

# Instructions for Form 990 and Form 990-EZ

## Return of Organization Exempt From Income Tax and Short Form Return of Organization Exempt From Income Tax

**Under Section 501(c) of the Internal Revenue Code (except black lung benefit trust or private foundation) or section 4947(a)(1) nonexempt charitable trust**

**Note:** Form 990-EZ is for use by organizations with gross receipts of less than \$100,000 and total assets of less than \$250,000 at the end of the year.

Section references are to the Internal Revenue Code unless otherwise noted.

**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws.

The organization is not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. The rules governing the confidentiality of the Form 990, and Form 990-EZ, are covered in Code section 6104.

The time needed to complete and file this form and related schedules will vary depending on individual circumstances. The estimated average times are:

Form	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
990	96 hr., 23 min.	16 hr., 48 min.	21 hr., 55 min.	48 min.
990-EZ	28 hr., 28 min.	10 hr., 24 min.	12 hr., 16 min.	16 min.
Schedule A (Form 990)	50 hr., 13 min.	9 hr., 26 min.	10 hr., 40 min.	-0-

If you have comments concerning the accuracy of these time estimates or suggestions for making these forms simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send the form to this address. Instead, see **When and Where To File** in General Instruction H.

(other than private foundations) on disclosing their exemption application and their three most recent annual information returns to the public. See General Instruction M.

See the instruction under **Phone Help** for information on the new toll-free telephone service for answering questions on the Form 990 or Form 990-EZ.

### Photographs of Missing Children

The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in instructions on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling **1-800-THE-LOST** (1-800-843-5678) if you recognize a child.

### Phone Help

If you have questions and/or need help completing Form 990 or Form 990-EZ, please call **1-877-829-5500**. This toll-free telephone service is available Monday through Friday from 8:00 a.m. to 9:30 p.m. Eastern time.

### Purpose of Form

- Form 990 and Form 990-EZ are used by tax-exempt organizations and nonexempt charitable trusts to provide the IRS with the information required by section 6033.
- An organization's completed Form 990, or Form 990-EZ (except for the schedule of contributors) is available for public inspection as required by section 6104.
- Some members of the public rely on Form 990, or Form 990-EZ, as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes the organization's programs and accomplishments.
- Use the Form 990, and Form 990-EZ, to send a required election to the IRS, such as the election to capitalize costs under section 266.

Contents	Page	M	N	O	P	Q	R	S	T	U	
• Changes To Note .....	1	Public Inspection of Completed Exempt Organization Returns and Approved Exemption Applications....	8								
• Photographs of Missing Children .....	1		Disclosures Regarding Certain Information and Services Furnished.	11							
• Phone Help .....	1			Disclosures Regarding Certain Transactions and Relationships .....	11						
• Purpose of Form .....	1				Taxes on Excess Benefit Transactions .....	11					
• General Instructions.....	2					Erroneous Backup Withholding .....	13				
<b>A</b> Who Must File.....	2						Group Return .....	13			
<b>B</b> Organizations Not Required To File.	2							Organizations in Foreign Countries and U.S. Possessions .....	14		
<b>C</b> Exempt Organization Reference Chart .....	3								Public Interest Law Firms .....	14	
<b>D</b> Forms and Publications To File or Use.....	3									Requirements for a Properly Completed Form 990 or Form 990-EZ .....	14
<b>E</b> Use of Form 990, or Form 990-EZ, To Satisfy State Reporting Requirements.....	4									• Specific Instructions for Form 990....	15
<b>F</b> Other Forms as Partial Substitutes for Form 990 or Form 990-EZ.....	4									• Specific Instructions for Form 990-EZ .....	32
<b>G</b> Accounting Periods and Methods.....	5									• Index .....	39
<b>H</b> When and Where To File .....	5										
<b>I</b> Extension of Time To File .....	5										
<b>J</b> Amended Return/Final Return.....	6										
<b>K</b> Penalties .....	6										
<b>L</b> Contributions.....	6										

### Changes To Note

Final regulations under Code section 6104(d) provide guidance to exempt organizations

---

## General Instructions

**Note:** *The General Instructions apply to both Form 990 and Form 990-EZ, Short Form Return of Organization Exempt From Income Tax. See also the Specific Instructions for each of these forms.*

---

### A. Who Must File

#### Filing tests

If the organization does not meet any of the exceptions listed in General Instruction B, and its annual gross receipts are normally more than \$25,000, it must file Form 990 or Form 990-EZ. See the gross receipts discussion in General Instruction B.

If the organization's gross receipts during the year are less than \$100,000 and its total assets at the end of the year are less than \$250,000, it may file Form 990-EZ, instead of Form 990. Even if the organization meets this test, it can still file Form 990.

**Combined Federal Campaign.** Smaller organizations applying to participate in the Combined Federal Campaign may submit a completed Form 990-EZ (instead of Form 990) to the Office of Personnel Management (OPM).

However, these organizations must also submit to OPM, attached to the Form 990-EZ, pages 1 and 2 of Form 990 with the following completed: Part I, lines 1a-1d and 13-15; Part II, all lines. These organizations should not send this Form 990 attachment to the IRS.

#### Section 501(a), (e), (f), (k), and (n) organizations

Except for those types of organizations listed in General Instruction B, an annual return on Form 990, or Form 990-EZ, is required from every organization exempt from tax under section 501(a), including foreign organizations and cooperative service organizations described in sections 501(e) and (f); child care organizations described in section 501(k); and charitable risk pools described in section 501(n).

Section 501(c)(3), 501(e), (f), (k), and (n) organizations must also attach a completed **Schedule A (Form 990)**, Organization Exempt Under Section 501(c)(3), to their Form 990 or Form 990-EZ.

#### Disregarded Entities

A disregarded entity, as described in Regulations sections 301.7701-1 through 301.7701-3, is treated as a branch or division of its parent organization for Federal tax purposes. Therefore, financial and other information applicable to a disregarded entity must be reported as the parent organization's information.

#### Section 4947(a)(1) nonexempt charitable trusts

Any nonexempt charitable trust (described in section 4947(a)(1)) not treated as a private foundation is also required to file Form 990, or Form 990-EZ, along with a completed Schedule A (Form 990). See the discussion in General Instruction D for exceptions to filing **Form 1041**, U.S. Income Tax Return for Estates and Trusts.

#### If an organization's exemption application is pending

If the organization's application for exemption is pending, check the "application pending" box in the heading of the return and complete the return.

#### If the organization received a Form 990 Package but is not required to file

If the organization received a Form 990 Package with a preaddressed label, we ask that the organization file a return even if it is not required to do so.

- Attach the label to the name and address space on the return. See the Specific Instructions for both Form 990, or Form 990-EZ, Item C.
- Check the box in the heading of the Form 990, or Form 990-EZ, to indicate that the organization's gross receipts are normally not more than \$25,000;
- Sign the return; and
- Send it to the Ogden Service Center. See General Instruction H.
- The organization does not have to complete Parts I through IX of the Form 990, or Parts I through V of the Form 990-EZ.

Following the above instructions will help us to update our records, and we will not have to contact the organization later to ask why no return was filed.

If the organization files a return this way, it will not be mailed a Form 990 Package in later years and does not have to file Form 990, or Form 990-EZ, again until its gross receipts are normally more than \$25,000. If the organization terminates or undergoes a substantial contraction, see the instructions for line 79 of Form 990, or line 36 of Form 990-EZ.

Exempt organizations that filed Form 990, or Form 990-EZ, but are no longer required to file because they meet a specific exemption (other than exemption 14 in General Instruction B) should advise their key District office so their filing status can be updated.

Exempt organizations that are not sure of their key District office may call the IRS at **1-877-829-5500**. Exempt organizations that stop filing Form 990, or Form 990-EZ, without notifying their key District office may receive service center correspondence inquiring about their returns. When responding to these inquiries, these organizations should give the specific reason for not filing.

#### Failure to file and its effect on contributions

Organizations that are eligible to receive tax deductible contributions are listed in **Publication 78**, Cumulative List of Organizations described in Section 170(c) of the Internal Revenue Code of 1986. An organization may be removed from this listing if our records show that it is required to file Form 990, or Form 990-EZ, but it does not file a return or advise us that it is no longer required to file. However, contributions to such an organization may continue to be deductible by the general public until the IRS publishes a notice to the contrary in the Internal Revenue Bulletin.

---

### B. Organizations Not Required To File

**Note:** *Organizations not required to file this form with the IRS may wish to use it to satisfy state reporting requirements. For details, see General Instruction E.*

The following types of organizations exempt from tax under section 501(a) do not have to file Form 990, or Form 990-EZ, with the IRS:

1. A church, an interchurch organization of local units of a church, a convention or association of churches, an integrated auxiliary of a church (such as a men's or women's organization, religious school, mission society, or youth group).
2. Church-affiliated organizations that are exclusively engaged in managing funds or maintaining retirement programs and are

described in Rev. Proc. 96-10, 1996-1 C.B. 577.

3. A school below college level affiliated with a church or operated by a religious order.

4. A mission society sponsored by, or affiliated with, one or more churches or church denominations, if more than half of the society's activities are conducted in, or directed at, persons in foreign countries.

5. An exclusively religious activity of any religious order.

6. A state institution whose income is excluded from gross income under section 115.

7. An organization described in section 501(c)(1). Section 501(c)(1) organizations are corporations organized under an Act of Congress that are:

- Instrumentalities of the United States, and
- Exempt from Federal income taxes.

8. A private foundation exempt under section 501(c)(3) and described in section 509(a). Use **Form 990-PF**, Return of Private Foundation.

9. A black lung benefit trust described in section 501(c)(21). Use **Form 990-BL**, Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons.

10. A stock bonus, pension, or profit-sharing trust that qualifies under section 401. Use **Form 5500**, Annual Return/Report of Employee Benefit Plan.

11. A religious or apostolic organization described in section 501(d). Use **Form 1065**, U.S. Partnership Return of Income.

12. A foreign organization whose annual gross receipts from sources within the U.S. are normally \$25,000 or less (Rev. Proc. 94-17, 1994-1 C.B. 579). See the \$25,000 gross receipts test in **14c**. See also General Instruction A, if the organization received a Form 990 Package.

13. A governmental unit or affiliate of a governmental unit described in Rev. Proc. 95-48, 1995-2 C.B. 418.

14. An organization whose annual gross receipts are normally \$25,000 or less (but see General Instruction A, if the organization received a Form 990 Package).

**a. Calculating gross receipts.** The organization's gross receipts are the total amount it received from all sources during its annual accounting period, without subtracting any costs or expenses.

**1) Form 990.** Gross receipts are the sum of lines 1d, 2, 3, 4, 5, 6a, 7, 8a (both columns), 9a, 10a, and 11 of Part I.

**2) Form 990-EZ.** Gross receipts are the sum of lines 1, 2, 3, 4, 5a, 6a, 7a, and 8 of Part I. Gross receipts can also be calculated by adding back the amounts on lines 5b, 6b, and 7b to the total revenue reported on line 9.

**Example.** On line 9 of its Form 990-EZ for 1999, Organization M reported \$50,000 as total revenue. M added back the costs and expenses it had deducted on lines 5b (\$2,000); 6b (\$1,500); and 7b (\$500) to its total revenue of \$50,000 and determined that its gross receipts for the tax year were \$54,000.

#### b. Gross receipts when acting as agent.

If a local chapter of a section 501(c)(8) fraternal organization collects insurance premiums for its parent lodge and merely sends those premiums to the parent without asserting any right to use the funds or otherwise deriving any benefit from collecting them, the local chapter should not include the premiums in its gross receipts. The parent lodge should report them instead. The same treatment applies in other

situations in which one organization collects funds merely as an agent for another.

**c. \$25,000 gross receipts test.** An organization's gross receipts are considered normally to be \$25,000 or less if the organization is:

- 1) Up to a year old and has received, or donors have pledged to give, \$37,500 or less during its first tax year;
- 2) Between 1 and 3 years old and averaged \$30,000 or less in gross receipts during each of its first 2 tax years; or
- 3) Three (3) years old or more and averaged \$25,000 or less in gross receipts for the immediately preceding 3 tax years (including the year for which the return would be filed).

### C. Exempt Organization Reference Chart

**Note:** To determine how the instructions for Form 990 and Form 990-EZ apply to you, you must know the Code section under which you are exempt.

Type of Organization	I.R.C. Section
Corporations Organized Under Act of Congress.....	501(c)(1)
Title Holding Corporations .....	501(c)(2)
Charitable, Religious, Educational, Scientific, etc., Organizations.....	501(c)(3)
Civic Leagues and Social Welfare Organizations .....	501(c)(4)
Labor, Agricultural, and Horticultural Organizations .....	501(c)(5)
Business Leagues, etc.....	501(c)(6)
Social and Recreation Clubs .....	501(c)(7)
Fraternal Beneficiary and Domestic Fraternal Societies and Associations.....	501(c)(8) & (10)
Voluntary Employees' Beneficiary Associations .....	501(c)(9)
Teachers' Retirement Fund Associations .....	501(c)(11)
Benevolent Life Insurance Associations, Mutual Ditch or Irrigation Companies, Mutual or Cooperative Telephone Companies, etc.....	501(c)(12)
Cemetery Companies .....	501(c)(13)
State Chartered Credit Unions, Mutual Reserve Funds .....	501(c)(14)
Mutual Insurance Companies or Associations .....	501(c)(15)
Cooperative Organizations To Finance Crop Operations.....	501(c)(16)
Supplemental Unemployment Benefit Trusts .....	501(c)(17)
Employee Funded Pension Trusts (created before 6/25/59).....	501(c)(18)
Organizations of Past or Present Members of the Armed Forces .....	501(c)(19) & (23)
Black Lung Benefit Trusts.....	501(c)(21)
Withdrawal Liability Payment Funds.....	501(c)(22)
Title Holding Corporations or Trusts.....	501(c)(25)
State-Sponsored Organizations Providing Health Coverage for High-Risk Individuals.....	501(c)(26)
State-Sponsored Workmen's Compensation and Insurance and Reinsurance Organizations .....	501(c)(27)
Religious and Apostolic Associations .....	501(d)
Cooperative Hospital Service Organizations .....	501(e)
Cooperative Service Organizations of Operating Educational Organizations ....	501(f)
Child Care Organizations.....	501(k)
Charitable Risk Pools .....	501(n)

### D. Forms and Publications To File or Use

**Personal computer.** You can access the IRS's Internet Web Site 24 hours a day, 7 days a week at [www.irs.gov](http://www.irs.gov) to:

- Download forms, instructions, and publications.
- See answers to frequently asked tax questions.
- Search publications on-line by topic or keyword.
- Send us comments or request help via e-mail.
- Sign up to receive local and national tax news by e-mail.

