

HIGHLIGHTS OF THIS ISSUE

These synopses are intended only as aids to the reader in identifying the subject matter covered. They may not be relied upon as authoritative interpretations.

INCOME TAX

Announcement 2014-38, page 951.

Announcement 2014-38 provides guidance with respect to jurisdictions that are treated as if they had a FATCA intergovernmental agreement (IGA) in effect pursuant to Announcement 2014-17, 2014-18 I.R.B. 1001, but that do not sign the IGA before December 31, 2014. Announcement 2014-38 provides that a jurisdiction that is treated as if it had an IGA in effect, but that has not yet signed an IGA, retains such status beyond December 31, 2014, provided that the jurisdiction demonstrates firm resolve to sign the IGA as soon as possible. After December 31, 2014, Treasury will review the list of jurisdictions having an agreement in substance on a monthly basis to assess whether it continues to be appropriate to treat such a jurisdiction as if it had an IGA in effect or whether a jurisdiction should be removed from the list.

EMPLOYEE PLANS

Announcement 2014-34, page 949.

This announcement addresses the transfer of certain technical responsibility for issues involving exempt organizations, qualified retirement plans, and individual retirement annuities and accounts (IRAs) to the Office of Chief Counsel that will occur with the realignment of the Tax Exempt and Government Entities Division (TE/GE).

Announcement 2014-37, page 951.

This announcement corrects Notice 2014-70 as published on November 24, 2014 (2014-48 I.R.B. 905) which contains a typographical error in the header before the second paragraph.

EXEMPT ORGANIZATIONS

Announcement 2014-34, page 949.

This announcement addresses the transfer of certain technical responsibility for issues involving exempt organizations, qualified retirement plans, and individual retirement annuities and accounts (IRAs) to the Office of Chief Counsel that will occur with the realignment of the Tax Exempt and Government Entities Division (TE/GE).

Announcement 2014-36, page 950.

Revocation of IRC 501(c)(3) Organizations for failure to meet the code section requirements. Contributions made to the organizations by individual donors are no longer deductible under IRC 170(b)(1)(A).

Announcement 2014-39, page 953.

Revocation of IRC 501(c)(3) Organizations for failure to meet the code section requirements. Contributions made to the organizations by individual donors are no longer deductible under IRC 170(b)(1)(A).

Announcement 2014-40, page 953.

This Announcement serves notice to donors that on March 26, 2014, the United States Tax Court entered a stipulated decision. Effective January 1, 2013, the organization listed below is not qualified as an organization described in I.R.C. Section 501(c)(3), as amended, and is not exempt from taxation under I.R.C. Section 501(a).

Finding Lists begin on page ii.



The IRS Mission

Provide America's taxpayers top-quality service by helping them understand and meet their tax responsibilities and enforce the law with integrity and fairness to all.

Introduction

The Internal Revenue Bulletin is the authoritative instrument of the Commissioner of Internal Revenue for announcing official rulings and procedures of the Internal Revenue Service and for publishing Treasury Decisions, Executive Orders, Tax Conventions, legislation, court decisions, and other items of general interest. It is published weekly.

It is the policy of the Service to publish in the Bulletin all substantive rulings necessary to promote a uniform application of the tax laws, including all rulings that supersede, revoke, modify, or amend any of those previously published in the Bulletin. All published rulings apply retroactively unless otherwise indicated. Procedures relating solely to matters of internal management are not published; however, statements of internal practices and procedures that affect the rights and duties of taxpayers are published.

Revenue rulings represent the conclusions of the Service on the application of the law to the pivotal facts stated in the revenue ruling. In those based on positions taken in rulings to taxpayers or technical advice to Service field offices, identifying details and information of a confidential nature are deleted to prevent unwarranted invasions of privacy and to comply with statutory requirements.

Rulings and procedures reported in the Bulletin do not have the force and effect of Treasury Department Regulations, but they may be used as precedents. Unpublished rulings will not be relied on, used, or cited as precedents by Service personnel in the disposition of other cases. In applying published rulings and procedures, the effect of subsequent legislation, regulations, court decisions, rulings, and procedures must be considered, and Service personnel and others concerned are cautioned

against reaching the same conclusions in other cases unless the facts and circumstances are substantially the same.

