



Stephen S. Dunham
Vice President and General Counsel

Office of General Counsel
The Pennsylvania State University
227 West Beaver Avenue, Suite 507
State College, PA 16801

Tel: 814-867-4088
Fax: 814-863-8469
ssd13@psu.edu
http://ogc.psu.edu

July 15, 2014

Eric J. Barron, Ph.D.
President
The Pennsylvania State University
201 Old Main
University Park, PA 16802

Re: Tax Deductibility of Charitable Contributions to
The Pennsylvania State University
Tax Identification No.: 24-6000-376

Dear Dr. Barron:

As General Counsel of The Pennsylvania State University, I am providing an opinion with regard to the University's tax-exempt status and the deductibility of contributions to the University.

The Pennsylvania State University is the Land Grant University of the Commonwealth of Pennsylvania. It has provided programs in instruction, research, and public service in accord with the Charter of the University for over one hundred and fifty years. The Pennsylvania State University is an instrumentality of the Commonwealth of Pennsylvania, providing the essential government function of higher education. Section 115 of the Internal Revenue Code provides that "income derived from the exercise of any essential governmental function" is exempt from Federal Income Tax. As such, The Pennsylvania State University is tax-exempt under Section 115 of the Internal Revenue Code. This tax-exempt status granted under Section 115 precludes any requirement of obtaining any additional specific exemption under Internal Revenue Code Section 501(c)(3).

The University is not a private foundation by virtue of the exemptions in Section 509(a)(1) and (2). Because the University has not sought tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, it has not formally established its non-private foundation status with the Internal Revenue Service.

Contributions to The Pennsylvania State University are deductible against the taxable income of individuals, corporations and other taxpayers, subject to various limitations, for

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commonwealth
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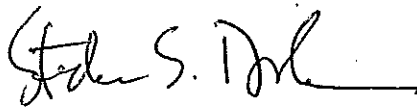
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Federal Income Tax purposes by virtue of Internal Revenue Code 170(c) and 170(b)(1)(A)(ii), and the applicable regulations thereunder.

Enclosed is a copy of a letter dated September 9, 1949, to the University from the United States Treasury Department to the effect described above.

This opinion letter may be disclosed to any person or distributed in any manner the University shall deem appropriate.

Sincerely,



Stephen S. Dunham
Vice-President and General Counsel
The Pennsylvania State University

Enclosure

cc: Joseph J. Doncsecz
Rodney P. Kirsch
Michael J. Degenhart
John Hanold

U. S. TREASURY DEPARTMENT

WASHINGTON 25



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The Pennsylvania State College
State College, Pennsylvania

Gentlemen:

Reference is made to your letter of August 30, 1949 forwarding an affidavit executed by Mr. S. K. Hostetter, Assistant to the President, with respect to your status for Federal income tax purposes. Your letter and attachment were in reply to office letter dated August 16, 1949 which was addressed to The Nittany Lion Inn requesting it to furnish certain evidence for use in determining its status for Federal income tax purposes.

The information furnished shows that The Nittany Lion Inn, owned by you in its entirety, having no separate corporate existence, is used as a practical laboratory by the School of Home Economics. It is further shown that you are a governmental agency of the Commonwealth of Pennsylvania, operating under the land grant acts.

Based upon the information furnished, it is held that you are an instrumentality of the Commonwealth of Pennsylvania, and as such, you are not subject to Federal income tax. Accordingly, Bureau ruling dated October 29, 1934, holding you to be entitled to exemption from Federal income tax under the provisions of section 101(6) of the Revenue Act of 1934 and corresponding provisions of prior revenue acts and Bureau ruling dated April 29, 1938, affirming your exempt status under the provisions of section 101(6) of the Revenue Act of 1935, are hereby modified to that extent.

Contributions made to you are deductible by the donors in arriving at their taxable net income in the manner and to the extent provided by section 23(o) and (q) of the Internal Revenue Code, as amended, and corresponding provisions of prior revenue acts.

Bequests, legacies, devises or transfers, to or for your use are deductible in arriving at the value of the net estate of a decedent for estate tax purposes in the manner and to the extent provided by sections 912(d) and 961(a)(3) of the Code and/or

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corresponding provisions of prior revenue acts. Gifts of property to you are deductible in computing net gifts for gift tax purposes in the manner and to the extent provided in section 1091(a)(2)(B) and 1091(b)(2) and (3) of the Code and/or corresponding provisions of prior revenue acts.

This ruling is also applicable to The Kittany Lion Inn which is one of your activities.

The collector of internal revenue for your district is being advised of this action.

By direction of the Commissioner.

Very truly yours,

Deputy Commissioner