You can also reach us using file transfer protocol at [ftp.irs.gov](http://ftp.irs.gov).

**CD-ROM.** Order Pub. 1796, Federal Tax Products on CD-ROM, and get:

- Current year forms, instructions, and publications.
- Prior year forms, instructions, and publications.
- Popular forms that may be filled in electronically, printed out for submission, and saved for recordkeeping.
- The Internal Revenue Bulletin.

Buy the CD-ROM on the Internet at [www.irs.gov/cdorders](http://www.irs.gov/cdorders) from the National Technical Information Service (NTIS) for \$16 (plus a \$5 handling fee) and save 30%, or call **1-877-CDFORMS** (1-877-233-6767) toll free to buy the CD-ROM for \$23 (plus a \$5 handling fee).

**By phone and in person.** You can order forms and publications 24 hours a day, 7 days a week, by calling **1-800-TAX-FORM** (1-800-829-3676). You can also get most forms and publications at your local IRS office.

**Schedule A (Form 990).** Organization Exempt Under Section 501(c)(3) (Except Private Foundation), 501(e), 501(f), 501(k), 501(n), or Section 4947(a)(1) Nonexempt Charitable Trust. The Schedule A (Form 990) is filed with Form 990, or Form 990-EZ, for a section 501(c)(3) organization that is not a private foundation (and including an organization described in section 501(e), 501(f), 501(k), or 501(n)). It is also filed with Form 990, or Form 990-EZ, for a section 4947(a)(1) nonexempt charitable trust that is not treated as a private foundation. An organization is not required to file Schedule A (Form 990) if its gross receipts are normally \$25,000 or less. See the gross receipts discussion in General Instruction B.

**Forms W-2 and W-3.** Wage and Tax Statement, and Transmittal of Wage and Tax Statements.

**Form 940.** Employer's Annual Federal Unemployment (FUTA) Tax Return.

**Form 941.** Employer's Quarterly Federal Tax Return. Used to report social security, Medicare, and income taxes withheld by an employer and social security and Medicare taxes paid by an employer.

**Form 943.** Employer's Annual Tax Return for Agricultural Employees.

**Trust Fund Recovery Penalty.** If certain excise, income, social security, and Medicare taxes that must be collected or withheld are not collected or withheld, or these taxes are not paid to the IRS, a Trust Fund Recovery Penalty may apply. The Trust Fund Recovery Penalty

may be imposed on all persons (including volunteers) who the IRS determines were responsible for collecting, accounting for, and paying over these taxes, and who acted willfully in not doing so.

This penalty does not apply to volunteer, unpaid members of any board of trustees or directors of a tax-exempt organization, if these members are solely serving in an honorary capacity, do not participate in the day-to-day or financial activities of the organization, and do not have actual knowledge of the failure to collect, account for, and pay over these taxes. However, the preceding sentence does not apply if it results in no person being liable for the penalty.

The penalty is equal to the unpaid trust fund tax. See the instructions for **Pub. 15 (Circular E)**, Employer's Tax Guide, for more details, including the definition of responsible persons.

**Form 990-T.** Exempt Organization Business Income Tax Return. Filed separately for organizations with gross income of \$1,000 or more from business unrelated to the organization's exempt purpose. The Form 990-T is also filed to pay the section 6033(e)(2) proxy tax. For Form 990, see line 85 and its instructions; for Form 990-EZ, see line 35 and its instructions.

**Form 990-W.** Estimated Tax on Unrelated Business Taxable Income for Tax-Exempt Organizations.

**Form 1041.** U.S. Income Tax Return for Estates and Trusts. Required of section 4947(a)(1) nonexempt charitable trusts that also file Form 990 or Form 990-EZ. However, if such a trust does not have any taxable income under Subtitle A of the Code, it can file Form 990, or Form 990-EZ, and does not have to file Form 1041 to meet its section 6012 filing requirement. If this condition is met, complete Form 990, or Form 990-EZ, and do not file Form 1041.

A section 4947(a)(1) nonexempt charitable trust that normally has gross receipts of not more than \$25,000 (see the gross receipts discussion in General Instruction B) and has no taxable income under Subtitle A must complete line 92 and the signature block on page 6 of the Form 990. On the Form 990-EZ, complete line 43 and the signature block on page 2 of the return. In addition, complete only the following items in the heading of Form 990 or Form 990-EZ:

- Item**
- A** Tax year (fiscal year or short period, if applicable)
  - B** Applicable checkboxes
  - C** Name and address
  - D** Employer identification number (EIN)
  - G** Section 4947(a)(1) nonexempt charitable trust box. (**Item I** in Form 990-EZ)

**Form 1096.** Annual Summary and Transmittal of U.S. Information Returns.

**Form 1098 series.** Information returns to report student loan interest and tuition and related expenses received.

**Form 1099 series.** Information returns to report acquisitions or abandonments of secured property, proceeds from broker and barter exchange transactions, interest payments, payments of long-term care and accelerated death benefits, miscellaneous income payments, distributions from a medical savings account, original issue discount, distributions from pensions, annuities, retirement or profit-sharing plans, IRAs,

insurance contracts, etc., and proceeds from real estate transactions. Also, use certain of these returns to report amounts that were received as a nominee on behalf of another person.

**Form 1120-POL.** U.S. Income Tax Return for Certain Political Organizations.

**Form 1128.** Application To Adopt, Change, or Retain a Tax Year.

**Form 2758.** Application for Extension of Time To File Certain Excise, Income, Information, and Other Returns.

**Form 3115.** Application for Change in Accounting Method.

**Form 4506-A.** Request for Public Inspection or Copy of Exempt Organization IRS Form.

**Form 4720.** Return of Certain Excise Taxes on Charities and Other Persons Under Chapters 41 and 42 of the Internal Revenue Code. Section 501(c)(3) organizations that file Form 990, or Form 990-EZ, as well as the managers of these organizations, use this form to report their tax on political expenditures, certain lobbying expenditures, and excess benefit transactions.

**Form 5500.** Annual Return/Report of Employee Benefit Plan. Employers who maintain pension, profit-sharing, or other funded deferred compensation plans are generally required to file the Form 5500. This requirement applies whether or not the plan is qualified under the Internal Revenue Code and whether or not a deduction is claimed for the current tax year.

**Form 5768.** Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation.

**Form 8282.** Donee Information Return. Required of the donee of "charitable deduction property" who sells, exchanges, or otherwise disposes of the property within 2 years after receiving the property.

The form is also required of any successor donee who disposes of charitable deduction property within 2 years after the date that the donor gave the property to the original donee. It does not matter who gave the property to the successor donee. It may have been the original donee or another successor donee.

**Form 8300.** Report of Cash Payments Over \$10,000 Received in a Trade or Business. Used to report cash amounts in excess of \$10,000 that were received in a single transaction (or in two or more related transactions) in the course of a trade or business (as defined in section 162).

However, if the organization receives a charitable cash contribution in excess of \$10,000, it is not subject to the reporting requirement since the funds were not received in the course of a trade or business.

**Form 8822.** Change of Address. Used to notify the IRS of a change in mailing address that occurs after the return is filed.

**Forms 8038, 8038-G, and 8038-GC.** Information Return for Tax-Exempt Private Activity Bond Issues; Information Return for Tax-Exempt Governmental Obligations; and

Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales, respectively.

**Publication 17.** Your Federal Income Tax.

**Publication 525.** Taxable and Nontaxable Income.

**Publication 538.** Accounting Periods and Methods.

**Publication 598.** Tax on Unrelated Business Income of Exempt Organizations.

**Publication 910.** Guide to Free Tax Services.

**Publication 946.** How To Depreciate Property.

**Publication 1391.** Deductibility of Payments Made to Charities Conducting Fund-Raising Events.

---

## E. Use of Form 990, or Form 990-EZ, To Satisfy State Reporting Requirements

Some states and local government units will accept a copy of Form 990, or Form 990-EZ, and Schedule A (Form 990) in place of all or part of their own financial report forms. The substitution applies primarily to section 501(c)(3) organizations, but some of the other types of section 501(c) organizations are also affected.

If you use Form 990, or Form 990-EZ, to satisfy state or local filing requirements, such as those under state charitable solicitation acts, note the following:

### Determine state filing requirements

You should consult the appropriate officials of all states and other jurisdictions in which the organization does business to determine their specific filing requirements. "Doing business" in a jurisdiction may include any of the following: **(a)** soliciting contributions or grants by mail or otherwise from individuals, businesses, or other charitable organizations; **(b)** conducting programs; **(c)** having employees within that jurisdiction; **(d)** maintaining a checking account; or **(e)** owning or renting property there.

### Monetary tests may differ

Some or all of the dollar limitations applicable to Form 990, or Form 990-EZ, when filed with the IRS may not apply when using Form 990, or Form 990-EZ, in place of state or local report forms. Examples of the IRS dollar limitations that do not meet some state requirements are the \$25,000 gross receipts minimum that creates an obligation to file with the IRS (see the gross receipts discussion in General Instruction B) and the \$50,000 minimum for listing professional fees in Part II of Schedule A (Form 990).

### Additional information may be required

State or local filing requirements may require you to attach to Form 990, or Form 990-EZ, one or more of the following: **(a)** additional financial statements, such as a complete analysis of functional expenses or a statement of changes in net assets; **(b)** notes to financial statements; **(c)** additional financial schedules; **(d)** a report on the financial statements by an independent accountant; and **(e)** answers to additional questions and other information. Each jurisdiction may require the additional material to be presented on forms they provide. The additional information does not have to be

submitted with the Form 990, or Form 990-EZ, filed with the IRS.

Even if the Form 990, or Form 990-EZ, the organization files with the IRS is accepted by the IRS as complete, a copy of the same return filed with a state will not fully satisfy that state's filing requirement if required information is not provided, including any of the additional information discussed above, or if the state determines that the form was not completed by following the applicable Form 990, or Form 990-EZ, instructions or supplemental state instructions. If so, the organization may be asked to provide the missing information or to submit an amended return.

### Use of audit guides may be required

To ensure that all organizations report similar transactions uniformly, many states require that contributions, gifts, grants, etc., and functional expenses be reported according to the AICPA industry audit guide, *Not-For-Profit Organizations* (New York, NY, AICPA, 1998), supplemented by *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations* (Washington, DC, National Health Council, Inc., 1998, 4th edition).

### Donated services and facilities

Even though reporting donated services and facilities as items of revenue and expense is called for in certain circumstances by the two publications named above, many states and the IRS do not permit the inclusion of those amounts in Parts I and II of Form 990 or Part I of Form 990-EZ. The optional reporting of donated services and facilities is discussed in the instructions for Part III for both Form 990 and Form 990-EZ.

### Amended returns

If the organization submits supplemental information or files an amended Form 990, or Form 990-EZ, with the IRS, it must also send a copy of the information or amended return to any state with which it filed a copy of Form 990, or Form 990-EZ, originally to meet that state's filing requirement.

If a state requires the organization to file an amended Form 990, or Form 990-EZ, to correct conflicts with Form 990, or Form 990-EZ, instructions, it must also file an amended return with the IRS.

### Method of accounting

Most states require that all amounts be reported based on the accrual method of accounting. See also General Instruction G.

### Time for filing may differ

The deadline for filing Form 990, or Form 990-EZ, with the IRS differs from the time for filing reports with some states.

### Public inspection

The Form 990, or Form 990-EZ, information made available for public inspection by the IRS may differ from that made available by the states. See the **Caution** in General Instruction L under **Schedule of contributors**.

---

## F. Other Forms as Partial Substitutes for Form 990 or Form 990-EZ

Except as provided below, the Internal Revenue Service will not accept any form as a substitute for one or more parts of Form 990 or Form 990-EZ.

### Labor organizations (section 501(c)(5))

A labor organization that files **Form LM-2**, Labor Organization Annual Report, or the shorter **Form LM-3**, Labor Organization Annual

Report, with the U.S. Department of Labor (DOL) can attach a copy of the completed DOL form to Form 990, or Form 990-EZ, to provide some of the information required by Form 990 or Form 990-EZ. This substitution is not permitted if the organization files a DOL report that consolidates its financial statements with those of one or more separate subsidiary organizations.

### Employee benefit plans (section 501(c)(9), (17), or (18))

An employee benefit plan may be able to substitute Form 5500 for part of Form 990 or Form 990-EZ. The substitution can be made if the organization filing Form 990, or Form 990-EZ, and the plan filing Form 5500, meet all the following tests:

1. The Form 990, or Form 990-EZ, filer is organized under section 501(c)(9), (17), or (18);
2. The Form 990, or Form 990-EZ, filer and Form 5500 filer are identical for financial reporting purposes and have identical receipts, disbursements, assets, liabilities, and equity accounts;
3. The employee benefit plan does not include more than one section 501(c) organization, and the section 501(c) organization is not a part of more than one employee benefit plan;
4. The organization's accounting year and the employee plan year are the same. If they are not, you may want to change the organization's accounting year, as explained in General Instruction G, so it will coincide with the plan year.

### Allowable substitution areas

Whether an organization files Form 990, or Form 990-EZ, for a labor organization or for an employee benefit plan, the areas of Form 990, or Form 990-EZ, for which other forms can be substituted are the same. These areas are:

#### Form 990

- Lines 13 through 15 of Part I (but complete lines 16 through 21);
- Part II; and
- Part IV (but complete lines 59, 66, and 74, columns (A) and (B)).

#### Form 990-EZ

- Lines 10 through 16 of Part I (but complete lines 17 through 21).
- Part II (but complete lines 25 through 27, columns (A) and (B)).

If an organization substitutes Form LM-2 or LM-3 for any of the Form 990, or Form 990-EZ, Parts or line items mentioned above, it must attach a reconciliation sheet to show the relationship between the amounts on the DOL forms and the amounts on Form 990 or Form 990-EZ. This is particularly true of the relationship of disbursements shown on the DOL forms and the total expenses on line 17, Part I, of both Form 990 and Form 990-EZ. The organization must make this reconciliation because the cash disbursements section of the DOL forms includes nonexpense items. If the organization substitutes Form LM-2, be sure to complete its separate schedule of expenses.