The Bulletin is divided into four parts as follows:

Part I.—1986 Code.

This part includes rulings and decisions based on provisions of the Internal Revenue Code of 1986.

Part II.—Treaties and Tax Legislation.

This part is divided into two subparts as follows: Subpart A, Tax Conventions and Other Related Items, and Subpart B, Legislation and Related Committee Reports.

Part III.—Administrative, Procedural, and Miscellaneous.

To the extent practicable, pertinent cross references to these subjects are contained in the other Parts and Subparts. Also included in this part are Bank Secrecy Act Administrative Rulings. Bank Secrecy Act Administrative Rulings are issued by the Department of the Treasury's Office of the Assistant Secretary (Enforcement).

Part IV.—Items of General Interest.

This part includes notices of proposed rulemakings, disbarment and suspension lists, and announcements.

The last Bulletin for each month includes a cumulative index for the matters published during the preceding months. These monthly indexes are cumulated on a semiannual basis, and are published in the last Bulletin of each semiannual period.

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Part IV. Items of General Interest

Realignment of Technical Work between the Tax Exempt and Government Entities Division and the Office of Associate Chief Counsel (Tax Exempt and Government Entities)

Announcement 2014–34

This announcement addresses the transfer of certain technical responsibility for issues involving exempt organizations, qualified retirement plans, and individual retirement annuities and accounts (IRAs) to the Office of Chief Counsel that will occur with the realignment of the Tax Exempt and Government Entities Division (TE/GE). As a result of the realignment occurring at the beginning of 2015, the technical responsibility for preparing revenue rulings, revenue procedures, and certain other forms of published guidance, and issuing technical advice and certain letter rulings, will shift from TE/GE to the Office of Associate Chief Counsel (Tax Exempt and Government Entities) (TEGE Counsel). The annual revenue procedures addressing these matters will be updated in January of 2015 to reflect this realignment.

REALIGNMENT OF TECHNICAL WORK

On January 2, 2015, the authority to prepare revenue rulings, revenue procedures, announcements, and notices, and to issue technical advice (including technical advice memoranda (TAMs)), certain letter rulings, and certain information letters on matters involving exempt organizations, qualified retirement plans, and IRAs will be shifted to TEGE Counsel. TEGE Counsel will be responsible for the issuance of letter rulings except for the letter rulings listed below. In addition, TEGE Counsel will be responsible for ruling on issues involving employer deductions for contributions to welfare benefit funds. The realignment will not affect the procedures that apply for requesting a change in accounting method. Organizations seeking

those rulings should continue to use Form 3115 and related instructions.

The Employee Plans office of TE/GE (Employee Plans) will retain the authority to issue determination letters and the Exempt Organizations office of TE/GE (Exempt Organizations) will retain the authority to issue determination letters, including determination letters on the exempt status of organizations under §§ 501(c) and 521.

After January 1, 2015, Employee Plans will retain the authority to issue letter rulings on the following subject matters:

- Computation of the exclusion ratio under § 72;
- Waiver of the 60-day rollover requirement under §§ 402(c)(3) and 408(d)(3) for distributions;
- Whether individual retirement accounts established by employers or associations of employers meet the requirements of § 408(c);
- Approval to become a nonbank trustee (see § 1.408–2(e));
- Change in funding methods and actuarial assumptions under §§ 412, 430 or 431;
- Approval of substitute mortality tables under Rev. Proc. 2008–62, 2008–42 I.R.B. 935;
- Extension of an amortization period under Rev. Proc. 2010–52, 2010–52 I.R.B. 927;
- The tax consequences of prohibited transactions under §§ 503 and 4975;
- Waiver of the liquidity shortfall (as that term is defined in § 430(j)(4)) excise tax under § 4971(f)(4);
- Approval of the return of certain nondeductible contributions to the employer pursuant to Rev. Proc. 90–49, 1990–2 C.B. 620;
- Roth IRA recharacterization relief under § 301.9100–1; and
- A change in the plan year of an employee retirement plan and the trust year of a tax-exempt employees' trust.

