



Department of the Treasury  
Internal Revenue Service  
Tax Exempt and Government Entities  
P.O. Box 2508  
Cincinnati, OH 45201

Date:  
02/05/2024  
Taxpayer ID number:  
  
Person to contact:

Release Number: 202418015  
Release Date: 5/3/2024

LEGEND  
W = Society  
X = State

UIL: 4945.04.04

Dear \_\_\_\_\_ :

You asked for advance approval of your scholarship procedures under Internal Revenue Code (IRC) Section 4945(g)(1). You requested approval of your scholarship program to fund the education of certain qualifying students.

This approval is required because IRC Section 4945 provides for the imposition of taxes on each taxable expenditure of a private foundation. IRC Section 4945(d)(3) provides that the term "taxable expenditure" includes any amount paid or incurred by a private foundation as a grant to an individual for travel, study, or similar purposes by the individual, unless the grant satisfies the advance approval requirement of IRC Section 4945(g).

**Our determination**

We approved your procedures for awarding scholarships. Based on the information you submitted, and assuming you will conduct your program as proposed, we determined that your procedures for awarding scholarships meet the requirements of IRC Section 4945(g)(1). As a result, expenditures you make under these procedures won't be taxable.

Additionally, awards made under these procedures are scholarship or fellowship grants and are not taxable to the recipients if they use them for qualified tuition and related expenses (subject to the limitations provided in IRC Section 117(b)).

**Description of your request**

Your letter indicates you will operate a program to provide scholarships to children of members of the W of the State of X to attend an undergraduate or graduate program at an educational institution.

You will publicize the scholarships to members of the W of the State of X and made available on your website. Your Scholarship Committee will determine the number and amount of scholarship awards based on availability of funds.

All applicants must be a child of a member of the W of the State of X. The member must submit the application on behalf of his or her child, and such member must be a member in good standing of the W of the State of X.

Applicants must satisfy the following eligibility criteria:

1. Have a minimum 2.0 GPA,
2. Attend an accredited college or university and be considered a full-time student in an undergraduate or graduate program,
3. Have registered for the Selective Service, to the extent the applicant is a male at least 18 years of age, and
4. Submit an official transcript and essay relating to the history of W.

The application will then be reviewed by your Scholarship Committee. Members of your Scholarship Committee must be members in good standing of the W of the State of X. Relatives of members of your selection committee, or of your officers, directors, or substantial contributors are not eligible for awards.

In awarding scholarships, you will give priority to students attending an undergraduate program for the first time and children of members who are actively involved in W. The scholarship recipient needs to maintain at least a GPA of 2.0. If the recipient's first semester grades are below a 2.0 GPA, the funds for the second semester must be returned to you.

You allow recipients to receive scholarship awards in multiple years, but they must reapply annually under the general application process. Each recipient may receive a maximum of 6 annual scholarship awards, with a maximum of 4 scholarship awards to be used for undergraduate studies.

You will distribute the scholarships directly to the recipient's school. In the event the recipient withdraws from or does not attend the school, the funds must be returned to you.

You represent that you will complete the following:

- Arrange to receive and review grantee reports annually and upon completion of the purpose for which the grant was awarded,
- Investigate diversion of funds from their intended purposes,
- Take all reasonable and appropriate steps to recover the diverted funds and ensure other grant funds held by a grantee are used for their intended purposes, and
- Withhold further payments to grantees until you obtain grantees' assurances that future diversions will not occur and that grantees will take extraordinary precautions to prevent future diversion from occurring.

You also represent that you will:

- Maintain all records relating to individual grants including information obtained to evaluate grantees,
- Identify a grantee is a disqualified person,
- Establish the amount and purpose of each grant, and
- Establish that you undertook the supervision and investigation of grants described above.

### **Basis for our determination**

IRC Section 4945 imposes excise taxes on the taxable expenditures of private foundations. A taxable expenditure is any amount a private foundation pays as a grant to an individual for travel, study or other similar purposes. However, a grant that meets all the following requirements of IRC Section 4945(g) is not a taxable expenditure.

- The foundation awards the grant on an objective and nondiscriminatory basis.
- The IRS approves in advance the procedure for awarding the grant.
- The grant is a scholarship or fellowship subject to the provisions of IRC Section 117(a).
- The grant is to be used for study at an educational organization described in IRC Section 170(b)(1)(A)(ii).

## Other conditions that apply to this determination

- This determination only covers the grant program described above. This approval will apply to succeeding grant programs only if their standards and procedures don't differ significantly from those described in your original request.
- This determination applies only to you. It may not be cited as a precedent.
- You cannot rely on the conclusions in this letter if the facts you provided have changed substantially. You must report any significant changes to your program to the IRS at:

Internal Revenue Service  
Exempt Organizations Determinations  
TE/GE Stop 31A Team 105  
P.O. Box 12192  
Covington, KY 41012-0192

- You can't award grants to your creators, officers, directors, trustees, foundation managers, or members of selection committees or their relatives.
- All funds distributed to individuals must be made on a charitable basis and further the purposes of your organization. You cannot award grants for a purpose that is inconsistent with IRC Section 170(c)(2)(B).
- You should keep adequate records and case histories so that you can substantiate your grant distributions with the IRS if necessary.

We'll make this determination letter available for public inspection after deleting personally identifiable information, as required by IRC Section 6110. We've enclosed Letter 437, Notice of Intention to Disclose - Rulings, and a copy of the letter that shows our proposed deletions.

- If you disagree with our proposed deletions, follow the instructions in the Letter 437 on how to notify us.
- If you agree with our deletions, you don't need to take any further action.

Please keep a copy of this letter in your records.

If you have questions, you can contact the person shown at the top of this letter.

Sincerely,

Stephen A. Martin  
Director, Exempt Organizations  
Rulings and Agreements

Enclosures:  
Letter 437