## G. Accounting Periods and Methods

**Note:** For further information, see Pub. 538.

### Accounting periods

**Calendar year.** Use the 1999 Form 990, or Form 990-EZ, to report on the 1999 calendar year accounting period. A calendar year accounting period begins on January 1 and ends on December 31.

**Fiscal year.** If the organization has established a fiscal year accounting period, use the 1999 Form 990, or Form 990-EZ, to report on the organization's fiscal year that began in 1999 and ended 12 months later. A fiscal year accounting period should normally coincide with the natural operating cycle of the organization. Be certain to indicate in the heading of Form 990, or Form 990-EZ, the date the organization's fiscal year began in 1999 and the date the fiscal year ended in the year 2000.

**Short period.** Use the 1999 Form 990, or Form 990-EZ, to report on a short accounting period (less than 12 months) that **began in 1999** and ended November 30, 2000, or earlier.

Because the Form 990, or Form 990-EZ, for the year 2000 may not be distributed until the year 2001, use the prior year form, the 1999 Form 990, or Form 990-EZ, to report on a short accounting period that begins in the year 2000 and ends November 30, 2000, or earlier. Strike the 1999 year on the form and show the year 2000.

If the organization changes its accounting period, it must file a return on Form 990, or Form 990-EZ, for the short period resulting from the change. Write "Change of Accounting Period" at the top of this short-period return.

If the organization changed its accounting period within the 10-calendar-year period that includes the beginning of the short period, and it had a Form 990, or Form 990-EZ, filing requirement at any time during that 10-year period, it must also attach a Form 1128 to the short-period return. See Rev. Proc. 85-58, 1985-2 C.B. 740.

**Group return.** When affiliated organizations authorize their central organization to file a group return for them, the accounting period of the affiliated organizations and the central organization must be the same. See General Instruction R.

### Accounting methods

Unless instructed otherwise, the organization should generally use the same accounting method on the return to figure revenue and expenses as it regularly uses to keep its books and records. To be acceptable for Form 990, or Form 990-EZ, reporting purposes, however, the method of accounting used must clearly reflect income.

Generally, the organization must file Form 3115 to change its accounting method. Notice 96-30, 1996-1 C.B. 378, provides relief from filing Form 3115 to section 501(c) organizations that change their methods of accounting to comply with the provisions of SFAS 116, *Accounting for Contributions Received and Contributions Made*. In SFAS 116, the Financial Accounting Standards Board revised certain generally accepted accounting principles relating to contributions received and contributions awarded by not-for-profit organizations.

A not-for-profit organization that changes its method of accounting for Federal income tax purposes to conform to the method provided in SFAS 116 should report any adjustment required by section 481(a) on line 20 of Form 990, or Form 990-EZ, as a net asset adjustment made during the year the change is made. The adjustment should be identified as the effect of changing to the method provided in SFAS 116. The beginning of year statement of financial position (balance sheet) should not be restated to reflect any prior period adjustments.

**State reporting.** If the organization prepares Form 990, or Form 990-EZ, for state reporting purposes, it may file an identical return with the IRS even though the return does not agree with

the books of account, unless the way one or more items are reported on the state return conflicts with the instructions for preparing Form 990, or Form 990-EZ, for filing with the IRS.

**Example 1.** The organization maintains its books on the cash receipts and disbursements method of accounting but prepares a state return based on the accrual method. It could use that return for reporting to the IRS.

**Example 2.** A state reporting requirement requires the organization to report certain revenue, expense, or balance sheet items differently from the way it normally accounts for them on its books. A Form 990, or Form 990-EZ, prepared for that state is acceptable for the IRS reporting purposes if the state reporting requirement does not conflict with the Form 990, or Form 990-EZ, instructions.

An organization should keep a reconciliation of any differences between its books of account and the Form 990, or Form 990-EZ, that is filed.

Most states that accept Form 990, or Form 990-EZ, in place of their own forms require that all amounts be reported based on the accrual method of accounting. For further information, see General Instruction E.

## H. When and Where To File

File Form 990, or Form 990-EZ, by the 15th day of the 5th month after the organization's accounting period ends. If the regular due date falls on a Saturday, Sunday, or legal holiday, file on the next business day. A business day is any day that is not a Saturday, Sunday, or legal holiday.

If the organization is liquidated, dissolved, or terminated, file the return by the 15th day of the 5th month after the liquidation, dissolution, or termination.

If the return is not filed by the due date (including any extension granted), attach a statement giving the reasons for not filing on time.

Send the return to the Internal Revenue Service Center, Ogden, UT 84201-0027.

**Private delivery services.** You can use certain private delivery services designated by the IRS to meet the "timely mailing as timely filing/paying" rule for tax returns and payments. The most recent list of designated private delivery services was published by the IRS in August 1999. The list includes only the following:

- Airborne Express (Airborne): Overnight Air Express Service, Next Afternoon Service, Second Day Service.
- DHL Worldwide Express (DHL): DHL "Same Day" Service, DHL USA Overnight.
- Federal Express (FedEx): FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day.
- United Parcel Service (UPS): UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M.

The private delivery service can tell you how to get written proof of the mailing date.

## I. Extension of Time To File

Use Form 2758 to request an extension of time to file Form 990 or Form 990-EZ. Generally, the IRS will not grant an extension of time for more than 90 days. If more time is needed, file a second Form 2758 for an additional 90-day extension. This will be granted only in cases of undue hardship. In no event will an extension of more than 6 months be granted to any domestic organization.

## J. Amended Return/Final Return

To change the organization's return for any year, file a new return including any required attachments. Use the revision of Form 990, or Form 990-EZ, applicable to the year being amended. The amended return must provide all the information called for by the form and instructions, not just the new or corrected information. Check the "Amended return" box in the heading of the return.

The organization may file an amended return at any time to change or add to the information reported on a previously filed return for the same period. It must make the amended return available for public inspection for 3 years from the date of filing or 3 years from the date the original return was due, whichever is later.

The organization must also send a copy of the information or amended return to any state with which it filed a copy of Form 990, or Form 990-EZ, originally to meet that state's filing requirement.

Use Form 4506-A to obtain a copy of a previously filed return. You can obtain blank forms for prior years by calling **1-800-TAX-FORM** (1-800-829-3676).

If the return is a final return, see the specific instructions for Form 990 for line 79, Part VI. For Form 990-EZ, see the specific instructions for line 36, Part V.

## K. Penalties

### Against the organization

Under section 6652(c)(1)(A), a penalty of \$20 a day, not to exceed the smaller of \$10,000 or 5% of the gross receipts of the organization for the year, may be charged when a return is filed late, unless the organization can show that the late filing was due to reasonable cause. Organizations with annual gross receipts exceeding \$1 million are subject to a penalty under section 6652(c)(1)(A) of \$100 for each day the failure continues (with a maximum penalty with respect to any one return of \$50,000). The penalty begins on the due date for filing the Form 990 or Form 990-EZ. The penalty may also be charged if the organization files an incomplete return or furnishes incorrect information. To avoid having to supply missing information later, be sure to complete all applicable line items; answer "Yes," "No," or "N/A" (not applicable) to each question on the return; make an entry (including a zero when appropriate) on all **total** lines; and enter "None" or "N/A" if an entire part does not apply.

### Against responsible person(s)

If the organization does not file a complete return or does not furnish correct information, the IRS will send the organization a letter that includes a fixed time to fulfill these requirements. After that period expires, the person failing to comply will be charged a penalty of \$10 a day, not to exceed \$5,000, unless he or she shows that not complying was due to reasonable cause. If more than one person is responsible, they are jointly and individually liable for the penalty.


There are also penalties—fines and imprisonment—for willfully not filing returns and for filing fraudulent returns and statements with the IRS (sections 7203, 7206, and 7207). There are also penalties for failure to comply with public disclosure requirements as discussed in General Instruction M. States may impose additional penalties for failure to meet their separate filing requirements. See also the discussion of the Trust Fund Recovery Penalty, General Instruction D.

## L. Contributions

### Schedule of contributors

**Note:** *Not open for public inspection. See the Caution below.*

Attach a schedule listing each contributor who gave the organization, directly or indirectly, money, securities, or other property worth \$5,000 or more during the year.

 **Do not** put the names of the contributors on the Form 990, the Form 990-EZ, or the Schedule A (Form 990). List the contributors on a separate schedule.

If no one contributed \$5,000 or more, the organization does not need to attach a schedule.

On the schedule:

1. Total a contributor's gifts of \$1,000 or more to determine if a contributor gave \$5,000 or more. Do not include smaller gifts.
2. Show the contributor's name, address, and the total of each contribution.
3. Describe a noncash contribution fully and show the date received.
4. Report payroll contributions by listing the:
  - a. Employer's name,
  - b. Address, and
  - c. Total amount given (unless the employee gave enough to be listed separately).
5. Report on property with readily determinable market value (i.e., market quotations for securities) by:
  - a. Describing the property, and
  - b. Listing its fair market value—estimate if market value indeterminable.

Contributors include individuals, fiduciaries, partnerships, corporations, associations, trusts, or exempt organizations.

If the organization adjusted its accounts to conform to SFAS 116, and if the adjustment reflected contributions unreported under the old method of accounting for year(s) preceding the year of change and not reported under the new method in the year of change or any subsequent year, any contributor of an amount included in the adjustment who meets the above criteria should be included in the schedule of contributors for the year of the change. See General Instruction G.

If an organization meets either **Exception 1** or **2** below, some information in its schedule will vary from that described above.

**Exception 1.** *An organization described in section 501(c)(3) that meets the 33⅓% support test of the Regulations under sections 509(a)(1)/170(b)(1)(A)(vi) (whether or not the organization is otherwise described in section 170(b)(1)(A)).*

The schedule should give the above information only for contributors whose gifts of \$5,000 or over are more than 2% of the amount reported on line 1d of Form 990 that the organization received during the year (line 1 of Form 990-EZ).

**Exception 2.** *An organization described in section 501(c)(7), (8), or (10) that received contributions or bequests for use exclusively for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals (sections 170(c)(4), 2055(a)(3), or 2522(a)(3)).*


The schedule should list each person whose gifts total more than \$1,000 during the year and show the:

1. Donor's name,
2. Amount given,
3. Specific purpose of the gift, and

### 4. Its specific use.

Show also the total gifts that were \$1,000 or less and were for a religious, charitable, etc., purpose.

If an amount is set aside for a religious, charitable, etc., purpose described above, explain how the amount is held; e.g., whether it is mingled with amounts held for other purposes. If the organization transferred the gift to another organization, name and describe the recipient and explain the relationship between the two organizations.

 **If the organization files a copy of Form 990, or Form 990-EZ, and attachments with any state, do not include, in the attachments for the state, the schedule of contributors discussed above unless the schedule is specifically required by the state with which the organization is filing the return. States that do not require the information might nevertheless make it available for public inspection along with the rest of the return.**

### Solicitations of nondeductible contributions

Any fundraising solicitation by or on behalf of any section 501(c) organization that is not eligible to receive contributions deductible as charitable contributions for Federal income tax purposes must include an explicit statement that contributions or gifts to it are not deductible as charitable contributions. The statement must be in an easily recognizable format whether the solicitation is made in written or printed form, by television or radio, or by telephone. This provision applies only to those organizations whose annual gross receipts are normally more than \$100,000 (section 6113).

Failure to disclose that contributions are not deductible could result in a penalty of \$1,000 for each day on which a failure occurs. The maximum penalty for failures by any organization, during any calendar year, shall not exceed \$10,000. In cases where the failure to make the disclosure is due to intentional disregard of the law, more severe penalties apply. No penalty will be imposed if the failure is due to reasonable cause (section 6710).

### Keeping fundraising records

Section 501(c) organizations that are eligible to receive tax-deductible contributions under section 170(c) of the Code must keep sample copies of their fundraising materials, such as:

- Dues statements,
- Fundraising solicitations,
- Tickets,
- Receipts, or
- Other evidence of payments received in connection with fundraising activities.

IF . . .	THEN . . .
Organizations advertise their fundraising events,	They must keep samples of the advertising copy.
Organizations use radio or television to make their solicitations,	They must keep samples of: <ol style="list-style-type: none"> <li>(a) Scripts,</li> <li>(b) Transcripts, or</li> <li>(c) Other evidence of on-air solicitations.</li> </ol>
Organizations use outside fundraisers,	They must keep samples of the fundraising materials used by the outside fundraisers.

For each fundraising event, organizations must keep records to show that portion of any payment received from patrons that is not deductible; that is, the retail value of the goods or services received by the patrons. See "Disclosure statement for quid pro quo contributions" below.

## Noncash contributions

To report contributions received in a form other than cash, use the market value as of the date of the contribution. For marketable securities registered and listed on a recognized securities exchange, measure market value by the average of the highest and lowest quoted selling prices (or the average between the bona fide bid and asked prices) on the contribution date. See Regulations section 20.2031-2 of the Estate Tax Regulations for rules to determine the value of contributed stocks and bonds. When market value cannot be readily determined, use an appraised or estimated value.

To determine the amount of any noncash contribution that is subject to an outstanding debt, subtract the debt from the property's fair market value. Record the asset at its full value and record the debt as a liability in the books of account. If the organization received a partially completed **Form 8283**, Noncash Charitable Contributions, from a donor, complete it and return it so the donor can get a charitable contribution deduction. Keep a copy for your records. See also the reference to Form 8282 in General Instruction D.

## Substantiation and disclosure requirements

### Acknowledgment to substantiate contributions.

An organization (donee) should be aware that a donor of a charitable contribution of \$250 or more cannot take an income tax deduction unless the donor obtains the organization's acknowledgment to substantiate the charitable contribution.

The organization's acknowledgment must:

1. Be written
2. Be contemporaneous
3. State the amount of any cash it received
4. State:

a. Whether the organization gave the donor any intangible religious benefits (no valuation needed)

b. Whether or not the organization gave the donor any goods or services in return for the donor's contribution (a quid pro quo contribution)

5. Describe goods or services the organization:

- a. Received (no valuation needed)
- b. Gave (good faith estimate needed).

**Exception.** An organization need not make a good faith estimate of a quid pro quo contribution if the goods or services given to a donor are:

- Insubstantial in value
- Certain membership benefits for \$75 or less per year
- Certain goods or services given to the donor's employees or partners.