After January 1, 2015, Exempt Organizations will retain the authority to issue determination letters, including determinations regarding the following miscellaneous determinations requested using

Form 8940, *Request for Miscellaneous Determinations*:

- Advance approval of certain set-asides described in § 4942(g)(2);
- Advance approval of voter registration activities described in § 4945(f);
- Advance approval of scholarship procedures described in § 4945(g);
- Exemption from Form 990 filing requirements;
- Advance approval that a potential grant or contribution constitutes an “unusual grant”;
- Change in Type (or initial determination of Type) of a § 509(a)(3) organization;
- Reclassification of foundation status, including a voluntary request from a public charity for private foundation status; and
- Termination of private foundation status under § 507(b)(1)(B) by an advance ruling request or after the 60-month period has ended.

UPDATE OF ANNUAL REVENUE PROCEDURES TO REFLECT THE REALIGNMENT

Each year, the IRS issues revenue procedures regarding the furnishing of rulings and other technical guidance. For 2014, Rev. Procs. 2014–1, 2014–1 I.R.B. 1, and 2014–2, 2014–1 I.R.B. 90, describe how the Associate Chief Counsel offices issue letter rulings, information letters, and TAMs on matters within the jurisdiction of those offices. Rev. Proc. 2014–3, 2014–1 I.R.B. 111, lists the areas under the jurisdiction of the Associate Chief Counsel offices on which the IRS will not issue rulings. Rev. Procs. 2014–4 through 2014–6, 2014–9, and 2014–10 describe how TE/GE issues rulings, information letters, TAMs, and determination letters on matters under the jurisdiction of that office. Rev. Proc. 2014–4, 2014–1 I.R.B. 125; Rev. Proc. 2014–5, 2014–1 I.R.B. 169; Rev. Proc. 2014–6, 2014–1 I.R.B. 198; Rev. Proc. 2014–9, 2014–2 I.R.B. 281; and Rev. Proc. 2014–10, 2014–2 I.R.B. 293. Rev. Proc. 2014–8, 2014–1 I.R.B. 242, describes the user fees required to obtain a ruling or determination from TE/GE.

The annual updates of Rev. Procs. 2014–1 through 2014–4 and 2014–8 will reflect the transfer of authority described herein from TE/GE to TE/GE Counsel. Aside from minor changes, the realignment will not affect the annual updates of Rev. Procs. 2014–6, 2014–9, and 2014–10. Because the authority for issuing all TAMs will shift to TE/GE Counsel after January 1, 2015, for years after 2014 there will be no revenue procedure covering issuance of TAMs by TE/GE. Instead, Rev. Proc. 2015–5 will incorporate and update Rev. Proc. 2014–40, 2014–30 I.R.B. 229, which describes the processing of applications for recognition of exemption on Form 1023–EZ, *Streamlined Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code*. Taxpayers should refer to Rev. Procs. 2015–1 through 2015–3 regarding the procedures for letter rulings and TAMs requested from or issued by TE/GE Counsel after January 1, 2015 (including procedures that may affect letter rulings and TAMs that were requested from TE/GE before January 2, 2015). Letter ruling requests that were submitted to TE/GE before January 2, 2015, and that are pending on that date, will be transferred to TE/GE Counsel without the need for the taxpayer that requested the ruling to take any action.

DRAFTING INFORMATION

This announcement was drafted by TE/GE with the assistance of TE/GE Counsel. For further information regarding the changes to exempt organizations issues described in this announcement, contact TE/GE Counsel at (202) 317-5800. For further information regarding the changes to employee plans issues described in this announcement, contact TE/GE Counsel at (202) 317-6799.

Deletions From Cumulative List of Organizations, Contributions to Which are Deductible Under Section 170 of the Code

Announcement 2014–36

The Internal Revenue Service has revoked its determination that the organizations listed below qualify as organizations described in sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986.

