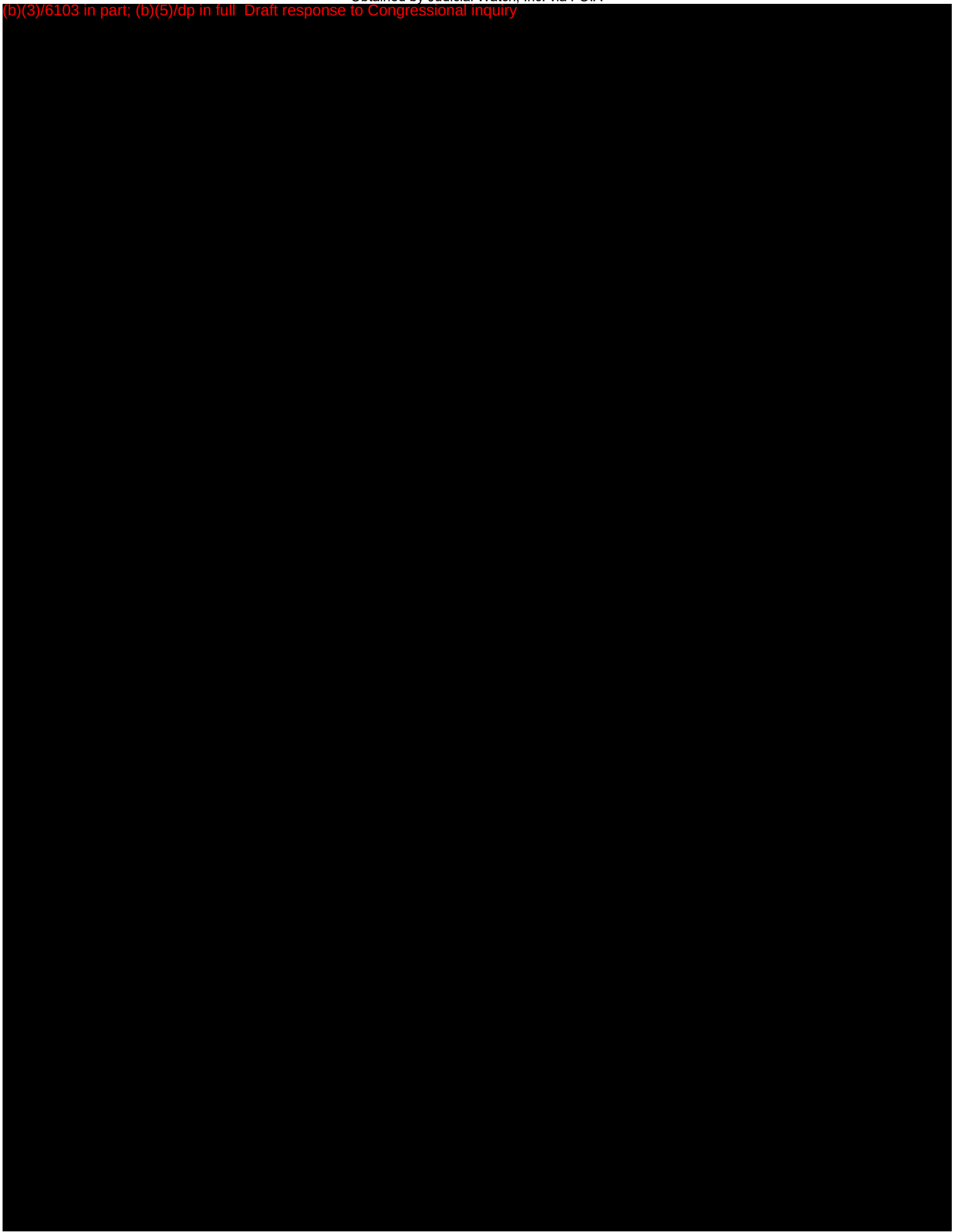
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