### Disclosure statement for quid pro quo contributions.

If the organization receives a quid pro quo contribution of more than \$75, an organization must provide a disclosure statement to the donor. The organization's disclosure statement must:

1. Be written
2. Estimate in good faith the organization's goods or services given in return for donor's contribution
3. Describe, but need not value, certain goods or services given donor's employees or partners
4. Inform donor that a deductible charitable contribution deduction is limited as follows:

Donor's contribution

Less: Organization's money, and goods or services given in return

Equals: Donor's deductible charitable contribution.

**Exception:** No disclosure statement required if the organization gave:

1. Goods or services of insubstantial value
2. Certain membership benefits, or
3. An intangible religious benefit.

See Regulations sections 1.170A-1, 1.170A-13, and 1.6115-1.

### Certain goods or services disregarded for substantiation and disclosure purposes.

**Goods or services with insubstantial value.** Generally, under section 170, the deductible amount of a contribution is determined by taking into account the fair market value, not the cost to the charity, of any benefits received in return. However, the cost to the charity may be used in determining whether the benefits are insubstantial. See below.

**Cost basis.** If a taxpayer makes a payment of \$36.00 or more to a charity and receives only token items in return, the items have insubstantial value if they:

- Bear the charity's name or logo, and
- Have an aggregate cost to the charity of \$7.20 or less ("low-cost article" amount of section 513(h)(2)).

**Fair market value basis.** If a taxpayer makes a payment to a charitable organization in a fundraising campaign and receives benefits with a fair market value of not more than 2% of the amount of the payment, or \$72, whichever is less, the benefits received have insubstantial value in determining the taxpayer's contribution.

The dollar amounts given above are applicable to tax year 1999. They are adjusted annually for inflation.

When a donee organization provides a donor only with goods or services having insubstantial value under Rev. Proc. 98-61, 1998-2 C.B. 811 (and any successor documents), the contemporaneous written acknowledgment may indicate that no goods or services were provided in exchange for the donor's payment.

**Certain membership benefits.** Other goods or services that are disregarded for substantiation and disclosure purposes are annual membership benefits offered to a taxpayer in exchange for a payment of \$75 or less per year that consist of:

1. Any rights or privileges that the taxpayer can exercise frequently during the membership period such as:
  - a. Free or discounted admission to the organization's facilities or events,
  - b. Free or discounted parking,
2. Admission to events that are:
  - a. Open only to members, and are, per person,
  - b. Within the "low-cost article" limitation.

### Examples.

1. E offers a basic membership benefits package for \$75. The package gives members the right to buy tickets in advance, free parking, and a gift shop discount of 10%. E's \$150 preferred membership benefits package also includes a \$20 poster. Both the basic and preferred membership packages are for a 12-month period and include about 50 productions. E offers F, a patron of the arts, the preferred membership benefits in return for a payment of \$150 or more. F accepts the preferred membership benefits package for

\$300. E's written acknowledgment satisfies the substantiation requirement if it describes the poster, gives a good faith estimate of its fair market value (\$20), and disregards the remaining membership benefits.

2. If F received only the basic membership package for its \$300 payment, E's acknowledgment need state only that no goods or services were provided.

3. G Theater Group performs four plays. Each play is performed twice. Nonmembers can purchase a ticket for \$15. For a \$60 membership fee, however, members are offered free admission to any of the performances. H makes a payment of \$350 and accepts this membership benefit. Because of the limited number of performances, the membership privilege cannot be exercised frequently. Therefore, G's acknowledgment must describe the free admission benefit and estimate its value in good faith.

**Certain goods or services provided to donor's employees or partners.** Certain goods or services provided to employees or partners of donors may be disregarded for substantiation and disclosure purposes. Describe such goods or services. A good faith estimate is not needed.

**Example.** Museum J offers a basic membership benefits package for \$40. It includes free admission and a 10% gift shop discount. Corporation K makes a \$50,000 payment to J and in return, J offers K's employees free admission, a tee shirt with J's logo that costs J \$4.50, and a 25% gift shop discount. Because the free admission is offered in both benefit packages and the value of the tee shirts is insubstantial, K's written acknowledgment need not value the free admission benefit or the tee shirts. However, because the 25% gift shop discount to K's employees differs from the 10% discount offered in the basic membership benefits package, K's written acknowledgment must describe the 25% discount, but need not estimate its value.

### Definitions.

**Substantiation.** It is the responsibility of the donor:

- To value a donation, and
- To obtain an organization's written acknowledgment substantiating the donation.

There is no prescribed format for the organization's written acknowledgment of a donation. Letters, postcards, or computer-generated forms may be acceptable. The acknowledgment must, however, provide sufficient information to substantiate the amount of the deductible contribution.

The organization may either provide:

- Separate statements for each contribution of \$250 or more, or
- Furnish periodic statements substantiating contributions of \$250 or more.

Separate contributions of less than \$250 are not subject to the requirements of section 170(f)(8), regardless of whether the sum of the contributions made by a taxpayer to a donee organization during a taxable year equals \$250 or more.

**Contemporaneous.** A written acknowledgment is contemporaneous if the donor obtains it on or before the earlier of:

- The date the donor files the original return for the taxable year in which the contribution was made; or
- The due date (including extensions) for filing the donor's original return for that year.

### Substantiation of payroll contributions.

An organization may substantiate a payroll contribution by:



- A pay stub, Form W-2, or other document showing a contribution to a donee organization; and
- A pledge card or other document from the donee organization stating that organization provides no goods or services for any payroll contributions.

The amount withheld from each payment of wages to a taxpayer is treated as a separate contribution.

**Substantiation of payments to a college or university for the right to purchase tickets to athletic events.** The right to purchase tickets for an athletic event is valued at 20% of the payment.

**Example.** When a taxpayer pays \$312.50 for the right to purchase tickets for an athletic event, the right is valued at \$62.50. The remaining \$250 is a charitable contribution that the taxpayer must substantiate.

**Substantiation of matched payments.** If a taxpayer's payment to a donee organization is matched by another payor, and the taxpayer receives goods or services in consideration for its payment and some or all of the matching payment, those goods or services will be treated as provided in consideration for the taxpayer's payment and not in consideration for the matching payment.

**Disclosure statement.** An organization must provide a written disclosure statement to donors who make a payment, described as a "quid pro quo contribution," in excess of \$75 (section 6115). This requirement is separate from the written substantiation acknowledgment a donor needs for deductibility purposes. While, in certain circumstances, an organization may be able to meet both requirements with the same written document, an organization must be careful to satisfy the section 6115 written disclosure statement requirement in a timely manner because of the penalties involved.

**Quid pro quo contribution.** A "quid pro quo contribution" is a payment that is given both as a contribution and as a payment for goods or services provided by the donee organization.

**Example.** A donor gives a charity \$100 in consideration for a concert ticket valued at \$40 (a quid pro quo contribution). In this example, \$60 would be deductible. Because the donor's payment exceeds \$75, the organization must furnish a disclosure statement even though the taxpayer's deductible amount does not exceed \$75. Separate payments of \$75 or less made at different times of the year for separate fundraising events will not be aggregated for purposes of the \$75 threshold.

**Good faith estimate.** An organization may use any reasonable method in making a good faith estimate of the value of goods or services

provided by an organization in consideration for a taxpayer's payment to that organization. A good faith estimate of the value of goods or services that are not generally available in a commercial transaction may be determined by reference to the fair market value of similar or comparable goods or services. Goods or services may be similar or comparable even though they do not have the unique qualities of the goods or services that are being valued.

**Goods or services.** Goods or services mean:

- Cash,
- Property,
- Services,
- Benefits, and
- Privileges.

**In consideration for.** A donee organization provides goods or services in consideration for a taxpayer's payment if, at the time the taxpayer makes the payment to the donee organization, the taxpayer receives, or expects to receive, goods or services in exchange for that payment.

Goods or services a donee organization provides in consideration for a payment by a taxpayer include goods or services provided in a year other than the year in which the donor makes the payment to the donee organization.

**Intangible religious benefits.** Intangible religious benefits must be provided by organizations organized exclusively for religious purposes.

**Examples include:**

- Admission to a religious ceremony, and
- *De minimis* tangible benefits, such as wine, provided in connection with a religious ceremony.

**Distributing organization as donee.** An organization described in section 170(c), or an organization described as a Principal Combined Fund Organization for purposes of the Combined Federal Campaign, that receives a payment made as a contribution is treated as a donee organization even if the organization distributes the amount received to one or more organizations described in section 170(c).

**Penalties.** A charity that knowingly provides a false substantiation acknowledgment to a donor may be subject to the penalties under section 6701 for aiding and abetting an understatement of tax liability.

Charities that fail to provide the required disclosure statement for a quid pro quo contribution of more than \$75 will incur a penalty of \$10 per contribution, not to exceed \$5,000 per fundraising event or mailing. The

charity may avoid the penalty if it can show that the failure was due to reasonable cause (section 6714).

## M. Public Inspection of Completed Exempt Organization Returns and Approved Exemption Applications

### Through the IRS

Forms 990, 990-EZ, and certain other completed exempt organization returns are available for public inspection and copying upon request. Approved applications for exemption from Federal income tax are also available. However, the IRS may not disclose portions of an application relating to any trade secrets, etc.; nor can the IRS disclose the schedule of contributors required as an attachment for line 1 of Form 990 and Form 990-EZ (section 6104).

A request for inspection must:

- Be in writing.
- Include the name and address (city and state) of the organization that filed the return or application.
- Indicate the type (number) of the return and the year(s) involved.
- Be sent to the District Director (Attention: Disclosure Officer) of the district in which the requester desires to inspect the return or application, or if inspection at the IRS National Office is desired, the request should be sent to:

Commissioner of Internal Revenue  
Attention: Freedom of Information Reading Room  
1111 Constitution Avenue, NW  
Washington, DC 20224

Use Form 4506-A to request public inspection or copy of an exempt organization return through the IRS. There is a fee for photocopying.

### Through the organization

Treasury Decision 8818, issued on April 8, 1999, contains final regulations regarding public disclosure requirements under Code section 6104(d), as amended by the Tax and Trade Relief Extension Act of 1998. These regulations became effective June 8, 1999.

Regulations sections 301.6104(d)-2 through 301.6104(d)-5 provide a tax-exempt organization, other than a private foundation, with the guidance needed for making the organization's application for tax exemption and annual returns available for public inspection and for fulfilling requests for copies of these forms.



**Public inspection and distribution of applications for tax exemption and annual information returns of tax-exempt organizations (other than private foundations).** A tax-exempt organization, other than a private foundation, must:

- make its application for recognition of exemption and its annual information returns available for public inspection without charge at its principal, regional and district offices during regular business hours.
- make each annual information return available for a period of 3 years beginning on the date the return is required to be filed (determined with regard to any extension of time for filing) or is actually filed, whichever is later.
- provide a copy without charge, other than a reasonable fee for reproduction and actual postage costs, of all or any part of any application or return required to be made available for public inspection to any individual who makes a request for such copy in person or in writing (except as provided in Regulations sections 301.6104(d)-4 and -5).

**Definitions.**

**Tax-exempt organization** is any organization that is described in section 501(c) or section 501(d) and is exempt from taxation under section 501(a).

**Private foundation** means a private foundation as defined in section 509(a).

**Application for tax exemption** includes (except as described later):

- any prescribed application form (such as Form 1023 or Form 1024),
- all documents and statements the IRS requires an applicant to file with the form,
- any statement or other supporting document submitted in support of the application, and
- any letter or other document issued by the IRS concerning the application.

“Application for tax exemption” **does not** include:

- any application for tax exemption filed before July 15, 1987, unless the organization filing the application had a copy of the application on July 15, 1987; or
- any material that is not available for public inspection under section 6104.

**Annual information return** includes:

- an exact copy of the Form 990, Schedule A (Form 990), and Form 990-EZ filed by a tax-exempt organization as required by section 6033.
- any amended return the organization files with the IRS after the date the original return is filed.

The copy must include all information furnished to the IRS on Form 990, or Form 990-EZ, as well as all schedules, attachments and supporting documents, except for the name and address of any contributor to the organization.

**Annual returns more than 3 years old.**

An annual information return does not include any return after the expiration of 3 years from the date the return is required to be filed (including any extension of time that has been granted for filing such return) or is actually filed, whichever is later.

If an organization files an amended return, however, the amended return must be made available for a period of 3 years beginning on the date it is filed with the IRS.

**Local or subordinate organizations.** For rules relating to annual information returns of local or subordinate organizations, see Regulations section 301.6104(d)-3(f)(2).

**Regional or district offices.** A regional or district office is any office of a tax-exempt organization, other than its principal office, that has paid employees, whether part-time or full-time, whose aggregate number of paid hours a week are normally at least 120.

A site is not considered a regional or district office, however, if—

The only services provided at the site further exempt purposes (such as day care, health care or scientific or medical research); and

The site does not serve as an office for management staff, other than managers who are involved solely in managing the exempt function activities at the site.

**Special rules relating to public inspection.**

**Permissible conditions on public inspection.** A tax-exempt organization—

- may have an employee present in the room during an inspection.
- must allow the individual conducting the inspection to take notes freely during the inspection.
- must allow the individual to photocopy the document at no charge, if the individual provides photocopying equipment at the place of inspection.

**Organizations that do not maintain permanent offices.** A tax-exempt organization with no permanent office—

- must make its application for tax exemption and its annual information returns available for inspection at a reasonable location of its choice.
- must permit public inspection within a reasonable amount of time after receiving a request for inspection (normally not more than 2 weeks) and at a reasonable time of day.
- may mail, within 2 weeks of receiving the request, a copy of its application for tax exemption and annual information returns to the requester instead of allowing an inspection.
- may charge the requester for copying and actual postage costs only if the requester consents to the charge.

However, an organization that has a permanent office, but has no office hours, or very limited hours during certain times of the year, must make its documents available during those periods when office hours are limited, or not available, as though it were an organization without a permanent office.

**Special rules relating to copies.**

**Time and place for providing copies in response to requests made in-person.** A tax-exempt organization must provide copies of the documents it is required to provide under section 6104(d) in response to a request made in person at its principal, regional and district offices during regular business hours.

Except for unusual circumstances (see below), an organization must provide such copies to a requester on the day the request is made.