Generally, the IRS will not disallow deductions for contributions made to a listed organization on or before the date of announcement in the Internal Revenue

Bulletin that an organization no longer qualifies. However, the IRS is not precluded from disallowing a deduction for any contributions made after an organization ceases to qualify under section 170(c)(2) if the organization has not timely filed a suit for declaratory judgment under section 7428 and if the contributor (1) had knowledge of the revocation of the ruling or determination letter, (2) was aware that such revocation was imminent, or (3) was in part responsible for or was aware of the activities or omissions of the organization that brought about this revocation.

If on the other hand a suit for declaratory judgment has been timely filed, contributions from individuals and organizations described in section 170(c)(2) that are otherwise allowable will continue to be deductible. Protection under section 7428(c) would begin on December 15, 2014, and, and would end on the date the court first determines the organization is not described in section 170(c)(2) as more particularly set forth in section 7428(c)(1). For individual contributors, the maximum deduction protected is \$1,000, with a husband and wife treated as one contributor. This benefit is not extended to any individual, in whole or in part, for the acts or omissions of the organization that were the basis for revocation.

NAME OF ORGANIZATION	Effective Date of Revocation	LOCATION
China Mission Foundation	January 1, 2011	Tempe, AZ
Jeff & Tina Ziegler Family Foundation	January 1, 2009	Monument, CO
The Ojai Retreat, Inc.	January 1, 2010	Ojai, CA
Bethany Alumni Association	January 1, 2009	Sacramento, CA
Breast Cancer Prevention Fund	January 1, 2009	Snohomish, WA
Tricap Academy	January 1, 2007	Olive Branch, MS
RealtyAmerica.Org, Inc.	January 1, 2003	Indian Harbour Beach, FL
Residential Revitalization Corporation	January 1, 2001	Hermosa Beach, CA
Silver Ridge East Golden Oldies	January 1, 2007	Toms River, NJ
Pledger Family Foundation	January 1, 2003	Salt Lake City, UT
Black Revolutionary War Patriots	January 1, 2004	Washington, DC
New England Outreach Program, Inc.	January 1, 2010	Worcester, MA
Bixun Wang and Lin Cheng Foundation	April 1, 2010	Fremont, CA
Mustard Seed Ministries, Inc.	January 1, 2005	Houston, TX
Moffat County Partners	October 1, 2002	Craig, CO
Youth Development Partnership	July 1, 2010	Los Angeles, CA
Northern Lights	January 1, 2004	Vancouver, WA
Safe Haven Homes, Inc.	October 1, 2005	Hartland, MI

NAME OF ORGANIZATION	Effective Date of Revocation	LOCATION
SOFLO Ballet, Inc.	August 1, 2004	Miramar, FL
Our Destiny Foundation	January 1, 2008	Renwick, IA
Ronsard Foundation	November 5, 1999	Statesville, NC
School at Majestic Ranch	January 1, 2011	Boerne, TX
Scott Olsen Foundation	December 1, 1999	Alpine, UT
Town and Country Acceptance Corporation	April 24, 2002	Birmingham, AL

Correction Announcement 2014-37

Notice 2014-70 as published on November 24, 2014 (2014-48 I.R.B. 905) contains a typographical error in the header before the second paragraph. The header refers to “2014,” but the correct year is “2015.” The header is amended to delete “2014” and replace it with “2015”.

Update on Jurisdictions Treated as if They Had an IGA in Effect

Announcement 2014-38

Since the 2012 release of the Model 1 and Model 2 intergovernmental agreements (IGAs) to implement the Foreign Account Tax Compliance Act (FATCA), there has been widespread interest from jurisdictions around the world in entering into IGAs. Announcement 2014-17 (2014-18 I.R.B. 1001) was issued to provide certainty to foreign financial institutions (FFIs) and other stakeholders with respect to the status of FFIs in jurisdictions that reached an agreement in substance on the terms of an IGA on or before June 30, 2014, provided that the IGA is signed by December 31, 2014. In light of the large number of IGAs that were agreed in substance but have not yet been signed, however, stakeholders recently have expressed concern about the practical challenges presented by the requirement that all of these IGAs be signed by December 31, 2014, in order for jurisdictions with an agreed-in-substance IGA to

continue to be treated as if they had an IGA in effect. This announcement provides additional guidance with respect to jurisdictions that are treated as if they had an IGA in effect pursuant to Announcement 2014-17 but that do not sign the IGA before December 31, 2014. It also provides guidance with respect to certain jurisdictions that reached an agreement in substance on the terms of an IGA after June 30, 2014.

