



# Master Class: Dissecting the Grant Agreement

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## Grant Agreement Types

- Public charity
  - Public charity equivalent with an equivalency determination
  - Fiscal sponsors
  - Most supporting organizations
  - Some government agencies/instrumentalities



# Grant Agreement Types

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- Expenditure responsibility
  - Private foundations
  - Non-profits (including 501(c)(4), (c)(5), and (c)(6) organizations)
  - Foreign NGOs
- Individuals

# Public Charity Grant Agreement

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- Written grant agreement not required by law, but  
**strongly recommended**

# Public Charity Grant Agreement

- “Good to have” provisions
  - Tax status
  - Use of funds/prohibited use of funds
  - Payment (schedule and contingencies)
  - Reporting
  - Lobbying Activity permitted/prohibited
  - Intellectual property

# Public Charity Grant Agreement

- “Good to have” provisions
  - Anti-terrorism/sanctions
  - Confirmation of discretion and control
    - No earmarking
    - Special language for fiscal sponsors
  - Public recognition/promotion
  - Compliance with all laws/clawback
  - Notification
  - Venue, governing law

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"Dissecting the Grant Agreement"