**Unusual circumstances.** In the case of an in-person request, where unusual circumstances exist so that fulfilling the request on the same business day causes an unreasonable burden to the tax-exempt organization, the organization must provide the copies no later than the next business day following the day that the unusual circumstances cease to exist or the 5th business day after the date of the request, whichever occurs first.

Unusual circumstances include:

- receipt of a volume of requests that exceeds the organization's daily capacity to make copies;
- requests received shortly before the end of regular business hours that require an extensive amount of copying; or
- requests received on a day when the organization's managerial staff capable of fulfilling the request is conducting special duties, such as student registration or attending an off-site meeting or convention, rather than its regular administrative duties.

**Agents for providing copies.** For rules relating to use of agents to provide copies, see Regulations sections 301.6104(d)-3(d)(1) and (2).

**Request for copies in writing.** A tax-exempt organization must honor a written request for a copy of documents (or the requested part) that the organization is required to provide under section 6104(d) if the request:

1. Is addressed to, and delivered by mail, electronic mail, facsimile, or a private delivery service, as defined in section 7502(f), to a principal, regional, or district office of the organization; and
2. Sets forth the address to which the copy of the documents should be sent.

**Time and manner of fulfilling written requests.**

<b>IF the tax-exempt organization</b>	<b>THEN the organization</b>
Receives a written request for a copy,	Must mail the copy of the requested documents (or the requested parts) within 30 days from the date it receives the request.
Mails the copy of the requested document,	Is deemed to have provided the copy on the postmark date or private delivery mark (if sent by certified or registered mail, the date of registration or the date of the postmark on the sender's receipt).
Requires payment in advance,	Is required to provide the copies within 30 days from the date it receives payment.
Receives a request or payment by mail,	Is deemed to have received it 7 days after the date of the postmark, absent evidence to the contrary.
Receives a request transmitted by electronic mail or facsimile,	Is deemed to have received it the day the request is transmitted successfully.
Receives a written request without payment or with an insufficient payment, when payment in advance is required,	Must notify the requester of the prepayment policy and the amount due within 7 days from the date of the request's receipt.
Receives consent from an individual making a request,	May provide a copy of the requested document exclusively by electronic mail (the material is provided on the date the organization successfully transmits the electronic mail).

**Request for a copy of parts of document.**

A tax-exempt organization must fulfill a request for a copy of the organization's entire application for tax exemption or annual information return or any specific part or schedule of its application or return. A request for a copy of less than the entire application or less than the entire return must specifically identify the requested part or schedule.

**Fees for copies.** A tax-exempt organization may charge a reasonable fee for providing copies. A fee is reasonable only if it is no more than the per-page copying fee charged by the IRS for providing copies to a requester, plus no more than the actual postage costs incurred by the organization to provide the copies. See Regulations section 601.702(f)(5)(iv)(B)). The current copying fee is \$1.00 for the first page and \$.15 for each subsequent page.

Before the organization provides the documents, it may require that the individual requesting copies of the documents pay the fee. If the organization has provided an individual making a request with notice of the fee, and the individual does not pay the fee within 30 days, or if the individual pays the fee by check and the check does not clear upon deposit, the organization may disregard the request.

**Form of payment—(A) Request made in person.** If a tax-exempt organization charges a fee for copying, it must accept payment by cash and money order for requests made in person. The organization may accept other forms of payment, such as credit cards and personal checks.

**(B) Request made in writing.** If a tax-exempt organization charges a fee for copying and postage, it must accept payment by certified check, money order, and either personal check or credit card for requests made in writing. The organization may accept other forms of payment.

**Avoidance of unexpected fees.** Where a tax-exempt organization does not require prepayment and a requester does not enclose payment with a request, an organization must receive consent from a requester before providing copies for which the fee charged for copying and postage exceeds \$20.

**Documents to be provided by regional and district offices.** Except as otherwise provided, a regional or district office of a tax-exempt organization must satisfy the same rules as the principal office with respect to allowing public inspection and providing copies of its application for tax exemption and annual information returns.

A regional or district office is not required, however, to make its annual information return available for inspection or to provide copies until 30 days after the date the return is required to be filed (including any extension of time that is granted for filing such return) or is actually filed, whichever is later.

**Documents to be provided by local and subordinate organizations.**

**Applications for tax exemption.** Except as otherwise provided, a tax-exempt organization that did not file its own application for tax exemption (because it is a local or subordinate organization covered by a group exemption letter) must, upon request, make available for public inspection, or provide copies of, the application submitted to the IRS by the central or parent organization to obtain the group exemption letter and those documents which were submitted by the central or parent organization to include the local or subordinate organization in the group exemption letter.

However, if the central or parent organization submits to the IRS a list or directory of local or subordinate organizations

covered by the group exemption letter, the local or subordinate organization is required to provide only the application for the group exemption ruling and the pages of the list or directory that specifically refer to it. The local or subordinate organization must permit public inspection, or comply with a request for copies made in person, within a reasonable amount of time (normally not more than 2 weeks) after receiving a request made in person for public inspection or copies and at a reasonable time of day. See Regulations section 301.6104(d)-3(f) for further information.

**Annual information returns.** A local or subordinate organization that does not file its own annual information return (because it is affiliated with a central or parent organization that files a group return) must, upon request, make available for public inspection, or provide copies of, the group returns filed by the central or parent organization.

However, if the group return includes separate schedules with respect to each local or subordinate organization included in the group return, the local or subordinate organization receiving the request may omit any schedules relating only to other organizations included in the group return.

The local or subordinate organization must permit public inspection, or comply with a request for copies made in person, within a reasonable amount of time (normally not more than 2 weeks) after receiving a request made in person for public inspection or copies and at a reasonable time of day.

In a case where the requester seeks inspection, the local or subordinate organization may mail a copy of the applicable documents to the requester within the same time period instead of allowing an inspection. In such a case, the organization may charge the requester for copying and actual postage costs only if the requester consents to the charge.

If the local or subordinate organization receives a written request for a copy of its annual information return, it must fulfill the request by providing a copy of the group return in the time and manner specified in the paragraph above, **Request for copies in writing.**

The requester has the option of requesting from the central or parent organization, at its principal office, inspection or copies of group returns filed by the central or parent organization. The central or parent organization must fulfill such requests in the time and manner specified in the paragraphs, **Special rules relating to public inspection** and **Special rules relating to copies** above.

**Failure to comply.** If an organization fails to comply with the requirements specified in this paragraph, the penalty provisions of sections 6652(c)(1)(C), 6652(c)(1)(D), and 6685 apply.

**Making applications and returns widely available.** A tax-exempt organization is not required to comply with a request for a copy of its application for tax exemption or an annual information return if the organization has made the requested document widely available (see below).

An organization that makes its application for tax exemption and/or annual information return widely available must nevertheless make the document available for public inspection as required under Regulations section 301.6104(d)-3(a).

A tax-exempt organization makes its application for tax exemption and/or an annual information return widely available if the organization complies with the Internet posting requirements and the notice requirements given below.

**Internet posting.** A tax-exempt organization can make its application for tax exemption and/or an annual information return widely available by posting the document on a World Wide Web page that the tax-exempt organization establishes and maintains or by having the document posted, as part of a database of similar documents of other tax-exempt organizations, on a World Wide Web page established and maintained by another entity. The document will be considered widely available only if—

(A) the World Wide Web page through which it is available clearly informs readers that the document is available and provides instructions for downloading it;

(B) the document is posted in a format that, when accessed, downloaded, viewed and printed in hard copy, exactly reproduces the image of the application for tax exemption or annual information return as it was originally filed with the IRS, except for any information permitted by statute to be withheld from public disclosure; and

(C) any individual with access to the Internet can access, download, view and print the document without special computer hardware or software required for that format (other than software that is readily available to members of the public without payment of any fee) and without payment of a fee to the tax-exempt organization or to another entity maintaining the World Wide Web page.

**Transition rule.** A tax-exempt organization that posted its application for tax exemption or its annual information returns on a World Wide Web page on or before April 9, 1999, in a manner consistent with regulation project REG-246250-96 (1997-2 C.B. 627) will be treated as satisfying the requirements of paragraphs (B) and (C) above until June 8, 2000, provided that an individual can access, download, view and print the document without payment of a fee to the tax-exempt organization or to another entity maintaining the World Wide Web page.

**Reliability and accuracy.** In order for the document to be widely available through an Internet posting, the entity maintaining the World Wide Web page must have procedures for ensuring the reliability and accuracy of the document that it posts on the page and must take reasonable precautions to prevent alteration, destruction or accidental loss of the document when posted on its page. In the event that a posted document is altered, destroyed or lost, the entity must correct or replace the document.

**Notice requirement.** If a tax-exempt organization has made its application for tax exemption and/or an annual information return widely available, it must notify any individual requesting a copy where the documents are available (including the address on the World Wide Web, if applicable). If the request is made in person, the organization must provide such notice to the individual immediately. If the request is made in writing, the notice must be provided within 7 days of receiving the request.

**Tax-exempt organization subject to harassment campaign.** If the district director (or designee) determines that the organization is being harassed, a tax-exempt organization is not required to comply with any request for copies that it reasonably believes is part of a harassment campaign.

Whether a group of requests constitutes a harassment campaign depends on the relevant facts and circumstances such as:

A sudden increase in requests; an extraordinary number of requests by form letters or similarly worded correspondence; hostile requests; evidence showing bad faith

or deterrence of the organization's exempt purpose; prior provision of the requested documents to the purported harassing group; and a demonstration that the organization routinely provides copies of its documents upon request.

A tax-exempt organization may disregard any request for copies of all or part of any document beyond the first two received within any 30-day-period or the first four received within any 1-year-period from the same individual or the same address, regardless of whether the district director (or designee) has determined that the organization is subject to a harassment campaign.

A tax-exempt organization may apply for a determination that it is the subject of a harassment campaign and that compliance with requests that are part of the campaign would not be in the public interest by submitting a signed application to the district director (or designee) for the key district where the organization's principal office is located.

In addition, the organization may suspend compliance with any request it reasonably believes to be part of the harassment campaign until it receives a response to its application for a harassment campaign determination. However, if the district director (or designee) determines that the organization did not have a reasonable basis for requesting a determination that it was subject to a harassment campaign or reasonable belief that a request was part of the campaign, the officer, director, trustee, employee, or other responsible individual of the organization remains liable for any penalties for not providing the copies in a timely fashion. See Regulations section 301.6104(d)-5.

## N. Disclosures Regarding Certain Information and Services Furnished

A section 501(c) organization that offers to sell or solicits money for specific information or a routine service for any individual that could be obtained by such individual from a Federal government agency free or for a nominal charge must disclose that fact conspicuously when making such offer or solicitation. Any organization that intentionally disregards this requirement will be subject to a penalty for each day on which the offers or solicitations are made. The penalty imposed for a particular day is the greater of \$1,000 or 50% of the total cost of the offers and solicitations made on that day that lacked the required disclosure (section 6711).

## O. Disclosures Regarding Certain Transactions and Relationships

In their annual returns on Schedule A (Form 990), section 501(c)(3) organizations must disclose information regarding their direct or indirect transfers to, and other direct or indirect relationships with, other section 501(c) organizations (except other section 501(c)(3) organizations) or section 527 political organizations (section 6033(b)(9)). This provision helps prevent the diversion or expenditure of a section 501(c)(3) organization's funds for purposes not intended by section 501(c)(3). All section 501(c)(3) organizations must maintain records regarding all such transfers, transactions, and relationships. See also General Instruction K regarding penalties.

## P. Taxes on Excess Benefit Transactions

A section 4958 excess benefit transaction is any transaction in which an "applicable tax-exempt organization" gives a "disqualified person" an economic benefit that exceeds the value of the benefit the organization received in the exchange. An excess benefit transaction also includes certain revenue-sharing transactions.

An applicable tax-exempt organization is any section 501(c)(3) organization (except private foundations) or any section 501(c)(4) organization at the time of the excess benefit transaction or at any time during the 5-year period ending on the date of the transaction.

In 1998-34 I.R.B. 9, the Internal Revenue Service proposed new and amended regulations under section 4958. These proposed regulations are to be used to establish whether compensation arrangements between the organization and a disqualified person are reasonable. These regulations also establish whether the transfer or right to use property, or any other benefit or privilege between the organization and a disqualified person, is at fair market value. The organization's governing body, or committee, will use this information to document whether compensation was reasonable or any other benefit was at fair market value.

Taxpayers may rely on these proposed regulations pending the issuance of final regulations. If future guidance is more restrictive than the guidance in the proposed regulations, the future guidance will be applied without retroactive effect.

### Taxes on excess benefit transactions.

There are three taxes under section 4958. Disqualified persons are liable for the first two taxes. Certain organization managers are liable for the third tax.

**Tax on disqualified persons.** A disqualified person who receives an excess benefit from a transaction is liable for a tax equal to 25% of the excess benefit. If the excess benefit is not corrected within the taxable period, the disqualified person is then liable for a tax of 200% of the excess benefit.

If the excess benefit is corrected within the correction period, the 200% tax under section 4958(b) is not assessed. If the excess benefit is corrected within the correction period, and it is established that the excess benefit transaction was due to reasonable cause and not to willful neglect, the 25% tax under section 4958(a)(1) will be abated.

**Tax on organization managers.** Each organization manager who participated in the excess benefit transaction, knowing that it was such a transaction, unless such participation was not willful and was due to reasonable cause, is liable for a tax equal to 10% of the excess benefit, not to exceed an aggregate amount of \$10,000 with respect to any one excess benefit transaction.

An organization manager is, with respect to any applicable tax-exempt organization, any officer, director, or trustee of such organization, or any individual having powers or responsibilities similar to those of officers, directors, or trustees of the organization.

An individual who is not an officer, director, or trustee, yet serves on a committee of the governing body of an applicable tax-exempt organization that is invoking the rebuttable presumption of reasonableness based on the committee's action, however, is an organization manager for purposes of the 10% tax.

**Joint and several liability.** With respect to any specific excess benefit transaction, if more than one person is liable for any of the taxes

imposed by section 4958, all persons with respect to whom a particular tax is imposed are jointly and severally liable for that tax. For instance, if more than one disqualified person benefits from the same transaction, all the benefiting disqualified persons are jointly and severally liable for the respective section 4958(a)(1) or (b) taxes on that transaction.