Background

On July 26, 2012, the U.S. Department of the Treasury (Treasury) released the Model 1 IGA (in both reciprocal and non-reciprocal versions) under which FFIs would satisfy their chapter 4 requirements by reporting information about U.S. accounts to their respective tax authorities, followed by the automatic exchange of that information on a government-to-government basis with the United States. On November 14, 2012, Treasury released the Model 2 IGA, under which FFIs would report specified information directly to the Internal Revenue Service (IRS) in a manner consistent with the final FATCA regulations, supplemented by government-to-government exchange of information on request. Treasury has periodically updated the model IGAs since their initial release, including by developing “standalone” versions of the nonreciprocal Model 1 IGA and the Model 2 IGA that can be implemented by jurisdictions with which the United States does not have a tax treaty or tax information exchange agreement. Treasury has also released new versions of each model IGA that have been updated to reflect the relevant timing of due diligence and transition rules for FFIs that will be the models for

IGAs with jurisdictions reaching an agreement in substance after June 30, 2014, or signing an IGA after June 30, 2014, without having previously reached an agreement in substance, and to provide other clarifications. All versions of the models are available on Treasury’s website at <http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA.aspx>. The final FATCA regulations provide that the IRS will publish a list identifying all countries that are treated as if they had Model 1 or Model 2 IGA in effect. Reg. §§ 1.1471-1(b)(78) and (79). Notice 2013-43 (2013-31 I.R.B.113) provides that this list is maintained on Treasury website at <http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx>. A link to the list is also available on the IRS website at <http://www.irs.gov/Businesses/Corporations/Information-for-Foreign-Financial-Institutions>.

Notice 2013-43 provides that Treasury and the IRS will include on this list jurisdictions that have signed, but may not yet have brought into force, an IGA. Announcement 2014-17 further provides that Treasury and the IRS also will include on the list of jurisdictions treated as if they had an IGA in effect, jurisdictions that, on or before June 30, 2014, had reached agreements in substance with the United States on the terms of an IGA and consented to be included on the Treasury and IRS list of such jurisdictions, even though the jurisdiction had not yet signed the IGA. FFIs that are resident in, or organized under the laws of, or are a branch located in, a jurisdiction that is included on the Treasury and IRS list as having reached an agreement in substance are permitted to register on the FATCA registration website consistent with their

treatment under the relevant model IGA, and are permitted to certify their FATCA status to withholding agents consistent with that treatment. Announcement 2014–17 also provides that a jurisdiction that is treated as having an IGA in effect must sign the IGA by December 31, 2014, in order for the FATCA status of FFIs (or branches) in such jurisdiction to continue without interruption.

As of July 1, 2014, 101 jurisdictions were treated as if they have an IGA in effect; 48 of these agreements have been signed, and 53 remain unsigned. The large number of jurisdictions that have reached agreements in substance demonstrates worldwide support for the IGA approach to effectively and efficiently implement FATCA, but it also raises concerns about the practicality of getting all of the agreed-in-substance IGAs signed by December 31, 2014.

Stakeholders have expressed concerns that FFIs located in jurisdictions with IGAs that are agreed in substance, but not yet signed, are unable to plan efficiently for FATCA compliance given the uncertainty regarding whether the IGA will be signed by December 31, 2014. More specifically, FFIs have expressed concern that if an IGA that is agreed in substance is not signed by December 31, 2014, and an FFI in that jurisdiction has already registered with an IGA-based registration status, it would have to change its registration status. Similarly, withholding agents have expressed concern about re-documenting the FATCA status of FFIs in a jurisdiction that misses the December 31, 2014, signing deadline, including in particular with respect to withholding agents' reliance on the special rule providing that GIINs of reporting Model 1 FFIs do not need to be obtained before January 1, 2015.

