



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

June 12, 2024

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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: Public Disclosure of Form 990 Exception Requests from Form 8940

This memorandum clarifies processing procedures for Form 990-filing exception requests received on Form 8940 requests.

Background/Source(s) of Authority

Internal Revenue Code (IRC) Section 6104 provides, among other things, rules relating to the public inspection of certain material relating to tax-exempt organizations.

IRC Section 6110(a) provides, "Except as otherwise provided in this section, the text of any written determination and any background file document relating to such written determination shall be open to public inspection at such place as the Secretary may by regulations prescribe."

IRC Section 6110(l)(1) provides that the general disclosure rule in Section 6110(a) "shall not apply to ... any matter to which Section 6104 ... applies."

IRM 7.20.3.1.5 indicates that both an approval and adverse determination of a miscellaneous request for Form 990 filing exception are disclosable under IRC Section 6104. IRM 7.20.3.1.5 also instructs appropriate IRS employees to use Letter 4786 when issuing an adverse determination. Letter 4786 currently contains language indicating that the letter will be disclosed under section 6110.

IRM 7.20.5.2.1 states that cases subject to mandatory review include determinations subject to IRC 6110 disclosure.

IRM 7.28.4.2.1 lists determination letters issued by EO Rulings & Agreements subject to IRC 6110.

Procedural Changes

In order to clarify the IRM, to approve a Form 990 exemption request submitted on Form 8940:

- Prepare Letter 4715.
- In MEDS, highlight the Case Information line, select File, Mandatory Review, and IRC 6110.

If the Form 990 exemption request submitted on Form 8940 is adverse:

- Prepare Letter 4786 using the general guidelines for IRC 6110 deletions.
- Follow the adverse case processing instructions found in IRM 7.20.2.4, Adverse Determinations.
- In MEDS, highlight the Case Information line, select File, Mandatory Review, and Adverse.

Effect on Other Documents

This guidance will be incorporated into IRM 7.20.3 and 7.28.4 by June 12, 2026.

Contact

EO Determinations Area 2 Manager

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