Where an organization manager also receives an excess benefit from an excess benefit transaction, the manager may be liable for both taxes imposed by section 4958(a).

In general, a transaction occurs on the date on which a disqualified person receives an economic benefit from the applicable tax-exempt organization for Federal income tax purposes. In the case of payment of deferred compensation, the transaction occurs on the date the deferred compensation is earned and vested.

The proposed regulations provide that the taxes imposed on excess benefit transactions apply to transactions occurring on or after September 14, 1995. However, these taxes do not apply to a transaction pursuant to a written contract that was binding on September 13, 1995, and at all times thereafter before the transaction occurred.

**Applicable tax-exempt organization.** The proposed regulations generally define an applicable tax-exempt organization as any organization that, without regard to any excess benefit, is or would have been described in sections 501(c)(3) or (4), and exempt from tax under section 501(a) at any time during a 5-year period ending on the date of an excess benefit transaction (the lookback period).

To be described in section 501(c)(3) for purposes of section 4958, an organization must meet the requirements of section 508 (subject to any applicable exceptions provided by that section).

A private foundation as defined in section 509(a) is not an applicable tax-exempt organization for section 4958 purposes.

An organization that has applied for and received recognition of exemption as an organization described in section 501(c)(4) is an applicable tax-exempt organization for section 4958 purposes.

A foreign organization that receives substantially all of its support from sources outside of the United States is not an applicable tax-exempt organization for section 4958 purposes.

**Disqualified person.** The proposed regulations define a disqualified person as a person who, with respect to any transaction with an applicable tax-exempt organization, at any time during a 5-year period beginning after September 13, 1995, and ending on the date of such transaction, was in a position to exercise substantial influence over the affairs of the organization.

Certain persons are defined as disqualified persons under section 4958(f). Included are certain family members of disqualified persons and 35%-controlled entities (a corporation in which a disqualified person owns more than 35% of the combined voting power; a partnership in which a disqualified person owns more than 35% of the profits interest; or a trust or estate in which a disqualified person owns more than 35% of the beneficial interest).

The proposed regulations identify certain persons that have substantial influence over the affairs of an applicable tax-exempt organization. These persons include:

1. Any individual who is a voting member on the governing body of the organization;
2. Any individual or individuals who have the power or responsibilities of the president,

chief executive officer or chief operating officer of an organization;

3. Any individual or individuals who have the power or responsibilities of treasurer or chief financial officer of an organization; and

4. Any person who has a material financial interest in certain provider-sponsored organizations in which a hospital that is an applicable tax-exempt organization participates.

The proposed regulations establish two categories of persons that do not have substantial influence over the affairs of an applicable tax-exempt organization:

1. Other applicable tax-exempt organizations described in section 501(c)(3), and

2. Any employee who:

a. Receives economic benefits, directly or indirectly from the organization, of less than the amount of compensation referenced for a highly compensated employee in section 414(q)(1)(B)(i) (for the taxable year in which the benefits are provided),

b. Is not a statutorily defined disqualified person,

c. Is not specifically identified by the regulations as having substantial influence, and

d. Is not a substantial contributor to the organization within the meaning of section 507(d)(2).

The proposed regulations provide that except as specified in the categories set forth in section 4958(f), or in the proposed regulation, as outlined above, the determination of whether a person has substantial influence over the affairs of an organization is based on all relevant facts and circumstances.

A person who has managerial control over a segment of an organization may nonetheless be in a position to exercise substantial influence over the affairs of the entire organization.

Facts and circumstances that show a person has substantial influence over the affairs of an organization include, but are not limited to, the following:

1. The person founded the organization;

2. The person is a substantial contributor (within the meaning of section 507(d)(2)) to the organization;

3. The person's compensation is based on revenues derived from activities of the organization that the person controls;

4. The person has authority to control or determine a significant portion of the organization's capital expenditures, operating budget, or compensation for employees;

5. The person has managerial authority or serves as a key advisor to a person with managerial authority; or

6. The person owns a controlling interest in a corporation, partnership, or trust that is a disqualified person.

Facts and circumstances tending to show that a person does not have substantial influence over the affairs of an organization include, but are not limited to, the following:

1. The person has taken a *bona fide* vow of poverty as an employee, agent, or on behalf of a religious organization;

2. The person is an independent contractor, such as an attorney, accountant, or investment manager or advisor, acting in that capacity, unless the person is acting in that capacity with respect to a transaction from which the person might economically benefit either directly or indirectly (aside from fees received for the professional services rendered); and

3. Any preferential treatment a person receives based on the size of that person's

donation is also offered to any other donor making a comparable contribution as part of a solicitation intended to attract a substantial number of contributions.

In the case of multiple organizations affiliated by common control or governing documents, the determination of whether a person does or does not have substantial influence will be made separately for each applicable tax-exempt organization.

**Excess benefit transaction.** The proposed regulations state that an excess benefit transaction is any transaction in which an economic benefit is provided by an applicable tax-exempt organization directly or indirectly to any disqualified person if the value of the economic benefit provided exceeds the value of the consideration (including the performance of services) received for providing such benefit.

An excess benefit transaction also includes certain revenue-sharing transactions (described later). A benefit can be provided indirectly if it is provided through one or more entities controlled by or affiliated with the applicable tax-exempt organization.

Certain economic benefits provided by an applicable tax-exempt organization to a disqualified person are disregarded for purposes of section 4958. These include:

1. Paying reasonable expenses for members of the governing body of an applicable tax-exempt organization to attend meetings of the governing body of the organization, not including expenses for luxury travel or spousal travel;

2. An economic benefit provided to a disqualified person that the disqualified person receives solely as a member of, or volunteer for, the organization, if the benefit is provided to members of the public in exchange for a membership fee of \$75 or less per year; and

3. An economic benefit provided to a disqualified person that the disqualified person receives solely as a member of a charitable class the applicable tax-exempt organization intends to benefit.

The proposed regulations provide that if the amount of the economic benefit provided by the applicable tax-exempt organization exceeds the fair market value of the consideration, the excess is the excess benefit on which tax is imposed by section 4958.

The fair market value of property is the price at which property or the right to use property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy, sell, or transfer property or the right to use property, and both having reasonable knowledge of relevant facts.

**Compensation.** Compensation for the performance of services is reasonable only if it is an amount that would ordinarily be paid for like services, by like enterprises, under like circumstances.

Generally, the circumstances to be considered are those existing at the date when the contract for services was made. However, where reasonableness of compensation cannot be determined based on circumstances existing at the date when the contract for services was made, then that determination is made based on all facts and circumstances, up to and including circumstances as of the date of payment.

In no event shall circumstances existing at the date when the contract is questioned be considered in making a determination of the reasonableness of compensation.

Compensation for purposes of section 4958 includes all items of compensation provided by an applicable tax-exempt organization in exchange for the performance of services by a disqualified person.

These items of compensation include, but are not limited to, all forms of cash and noncash compensation, including salary, fees, bonuses, and severance payments paid, and all forms of deferred compensation that is earned and vested, whether or not funded, and whether or not paid under a deferred compensation plan that is a qualified plan under section 401(a).

Compensation also includes:

1. The amount of premiums paid for insurance coverage, as well as any payment or reimbursement by the organization of charges, expenses, fees, or taxes not covered ultimately by the insurance coverage;

2. All other benefits, whether or not included in income for tax purposes, including payments to welfare benefit plans on behalf of the disqualified persons, such as plans providing medical, dental, life insurance, severance pay, and disability benefits, and both taxable and nontaxable fringe benefits (other than working condition fringe benefits described in section 132(d) and *de minimis* fringe benefits described in section 132(e)), including expense allowances or reimbursements or foregone interest on loans that the recipient must report as income on his separate income tax return; and any economic benefit provided by the applicable tax-exempt organization directly or indirectly through another entity, owned, controlled by or affiliated with the applicable tax-exempt organization, whether such other entity is taxable or tax-exempt.

An applicable tax-exempt organization will be treated as having intended to provide an economic benefit as compensation for services only if it provides clear and convincing evidence of having that intent when the benefit was paid.

An applicable tax-exempt organization can provide clear and convincing evidence of such intent by reporting the economic benefit as compensation on original or amended Federal tax information returns with respect to the payment (e.g., Form W-2 or Form 1099) or with respect to the organization (e.g., Form 990), filed before the commencement of an IRS examination in which the reporting of the benefit is questioned.

**Transaction in which amount of economic benefit determined in whole or in part by the revenues of one or more activities of the organization.** Whether a transaction in which the amount of an economic benefit provided by an applicable tax-exempt organization to or for the use of a disqualified person is determined in whole or in part by the revenues of one or more activities of the applicable tax-exempt organization (revenue-sharing transaction) results in inurement and therefore constitutes an excess benefit transaction, depends upon all relevant facts and circumstances.

A revenue-sharing transaction may constitute an excess benefit transaction regardless of whether the economic benefit provided to the disqualified person exceeds the fair market value of the consideration provided in return if, at any point, it permits a disqualified person to receive additional compensation without providing proportional benefits that contribute to the organization's accomplishment of its exempt purpose.

If the economic benefit is provided as compensation for services, relevant facts and circumstances include the relationship between the size of the benefit, the services provided, as well as the ability of the compensated person to control the revenue generating activities on which the compensation is based.

The revenue-sharing transaction described in the proposed regulations constitutes an excess benefit transaction if it occurs on or after the date of publication of final regulations. The excess benefit in such a transaction consists of the entire economic benefit provided.

Any revenue-sharing transaction occurring after September 13, 1995, may still constitute an excess benefit transaction if the economic benefit provided to the disqualified person exceeds the fair market value of the consideration provided in return.

Before the date of publication of final regulations, however, the excess benefit shall consist only of that portion of the economic benefit that exceeds the fair market value of the consideration provided in return.

**Rebuttable presumption that transaction is not an excess benefit transaction.** The proposed regulations provide for a presumption of reasonableness regarding a compensation arrangement. These regulations also provide that property transactions, or any other benefit between an applicable tax-exempt organization and a disqualified person, is presumed to be at fair market value if three requirements are satisfied.

**First requirement.** *Approval of the compensation arrangement, or terms of transfer, by the organization's governing body, or its committee, who do not have a conflict of interest regarding the arrangement or transaction.*

With respect to this requirement, the governing body is the board of directors, trustees, or equivalent controlling body of the applicable tax-exempt organization.

Any members of such a committee, who are not members of the governing body, are deemed to be organization managers for purposes of the tax imposed by section 4958(a)(2) if the organization is invoking the rebuttable presumption based on the actions of the committee.

The proposed regulations provide that a member of the governing body, or committee thereof, does not have a conflict of interest with respect to a compensation arrangement or transaction if the member:

1. Is not the disqualified person, and is not related to any disqualified person benefiting from the compensation arrangement or transaction;
2. Is not in an employment relationship subject to the control of such disqualified person;
3. Is not receiving compensation or other payments needing approval by any disqualified person who participated in or economically benefited from the compensation arrangement or transaction;
4. Has no material financial interest affected by the compensation arrangement or transaction; and
5. Does not approve a transaction providing economic benefits to any disqualified person participating in the compensation arrangement or transaction, who in turn has approved, or will approve, a transaction providing economic benefits to the member.

An arrangement or transaction has not been approved by a committee of a governing body if the committee's decision must be ratified by the full governing body in order to become effective.

**Second requirement.** *Reliance upon appropriate comparable data before making a determination.*

With respect to this second requirement for a rebuttable presumption of reasonableness, the proposed regulations provide that a

governing body or committee has appropriate data on comparability if it has sufficient information to determine the reasonableness of a compensation arrangement or the fair market value of a transaction.

Relevant information includes, but is not limited to:

1. Compensation paid for comparable positions by both taxable and tax-exempt organizations;
2. The availability of similar services in the geographic area of the applicable tax-exempt organization;
3. Independent compensation surveys compiled by independent firms;
4. Written offers from similar institutions competing for the services of the disqualified person; and
5. Independent appraisals of the property the applicable tax-exempt organization intends to purchase from, or sell or provide, to the disqualified person.

Under a special rule for organizations with annual gross receipts of less than \$1 million, the governing body will be considered to have appropriate data as to comparability if it has data on compensation paid by five comparable organizations in the same, or similar communities, for similar services.

**Third requirement.** *Adequate and concurrent documentation on the basis for the determination.*

For purposes of this requirement, to be documented adequately, the written or electronic records of the governing body or committee must note:

1. The terms of the transaction that was approved and the date it was approved;
2. The members of the governing body or committee who were present during debate on the transaction, or arrangement that was approved, and those who voted on it;
3. The comparability data obtained and relied upon by the committee and how the data was obtained; and
4. The actions taken with respect to consideration of the transaction by anyone who is otherwise a member of the governing body, or committee, but who had a conflict of interest with respect to the transaction or arrangement.

If the governing body or committee determines that reasonable compensation for a specific arrangement or fair market value in a specific transaction is higher or lower than the range of comparable data obtained, the governing body or committee must record the basis for its determination.

If reasonableness of the compensation cannot be determined based on circumstances existing at the date when a contract for services was made, then the rebuttable presumption cannot arise until circumstances exist so that reasonableness of compensation can be determined, and the three requirements for the presumption subsequently are satisfied.

The rebuttable presumption applies to all payments made or transactions completed in accordance with a contract provided that the three requirements of the rebuttable presumption were met at the time the contract was agreed upon.

**Special rules.** The proposed regulations provide that the section 4958 excise taxes do not affect the substantive statutory standards for tax exemption under sections 501(c)(3) or (4). Organizations are described in those sections only if no part of their net earnings inure to the benefit of any private shareholder or individual.

Persons liable for the section 4958 taxes must file Form 4720 to report and pay the tax. See the instructions for line 89 of Form 990,

and line 40 of Form 990-EZ, which discuss the required reporting of both the excess benefit transactions and the excise taxes imposed.

---

## Q. Erroneous Backup Withholding

Recipients of dividend or interest payments generally must certify their correct taxpayer identification number to the bank or other payer on **Form W-9**, Request for Taxpayer Identification Number and Certification. If the payer does not get this information, it must withhold part of the payments as "backup withholding." If the organization was subject to erroneous backup withholding because the payer did not realize it was an exempt organization and not subject to this withholding, it can claim credit on Form 990-T for the amount withheld. See the Instructions for Form 990-T. Claims for refund must be filed within 3 years after the date the original return was due; 3 years after the date the organization filed it; or 2 years after the date the tax was paid, whichever is later.