Stakeholders also have expressed concerns about whether jurisdictions that had not signed or reached an agreement in substance on the terms of an IGA on or before June 30, 2014, but that did make significant progress in their IGA discussions, will be able to sign the IGA prior to 2015 in light of the significant number of agreed-in-substance IGAs that are being finalized for signature.

Extension of Time for Jurisdictions with Agreed-in-Substance IGAs to be Treated as if They Had an IGA in Effect

This announcement addresses these concerns by providing that a jurisdiction that is treated as if it had an IGA in effect, but that has not yet signed an IGA, retains such status beyond December 31, 2014, provided that the jurisdiction continues to demonstrate firm resolve to sign the IGA that was agreed in substance on or before June 30, 2014, as soon as possible. After December 31, 2014, Treasury will review the list of jurisdictions having an agreement in substance on a monthly basis to assess whether it continues to be appropriate to treat each jurisdiction included therein as if it had an IGA in effect or whether a jurisdiction should be removed from the list. This determination will be based on, among other factors, the responsiveness of a jurisdiction to communications from the United States regarding the IGA and whether the jurisdiction has raised concerns regarding its ability to sign or bring into force the text that was agreed to in substance. As stated in Notice 2013–43, a jurisdiction that has signed an IGA may also be removed from the list of jurisdictions that are treated as if they had an IGA in effect if Treasury determines that the jurisdiction is not taking the steps necessary to bring the IGA into force within a reasonable period of time.

Additional Jurisdictions Treated as if They Had an IGA in Effect as of November 30, 2014

Certain jurisdictions that were in advanced discussions on the text of an IGA prior to June 30, 2014, were unable to complete all the necessary steps to reach an agreement in substance on the IGA on or before June 30, 2014. Several of these jurisdictions subsequently have reached an agreement in substance with the United States on the terms of an IGA. This announcement provides that the following jurisdictions will be treated, as of November 30, 2014, as if they had a Model 1 IGA in effect: Angola, Cambodia, Greece, the Holy See, Iceland, Kazakhstan, Montserrat, the Philippines, Trinidad and Tobago, and Tunisia. In addition, Macao will be treated, as of November 30, 2014,

as if it had a Model 2 IGA in effect. The Treasury and IRS list of jurisdictions that are treated as if they had an IGA in effect will be updated to include these jurisdictions. Any jurisdictions that are not included on the updated list of jurisdictions that are treated as if they had an IGA in effect will not be treated as such until the IGA is signed. Based on the same criteria used for the jurisdictions that are treated as if they had an IGA in effect on or before June 30, 2014, Treasury will review this list on a monthly basis for whether these jurisdictions continue to demonstrate firm resolve to sign the IGA that was agreed in substance on or before November 30, 2014, or whether any should be removed from the list.

List of Jurisdictions Treated as having IGAs in Effect

The text of the agreements in substance will not be published by the IRS or Treasury until the IGA is signed. Instead, the list will specify only whether the relevant IGA is a Model 1 or a Model 2 IGA, and the date on which the relevant jurisdiction is treated as if it had an IGA in effect. Until the IGA is signed, the jurisdiction will be treated as if it had in effect the relevant model provisions, including in the case of the additional jurisdictions listed above, the “determination date” referenced in the new Model Annex I, which for IGAs agreed in substance after June 30, 2014, will be November 30, 2014. This means that an FFI resident in, or organized under the laws of, or a branch located in, a jurisdiction that is listed on the Treasury and IRS websites as having reached an agreement in substance will be permitted to register on the FATCA registration website consistent with its treatment under the relevant model IGA and will be permitted to certify its status to a withholding agent consistent with that treatment. Treasury maintains its policy of not deviating from the model text except in limited circumstances in Annex II. As in Announcement 2014–17, any modifications made in the relevant IGA to the model Annex II categories of exempt beneficial owners, deemed compliant FFIs, and accounts excluded from the definition of financial accounts will not be applicable until the IGA is signed.

