



TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

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

August 17, 2021

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MEMORANDUM FOR EXEMPT ORGANIZATIONS
RULINGS AND AGREEMENTS EMPLOYEES

FROM: Stephen A. Martin /s/ *Stephen A. Martin*
Director, Exempt Organizations (EO) Rulings and Agreements

SUBJECT: Interim Guidance on Updated Procedures Relating to Direct Contact

This memorandum changes the procedures for making direct contact regarding determination letter requests.

Background/Source(s) of Authority

IRC Section 7803(a)(3) provides that the IRS shall ensure that employees are familiar with and act in accord with taxpayer rights as afforded by other provisions of this title. In the context of a request for a determination, this includes the right to appoint and have assistance of an authorized representative.

IRM 7.20.1.5.1.3 states that if a Form 2848 or Form 8821 authorization is invalid, a copy should be returned to the organization if an additional information request is sent, explaining why the form is invalid. If no additional information is needed, a determination letter is prepared and sent to the organization. An additional information letter or determination letter is not sent to the person(s) designated on an invalid Form 2848 or 8821.

IRM 7.20.1.6(3) states in part that, when working cases:

- a. Discuss issues or items in the application only with officers or other authorized organization officials or individuals designated on a valid Form 2848 or other valid power of attorney.
- b. You can discuss issues or items in the application with the primary contact listed in the determination request (for example, page 1 of Form 1023 or Form 1024) even if the contact person isn't an officer, trustee, or other authorized representative. However, don't use information from that individual to make a determination.

- c. Secure Form 2848 for a contact person (if not listed as an officer or other authorized organizational official) on a potentially adverse case or request to speak with an officer or board member of the organization.

Procedural Changes

The following procedural changes are being made to further ensure taxpayers' effective participation in the EO R&A determinations process, to promote consistency in determinations procedures across TE/GE, and to clarify our processes when the taxpayer authorizes a representative to assist.

- If an organization does not submit a Form 2848 with its application for recognition of tax-exempt status or during case processing, contact the primary contact person listed on the application to discuss issues or items in the application, to follow-up on Letters 1312 requesting additional information, and to otherwise discuss determinations such as for a potentially adverse case (i.e., for all telephone inquiries) as currently described in IRM 7.20.1.6.
- If an organization submits a valid Form 2848 with its application for recognition of tax-exempt status or during case processing, specialists will contact an authorized representative listed on the Form 2848 to discuss issues or items in the application, to follow-up on Letters 1312 requesting additional information, and to otherwise discuss determinations such as for a potentially adverse case (i.e., for all telephone inquiries), except as listed below. In the situations below, a specialist should contact the primary contact person listed on the application as currently described in IRM 7.20.1.6.
 - Specialist cannot make contact with the authorized representative on Form 2848 within five 5 business days of the initial attempt to contact the authorized representative. The specialist should confirm the authorized representative, the authorized representative's contact information and preferences for future communications.
 - If the organization's primary contact, board member, officer, or other authorized person contacts the specialist directly, the specialist will discuss the application with that individual and confirm preferences for future communications.
- If Form 2848 is invalid, follow procedures in IRM 7.20.1.5.1.3.

Effect on Other Documents

This guidance will be incorporated into IRMs 7.20.1 by August 17, 2023.

Effective Date

August 17, 2021

Contact

EO Determinations Area 2 Manager

Distribution

www.IRS.gov