---

## R. Group Return

If a parent organization wants to file a group return for two or more of its subsidiaries, it must use Form 990. The parent organization cannot use a Form 990-EZ for the group return.

A central, parent, or "like" organization can file a group return on Form 990 for two or more local organizations that are:

1. Affiliated with the central organization at the time its annual accounting period ends,
2. Subject to the central organization's general supervision or control,
3. Exempt from tax under a group exemption letter that is still in effect, and
4. Have the same accounting period as the central organization.

If the parent organization is required to file a return for itself, it must file a separate return and may not be included in the group return. See General Instruction B for a list of organizations not required to file.

Every year, each local organization must authorize the central organization in writing to include it in the group return and must declare, under penalty of perjury, that the authorization and the information it submits to be included in the group return are true and complete.

If the central organization prepares a group return for its affiliated organizations, check the "Yes" box in item H(a), in the heading of Form 990, and indicate the number of organizations for which the group return is filed in item H(b). Attach either (1) a schedule showing the name, address, and employer identification number (EIN) of each affiliated organization included, or (2) a statement indicating that the group return includes all affiliated organizations covered by the group ruling. In item I, indicate the group exemption number (GEN). When preparing the return, be sure not to confuse the four-digit GEN number in item I with the nine-digit EIN number in item D of the form's heading.

The central organization should send the annual information required to maintain a group exemption letter to the Ogden Service Center, Ogden, UT 84201-0027.

An affiliated organization covered by a group ruling may file a separate return instead of being included in the group return. In such case, check the "Yes" box in item H(c), in the heading of Form 990, and enter the GEN number in item I.

Parts IV-A and IV-B of Form 990 do not have to be completed on group returns.

---

## S. Organizations in Foreign Countries and U.S. Possessions

Refer to General Instruction B for the filing exemption for foreign organizations with \$25,000 or less in gross receipts from U.S. sources.

Report amounts in U.S. dollars and state what conversion rate you use. Combine amounts from within and outside the United States and report the total for each item. All information must be written in English.

---

## T. Public Interest Law Firms

A public interest law firm exempt under section 501(c)(3) or 501(c)(4) must attach a statement that lists the cases in litigation, or that have been litigated during the year. For each case, describe the matter in dispute and explain how the litigation will benefit the public generally. Also attach a report of all fees sought and recovered in each case. See Rev. Proc. 92-59, 1992-2 C.B. 411.

---

## U. Requirements for a Properly Completed Form 990 or Form 990-EZ

**Public inspection.** All information the organization reports on or with its Form 990, or Form 990-EZ, including attachments, will be available for public inspection, except the schedule of contributors required for line 1, Part I, of either form. Please make sure the forms and attachments are clear enough to photocopy legibly.

**Signature.** To make the return complete, an officer of the organization authorized to sign it must sign in the space provided. For a corporation, or association, this officer may be

the president, vice president, treasurer, assistant treasurer, chief accounting officer, or other corporate, or association officer, such as a tax officer. A receiver, trustee, or assignee must sign any return he or she files for a corporation or association. For a trust, the authorized trustee(s) must sign.

**TIP** Generally, anyone who is paid to prepare the return must sign it in the *Paid Preparer's Use Only* area.

The paid preparer must:

- Sign the return, by hand, in the space provided for the preparer's signature (signature stamps and labels are not acceptable).
- Enter the preparer's social security number (SSN), (PTIN), or employer identification number (EIN), **only** if the Form 990, or Form 990-EZ, is for a section 4947(a)(1) nonexempt charitable trust that is not filing Form 1041.
- Complete the required preparer information.
- Give a copy of the return to the organization.

Leave the paid preparer's space blank if the return was prepared by a regular employee of the filing organization.

**Recordkeeping.** The organization's records should be kept for as long as they may be needed for the administration of any provision of the Internal Revenue Code. Usually, records that support an item of income, deduction, or credit must be kept for 3 years from the date the return is due or filed, whichever is later. Keep records that verify the organization's basis in property for as long as they are needed to figure the basis of the original or replacement property.

The organization should also keep copies of any returns it has filed. They help in preparing future returns and in making computations when filing an amended return.

**Rounding off to whole dollars.** You may show money items as whole-dollar amounts. Drop any amount less than 50 cents and increase any amount from 50 through 99 cents to the next higher dollar.

**Completing All Lines.** Unless the organization is permitted to use certain DOL forms or Form 5500 as partial substitutes for Form 990, or Form 990-EZ (see General Instruction F), do not leave any applicable lines blank or attach any other forms or schedules instead of entering the required information on the appropriate line on Form 990 or Form 990-EZ.

**TIP** **Assembling Form 990 or Form 990-EZ.** Before filing the Form 990, or Form 990-EZ, assemble the package of forms and attachments in the following order:

- Form 990 or Form 990-EZ
- Schedule A (Form 990). The requirement to attach Schedule A (Form 990) applies to ALL section 501(c)(3) organizations and ALL section 4947(a)(1) nonexempt charitable trusts that file Form 990 or Form 990-EZ.
- Attachments to Form 990 or Form 990-EZ
- Attachments to Schedule A (Form 990)

**TIP** **Attachments.** Use the schedules on the official form unless you need more space. If you use attachments, they must:

1. Show the form number and tax year;
2. Show the organization's name and EIN;
3. Identify clearly the Part or line(s) to which the attachments relate;
4. Include the information required by the form and use the same format as the form;
5. Follow the same Part and line sequence as the form; and
6. Be on the same size paper as the form.

## Specific Instructions for Form 990

**Note:** See also the General Instructions that apply to both the Form 990 and Form 990-EZ.

Contents	Page
Completing the Heading of Form 990 .....	15
Part I—Revenue, Expenses, and Changes in Net Assets.....	15
Part II—Statement of Functional Expenses .....	19
Part III—Statement of Program Service Accomplishments .....	22
Part IV—Balance Sheets .....	22
Parts IV-A and IV-B—Reconciliation Statements	24
Part V—List of Officers, Directors, Trustees, and Key Employees .....	24
Part VI—Other Information .....	25
Part VII—Analysis of Income-Producing Activities .....	29
Part VIII—Relationship of Activities to the Accomplishment of Exempt Purposes.....	30
Part IX—Information Regarding Taxable Subsidiaries and Disregarded Entities.....	30
Exclusion Codes .....	31

### Completing the Heading of Form 990

The instructions that follow are keyed to items in the heading for Form 990.

#### Item A—Accounting period

Use the 1999 Form 990 to report on a calendar year accounting period beginning January 1, 1999, and ending December 31, 1999.

Use the 1999 Form 990 also to report on an accounting period other than a calendar year (either a fiscal year that began in 1999 or a short period (less than 12 months) that began in 1999). You must show the month and day in 1999 that your fiscal year began, or the short period began. You must also show the day, month, and year your fiscal year, or short period, ended. See General Instruction G.

#### Item B—Checkboxes

**Change of address and initial return.** Check the appropriate box if the organization changed its address since it filed its previous return, or if this is the organization's initial return.

**Final return and Amended return.** Check the appropriate box if this is a final return, or an amended return. See the instructions for line 79 if the final return is because of the liquidation of a corporation or termination of a trust. If amending a return, see General Instruction J.

#### Item C—Name and address

If we mailed the organization a Form 990 Package with a preaddressed mailing label, please attach the label in the name and address space on the return. Using the label helps us avoid errors in processing the return. If any information on the label is wrong, draw a line through that part and correct it.

Include the suite, room, or other unit number after the street address. If the Post Office does not deliver mail to the street address and the organization has a P.O. box, show the box number instead of the street address.

Enter information in the following order: city, province or state, and the name of the country. Follow the foreign country's practice in placing the postal code in the address. Please **do not** abbreviate the country name.

If a change in address occurs after the return is filed, use Form 8822 to notify the IRS of the new address.

### Specific Instructions for Form 990

#### Item D—Employer identification number

The organization should have only one Federal employer identification number (EIN). If it has more than one and has not been advised which to use, notify the Internal Revenue Service Center, Ogden, UT 84201-0027. State what numbers the organization has, the name and address to which each number was assigned, and the address of its principal office. The IRS will advise the organization which number to use.

##### Note:

- A section 501(c)(9) voluntary employees' beneficiary association must use its own EIN and not the EIN of its sponsor.
- A disregarded entity, as described in Regulations sections 301.7701-1 through 301.7701-3, however, may use the EIN of the organization in Part IX if the disregarded entity does not have its own EIN. See General Instruction A and the instructions for Part IX.

#### Item E—Telephone number

Enter a telephone number of the organization that members of the public and government regulators may use during normal business hours to obtain information about the organization's finances and activities. If the organization does not have a telephone number, enter the telephone number of an organization official who can provide such information.

#### Item F—Application pending

If the organization's application for exemption is pending, check this box and complete the return.

#### Item G—Type of organization

If the organization is exempt under section 501(c), check the applicable box and insert, within the parentheses, the number that identifies the type of section 501(c) organization the filer is. See the chart in General Instruction C. If the organization is a section 4947(a)(1) nonexempt charitable trust, check the applicable box and note the discussion regarding Schedule A (Form 990) and Form 1041 in General Instruction D and the instructions to line 92 of Form 990.

#### Item H—Group return, etc.

See General Instruction R.

#### Item I—Group exemption number

Enter the four-digit group exemption number (GEN) if you checked a "Yes" box in item H. Contact the central/parent organization if you are unsure of the GEN assigned.

#### Item J—Accounting method

An organization must indicate the method of accounting used in preparing this return. See General Instruction G.

#### Item K—Gross receipts of \$25,000 or less

Check this box if the organization's gross receipts are normally not more than \$25,000. However, see General Instruction A, if you received a Form 990 Package, and note the discussion on gross receipts in General Instruction B.

### Part I—Revenue, Expenses, and Changes in Net Assets or Fund Balances

All organizations filing Form 990 with the IRS or any state must complete Part I. Some states that accept Form 990 in place of their own forms require additional information.

#### Line 1—In General

##### Contributions, gifts, grants, and similar amounts received

- On lines 1a through 1c, report amounts received as voluntary contributions; that is, payments, or the part of any payment, for which the payer (donor) does not receive full retail value (fair market value) from the recipient (donee) organization.
- For grants, see the paragraphs entitled, **Grants that are equivalent to contributions**, on the following page.
- Report all expenses of raising contributions in Fundraising, column (D), Part II, and on line 15 of Part I.

Reporting for line 1, in accordance with SFAS 116, is acceptable for Form 990 purposes, but not required by IRS. However, see General Instruction E.

An organization that receives a grant to be paid in future years should, according to SFAS 116, report the grant's present value on line 1. Accruals of present value increments to the unpaid grant should also be reported on line 1 in future years.

##### Contributions can arise from special events when an excess payment is received for items offered

Fundraising activities relate to soliciting and receiving contributions. However, special fundraising activities such as dinners, door-to-door sales of merchandise, carnivals, and bingo games can produce **both** contributions and revenue.

If a buyer, at such a "special event," pays more for goods or services than their retail value, report, as a contribution, both on line 1a and on line 9a (within the parentheses), any amount paid in excess of the retail value. This situation usually occurs when organizations seek public support through solicitation programs that are in part special events or activities and are in part solicitations for contributions. The primary purpose of such solicitations is to receive contributions and not to sell the merchandise at its retail value even though this might produce a profit.

**Example.** An organization announces that anyone who contributes at least \$40 to the organization can choose to receive a book worth \$16 retail value. A person who gives \$40, and who chooses the book, is really purchasing the book for \$16 and also making a contribution of \$24. The contribution of \$24, which is the difference between the buyer's payment and the \$16 retail value of the book, would be reported on line 1a and again on line 9a (within the parentheses). The revenue received (\$16 retail value of the book) would be reported in the right-hand column on line 9a.

If a contributor gives more than \$40, that person would be making a larger contribution, the difference between the book's retail value of \$16 and the amount actually given. Rev. Rul. 67-246, 1967-2 C.B. 104, explains this principle in detail. See also the line 9 instructions and Publication 1391.

Report the expenses that relate directly to the sale of the book on line 9b. Report the expenses of raising contributions (within the parentheses on line 9a and again on line 1a) in Fundraising, column (D), Part II, and on line 15 of Part I.

**Note:** At the time of any solicitation or payment, organizations that are eligible to receive tax-deductible contributions should advise patrons of the amount deductible for Federal tax purposes. See General Instruction L.



**Contributions can arise from special events when items of only nominal value are given or offered**

If an organization offers goods or services of only nominal value through a special event or distributes free, unordered, low-cost items to patrons, report the **entire** amount received for such benefits as a contribution on line 1a (direct public support). Report all related expenses in Fundraising, column (D), Part II. See General Instruction L for a definition of benefits that have a nominal or insubstantial value.

**Section 501(c)(3) organizations**

Correctly dividing gross receipts from special events into revenue and contributions is especially important for a section 501(c)(3) organization that claims public support as described in section 509(a)(1)/170(b)(1)(A)(vi) or section 509(a)(2). In the public support computations of these Code sections, the revenue portion of gross receipts may be (a) excluded entirely, (b) treated as public support, or (c) if the revenue represents unrelated trade or business income, treated as nonpublic support.

Section 501(c)(3) organizations must separate gross receipts from special events into revenue and contributions when preparing the Support Schedule in Part IV-A of Schedule A (Form 990).

**Section 501(c)(9), (17), and (18) organizations**

These organizations provide participants with life, sickness, accident, welfare, and unemployment insurance, pensions, or similar benefits, or a combination of these benefits. When such an organization receives payments from participants or their employers to provide these benefits, report the payments on line 2 as program service revenue, rather than on line 1 as contributions.

**Donations of services are not contributions**

In Part I, do not include the value of services donated to the organization, or items such as the free use of materials, equipment, or facilities as contributions on line 1. See the instructions for Part III and for Part VI, line 82, for the optional reporting of such amounts in Parts III and VI.

Any unreimbursed expenses of officers, employees, or volunteers do not belong on the Form 990 or Form 990-EZ. See the instructions for charitable contributions and employee business expenses in Pub. 17.

**Grants that are equivalent to contributions**

Grants that encourage an organization receiving the grant to carry on programs or activities that further its exempt purposes are grants that are equivalent to contributions. Report them on line 1. The grantor may require that the programs of the grant recipient (grantee) conform to the grantor's own policies and may specify the use of the grant, such as use for the restoration of a historic building or a voter registration drive.