If a jurisdiction is removed from the list of jurisdictions that are treated as if they had an IGA in effect, FFIs that are resident in, or organized under the laws of, that jurisdiction, and branches that are located in that jurisdiction, will, from the first day of the month following the month of removal, no longer be entitled to the status that would be provided under the IGA, and will be required to update their status on the FATCA registration website accordingly. Such FFIs should also notify withholding agents and financial institutions with which they maintain financial accounts of their change in FATCA status.

EFFECT ON OTHER DOCUMENTS

This Announcement supplements Notice 2013-43 and Announcement 2014-17 with respect to the expansion of jurisdictions that will be treated as if they had an IGA in effect and supersedes Announcement 2014-17 with respect to the treatment of FFIs in jurisdictions that are treated as if they had an IGA in effect on or before June 30, 2014.

DRAFTING INFORMATION

The principal author of this announcement is Tara Ferris of the Office of Asso-

ciate Chief Counsel (International). For further information regarding this announcement, contact Ms. Ferris at (202) 317-6942 (not a toll-free number).

Deletions From Cumulative List of Organizations, Contributions to Which are Deductible Under Section 170 of the Code

Announcement 2014-39

The Internal Revenue Service has revoked its determination that the organizations listed below qualify as organizations described in sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986.

Generally, the IRS will not disallow deductions for contributions made to a listed organization on or before the date of announcement in the Internal Revenue Bulletin that an organization no longer qualifies. However, the IRS is not precluded from disallowing a deduction for any contributions made after an organization ceases to qualify under section

170(c)(2) if the organization has not timely filed a suit for declaratory judgment under section 7428 and if the contributor (1) had knowledge of the revocation of the ruling or determination letter, (2) was aware that such revocation was imminent, or (3) was in part responsible for or was aware of the activities or omissions of the organization that brought about this revocation.

If on the other hand a suit for declaratory judgment has been timely filed, contributions from individuals and organizations described in section 170(c)(2) that are otherwise allowable will continue to be deductible. Protection under section 7428(c) would begin on December 15, 2014, and would end on the date the court first determines the organization is not described in section 170(c)(2) as more particularly set forth in section 7428(c)(1). For individual contributors, the maximum deduction protected is \$1,000, with a husband and wife treated as one contributor. This benefit is not extended to any individual, in whole or in part, for the acts or omissions of the organization that were the basis for revocation.

NAME OF ORGANIZATION	Effective Date of Revocation	LOCATION
Miss New Hampshire Scholarship Program Inc.	January 1, 2006	Derry, NH
Winston-Salem Crafts Guild	January 1, 2009	Winston-Salem, NC
American Housing Foundation	January 1, 2006	Amarillo, TX
International Center For Earth Concerns	January 1, 2008	Ojai, CA
Conservation Endowment Foundation	January 1, 2008	Ojai, CA
Taft Foundation	January 1, 2008	Ojai, CA

Notice of Disposition of Declaratory Judgment Proceedings under Section 7428

Announcement 2014-40

This announcement serves notice to donors that on March 26, 2014, the

United States Tax Court entered a stipulated decision. Effective January 1, 2013, the organization listed below is not qualified as an organization described in I.R.C. Section 501(c)(3), as amended, and is not exempt from taxation under I.R.C Section 501(a).

Exegetical Institute, Inc.
Kingsland, GA

Definition of Terms

Revenue rulings and revenue procedures (hereinafter referred to as “rulings”) that have an effect on previous rulings use the following defined terms to describe the effect:

Amplified describes a situation where no change is being made in a prior published position, but the prior position is being extended to apply to a variation of the fact situation set forth therein. Thus, if an earlier ruling held that a principle applied to A, and the new ruling holds that the same principle also applies to B, the earlier ruling is amplified. (Compare with modified, below).

Clarified is used in those instances where the language in a prior ruling is being made clear because the language has caused, or may cause, some confusion. It is not used where a position in a prior ruling is being changed.

Distinguished describes a situation where a ruling mentions a previously published ruling and points out an essential difference between them.

Modified is used where the substance of a previously published position is being changed. Thus, if a prior ruling held that a principle applied to A but not to B, and the new ruling holds that it applies to both A

and B, the prior ruling is modified because it corrects a published position. (Compare with amplified and *clarified*, above).

Obsoleted describes a previously published ruling that is not considered determinative with respect to future transactions. This term is most commonly used in a ruling that lists previously published rulings that are obsoleted because of changes in laws or regulations. A ruling may also be obsoleted because the substance has been included in regulations subsequently adopted.

Revoked describes situations where the position in the previously published ruling is not correct and the correct position is being stated in a new ruling.

Superseded describes a situation where the new ruling does nothing more than restate the substance and situation of a previously published ruling (or rulings). Thus, the term is used to republish under the 1986 Code and regulations the same position published under the 1939 Code and regulations. The term is also used when it is desired to republish in a single ruling a series of situations, names, etc., that were previously published over a period of time in separate rulings. If the new ruling does more than restate the sub-

stance of a prior ruling, a combination of terms is used. For example, modified and *superseded* describes a situation where the substance of a previously published ruling is being changed in part and is continued without change in part and it is desired to restate the valid portion of the previously published ruling in a new ruling that is self contained. In this case, the previously published ruling is first modified and then, as modified, is superseded.

Supplemented is used in situations in which a list, such as a list of the names of countries, is published in a ruling and that list is expanded by adding further names in subsequent rulings. After the original ruling has been supplemented several times, a new ruling may be published that includes the list in the original ruling and the additions, and supersedes all prior rulings in the series.

Suspended is used in rare situations to show that the previous published rulings will not be applied pending some future action such as the issuance of new or amended regulations, the outcome of cases in litigation, or the outcome of a Service study.

Abbreviations

The following abbreviations in current use and formerly used will appear in material published in the Bulletin.

A—Individual.
Acq.—Acquiescence.
B—Individual.
BE—Beneficiary.
BK—Bank.
B.T.A.—Board of Tax Appeals.
C—Individual.
C.B.—Cumulative Bulletin.
CFR—Code of Federal Regulations.
CI—City.
COOP—Cooperative.
Ct.D.—Court Decision.
CY—County.
D—Decedent.
DC—Dummy Corporation.
DE—Donee.
Del. Order—Delegation Order.
DISC—Domestic International Sales Corporation.
DR—Donor.
E—Estate.
EE—Employee.
E.O.—Executive Order.
ER—Employer.

ERISA—Employee Retirement Income Security Act.
EX—Executor.
F—Fiduciary.
FC—Foreign Country.
FICA—Federal Insurance Contributions Act.
FISC—Foreign International Sales Company.
FPH—Foreign Personal Holding Company.
F.R.—Federal Register.
FUTA—Federal Unemployment Tax Act.
FX—Foreign corporation.
G.C.M.—Chief Counsel’s Memorandum.
GE—Grantee.
GP—General Partner.
GR—Grantor.
IC—Insurance Company.
I.R.B.—Internal Revenue Bulletin.
LE—Lessee.
LP—Limited Partner.
LR—Lessor.
M—Minor.
Nonacq.—Nonacquiescence.
O—Organization.
P—Parent Corporation.
PHC—Personal Holding Company.
PO—Possession of the U.S.
PR—Partner.
PRS—Partnership.

PTE—Prohibited Transaction Exemption.
Pub. L.—Public Law.
REIT—Real Estate Investment Trust.
Rev. Proc.—Revenue Procedure.
Rev. Rul.—Revenue Ruling.
S—Subsidiary.
S.P.R.—Statement of Procedural Rules.
Stat.—Statutes at Large.
T—Target Corporation.
T.C.—Tax Court.
T.D.—Treasury Decision.
TFE—Transferee.
TFR—Transferor.
T.I.R.—Technical Information Release.
TP—Taxpayer.
TR—Trust.
TT—Trustee.
U.S.C.—United States Code.
X—Corporation.
Y—Corporation.
Z—Corporation.

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¹A cumulative list of all revenue rulings, revenue procedures, Treasury decisions, etc., published in Internal Revenue Bulletins 2014–01 through 2014–26 is in Internal Revenue Bulletin 2014–26, dated June 30, 2014.

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