A grant is still equivalent to a contribution if the grant recipient provides a service or makes a product that benefits the grantor incidentally. See examples in the line 1c instructions. However, a grant is a payment for services, and not a contribution, if the grant requires the grant recipient to provide that grantor with a specific service, facility, or product rather than to give a direct benefit primarily to the general public or to that part of the public served by the organization. In general, do not report as contributions any payments for a service,

facility, or product that primarily give some economic or physical benefit to the payer (grantor).

**Example.** A public interest organization described in section 501(c)(4) makes a grant to another organization to conduct a nationwide survey to determine voter attitudes on issues of interest to the grantor. The grantor plans to use the results of the survey to plan its own program for the next 3 years. Under these circumstances, since the survey serves the grantor's direct needs and benefits the grantor more than incidentally, the grant to the organization making the survey is not a contribution. The grant recipient should not report the grant as a contribution but should report it on line 2 as program service revenue.

Treat research to develop products for the payer's use or benefit as directly serving the payer. However, generally, basic research or studies in the physical or social sciences should not be treated as serving the payer's needs.

See Regulations section 1.509(a)-3(g) to determine if a grant is a contribution reportable on line 1, or a revenue item reportable elsewhere on Form 990.

**Line 1a—Direct public support**

**Contributions, gifts, grants, and similar amounts received.** Enter the gross amounts of contributions, gifts, grants, and bequests that the organization received directly from the public. Include amounts received from individuals, trusts, corporations, estates, and foundations, or raised by an outside professional fundraiser. Also include contributions and grants from public charities and other exempt organizations that are neither fundraising organizations nor affiliates of the filing organization. See the instructions for line 1b.

**Membership dues.** Report on line 1a membership dues and assessments that represent contributions from the public rather than payments for benefits received or payments from affiliated organizations. See the instructions for line 3.

**Government contributions (grants).** Report government grants on line 1c if they represent contributions, or on line 2 (and on line 93(g) of Part VII), if they represent fees for services. See the instructions under the heading, **Grants that are equivalent to contributions**, above and the instructions for line 1c below.

**Commercial co-venture.** Report amounts contributed by a commercial co-venture on line 1a as a contribution received directly from the public. These are amounts received by an organization (donee) for allowing an outside organization (donor) to use the donee's name in a sales promotion campaign. In such a campaign, the donor advertises that it will contribute a certain dollar amount to the donee organization for each unit of a particular product or service sold or for each occurrence of a specific type.

**Contributions received through special events.** Report contributions received through special events on line 1a. See the preceding line 1 instructions and the instructions for line 9.

**Line 1b—Indirect public support**

Enter the total contributions received indirectly from the public through solicitation campaigns conducted by federated fundraising agencies and similar fundraising organizations (such as a United Way organization and certain sectarian federations). These organizations normally conduct fundraising campaigns within a single metropolitan area or some part of a

particular state and allocate part of the net proceeds to each participating organization on the basis of the donors' individual designations and other factors.

Include on line 1b amounts contributed by other organizations closely associated with the reporting organization. This includes contributions received from a parent organization, subordinate, or another organization with the same parent. National organizations that share in fundraising campaigns conducted by their local affiliates should report the amount they receive on line 1b.

**Line 1c—Government contributions (grants)**

The general line 1 instructions, under the heading, **Grants that are equivalent to contributions**, above apply to this item in particular. A grant or other payment from a governmental unit is treated as a contribution if its primary purpose is to enable the donee to provide a service to, or maintain a facility for, the direct benefit of the public rather than to serve the direct and immediate needs of the grantor even if the public pays part of the expense of providing the service or facility.

The following are examples of governmental grants and other payments that are treated as contributions:

1. Payments by a governmental unit for the construction or maintenance of library or hospital facilities open to the public,
2. Payments under government programs to nursing homes or homes for the aged in order to provide health care or other services to their residents,
3. Payments to child placement or child guidance organizations under government programs serving children in the community. The general public gets the primary and direct benefit from these payments and any benefit to the governmental unit itself would be indirect and insubstantial as compared to the public benefit.

**Line 1d—Total contributions, etc.**

Enter the total of amounts reported on lines 1a through 1c. In the entry spaces in the description column for line 1d, enter the separate totals for cash and noncash contributions, gifts, grants, and similar amounts received. The total of the two amounts must equal the total on line 1d.

Report as cash contributions, etc., only contributions, etc., received in the form of cash, checks, money orders, credit card charges, wire transfers, and other transfers and deposits to a cash account of the organization. If your organization records pledges as contributions, etc., at the time the pledges are made (rather than when the pledges are collected), include as cash contributions, etc., only those pledges actually collected in cash during the year and pledges uncollected at the end of the year that are reasonably expected to be paid in cash in a later year. Report all other contributions, etc., as noncash contributions, etc., in the space provided. See General Instruction L for a discussion of noncash contributions. Noncash contributions do not include donated services, which may be reported on line 82 and in the narrative section of Part III.

**Schedule of contributors.** (*Not open to public inspection*) Attach a schedule of contributors who gave the organization, directly or indirectly, money, securities, or other property worth \$5,000 or more during the year. No schedule is needed if no one contributed \$5,000 or more. See General Instruction L for the requirements of this schedule. Note the cautionary statement for this schedule.

## Lines 2 through 11

**Note:** Do not enter any contributions on lines 2 through 11. Enter all contributions on line 1. If you enter contributions on lines 2 through 11, you will be unable to complete Part VII correctly. Line 105 (the sum of amounts entered in columns (B), (D), and (E) for lines 93 through 103 of Part VII, Analysis of Income-Producing Activities) should match the total of amounts entered for correlating lines 2 through 11 of Part I. See the instructions for Part VII.

### Line 2—Program service revenue including government fees and contracts

Enter the total of program service revenue (exempt function income) as reported in Part VII, lines 93(a) through (g), columns (B), (D), and (E). Program services are primarily those that form the basis of an organization's exemption from tax. For a more detailed description of program services, refer to the instructions for Part II, column (B), Program services.

**Examples.** A hospital would report on this line all of its charges for medical services (whether to be paid directly by the patients or through Medicare, Medicaid, or other third-party reimbursement), hospital parking lot fees, room charges, laboratory fees for hospital patients, and related charges for services.

Program service revenue includes income earned by the organization for providing a government agency with a service, facility, or product that benefited that government agency directly rather than benefiting the public as a whole. See the line 1c instructions for reporting guidelines when payments are received from a government agency for providing a service, facility, or product for the primary benefit of the general public.

Program service revenue also includes: tuition received by a school; revenue from admissions to a concert or other performing arts event or to a museum; royalties received as author of an educational publication distributed by a commercial publisher; interest income on loans a credit union makes to its members; payments received by a section 501(c)(9) organization from participants, or employers of participants, for health and welfare benefits coverage; insurance premiums received by a fraternal beneficiary society; and registration fees received in connection with a meeting or convention.

**Program-related investments.** Program service revenue also includes income from program-related investments. These investments are made primarily to accomplish an exempt purpose of the investing organization rather than to produce income. Examples are scholarship loans and low interest loans to charitable organizations, indigents, or victims of a disaster.

Rental income from an exempt function is another example of program-related investment income. When an organization rents to an unaffiliated exempt organization at less than fair rental value for the purpose of aiding that tenant's exempt function, the reporting organization should report such rental income as program service revenue on line 2. See also the instructions for line 6a. For purposes of this return, report all rental income from an affiliated organization on line 2.

**Unrelated trade or business activities.** Unrelated trade or business activities (not including any special events or activities) that generate fees for services may also be program service activities. A social club, for example, should report as program service revenue the fees it charges both members and

nonmembers for the use of its tennis courts and golf course.

**Sales of inventory items by hospitals, colleges, and universities.** Books and records maintained in accordance with generally accepted accounting principles for hospitals, colleges, and universities are more specialized than books and records maintained according to those accounting principles for other types of organizations that file Form 990. Accordingly, hospitals, colleges, and universities may report, as program service revenue on line 2, sales of inventory items otherwise reportable on line 10a. In that event, show the applicable cost of goods sold as program service expense on line 13 of Part I and in column (B) of Part II. All other organizations, however, should not report sales of inventory items on line 2.

### Line 3—Membership dues and assessments

Enter members' and affiliates' dues and assessments that are not contributions.

**Dues and assessments received that compare reasonably with available benefits.** When dues and assessments are received that compare reasonably with membership benefits received, report such dues and assessments on line 3.

Organizations described in section 501(c)(5), (6), or (7) generally provide benefits that have a reasonable relationship to dues, although benefits to members may be indirect.

**Dues or assessments received that exceed the value of available membership benefits.** Whether or not membership benefits are used, dues received by an organization, to the extent they are more than the monetary value of the membership benefits available to the dues payer, are a contribution that should be reported on line 1a. See Rev. Rul. 54-565, 1954-2 C.B. 95 and Rev. Rul. 68-432, 1968-2 C.B. 104.

**Dues received primarily for the organization's support.** If a member pays dues mainly to support the organization's activities and not to obtain benefits of more than nominal monetary value, those dues are a contribution to the organization includable on line 1a.

**Examples of membership benefits.** These include subscriptions to publications, newsletters (other than one about the organization's activities only), free or reduced-rate admissions to events the organization sponsors, the use of its facilities, and discounts on articles or services that both members and nonmembers can buy. In figuring the value of membership benefits, do not include intangible benefits, such as the right to attend meetings, vote or hold office in the organization, and the distinction of being a member of the organization.

### Line 4—Interest on savings and temporary cash investments

Enter the amount of interest income from savings and temporary cash investments reportable on line 46. So-called dividends or earnings received from mutual savings banks, money market funds, etc., are actually interest and should be entered on line 4.

### Line 5—Dividends and interest from securities

Enter the amount of dividend and interest income from equity and debt securities (stocks and bonds) of the type reportable on line 54. Include amounts received from payments on securities loans, as defined in section 512(a)(5). Do not include any capital gains dividends that are reportable on line 8. See the

instructions for line 2 for reporting income from program-related investments.

### Line 6a—Gross rents

Enter on line 6a the rental income received for the year from investment property reportable on line 55. Do not include on line 6a rental income related to the reporting organization's exempt function (program service). Report such income on line 2. For example, an exempt organization whose exempt purpose is to provide low-rental housing to persons with low income would report that rental income as program service revenue on line 2. Rental income received from an unaffiliated exempt organization is generally considered as unrelated to the reporting organization's exempt purpose and reportable on line 6a. However, note an exception given in the instructions for line 2 when the reporting organization aids an unaffiliated organization with its exempt function.

Only for purposes of completing this return, the reporting organization must report any rental income received from an affiliated exempt organization as program service revenue on line 2.

### Line 6b—Rental expenses

Enter the expenses paid or incurred for the income reported on line 6a. Include interest related to rental property and depreciation if it is recorded in the organization's books and records. Report in column (B) of Part II (Program services) any rental expenses allocable to rental income reportable as program service revenue on line 2.

### Line 6c—Net rental income or (loss)

Subtract line 6b from line 6a. Show any loss in parentheses.

### Line 7—Other investment income

Enter the amount of investment income not reportable on lines 4 through 6 and describe the type of income in the space provided or in an attachment. The income should be the gross amount derived from investments reportable on line 56. Include, for example, royalty income from mineral interests owned by the organization. However, do not include income from program-related investments. See the instructions for line 2. Also, do not include unrealized gains and losses on investments carried at market value. See the instructions for line 20.

### Lines 8a through 8d—Gains (or losses) from sale of assets other than inventory

Report, on lines 8a through 8c, all sales of securities in column (A). Use column (B) to report sales of all other types of investments (such as real estate, royalty interests, or partnership interests) and all other noninventory assets (such as program-related investments and fixed assets used by the organization in its related and unrelated activities).

On line 8a, for each column, enter the total gross sales price of all such assets. Total the cost or other basis (less depreciation) and selling expenses and enter the result on line 8b. On line 8c, enter the net gain or loss.

On lines 8a and 8c, also report capital gains dividends, the organization's share of capital gains and losses from a partnership, and capital gains distributions from trusts. Indicate the source on the schedule described below.

Combine the gain and/or loss figures reported on line 8c, columns (A) and (B) and report that total on line 8d. Do not include any unrealized gains or losses on securities carried at market value in the books of account. See the instructions for line 20.

For reporting sales of securities on Form 990, you may use the more convenient average cost basis method to figure the organization's gain or loss. When a security is sold, compare its sales price with the average cost basis of the particular security to determine gain or loss. However, generally, for reporting sales of securities on Form 990-T, do not use the average cost basis to determine gain or loss.

**Nonpublicly traded securities and noninventory items.** Attach a schedule showing the sale or exchange of nonpublicly traded securities and the sale or exchange of other assets that are not inventory items. The schedule should show security transactions separately from the sale of other assets. Show for each of these assets:

- Date acquired and how acquired,
- Date sold and to whom sold,
- Gross sales price,
- Cost, other basis, or if donated, value at time acquired (state which),
- Expense of sale and cost of improvements made after acquisition, and
- If depreciable property, depreciation since acquisition.

**Publicly traded securities.** On the attached schedule, for sales of publicly traded securities through a broker, total the gross sales price, the cost or other basis, and the expenses of sale on all such securities sold, and report lump-sum figures in place of the detailed reporting required by the above paragraph. Publicly traded securities include common and preferred stocks, bonds (including governmental obligations), and mutual fund shares that are listed and regularly traded in an over-the-counter market or on an established exchange and for which market quotations are published or otherwise readily available.

**Lines 9a through 9c—Special events and activities**

On the appropriate line, enter the gross revenue, expenses, and net income (or loss) from all special events and activities, such as dinners, dances, carnivals, raffles, bingo games, other gambling activities, and door-to-door sales of merchandise.

These activities only incidentally accomplish an exempt purpose. Their sole or primary purpose is to raise funds that are other than contributions to finance the organization's exempt activities. This is done by offering goods or services that have more than a nominal value (compared to the price charged) for a payment that is more than the direct cost of those goods or services.

The gross revenue from gambling activities and other special events must be reported in the right-hand column on line 9a without reduction for cash or noncash prizes, cost of goods sold, compensation, fees, or other expenses.

Characterizing any required payment as a "donation" or "contribution" on tickets or on advertising or solicitation materials does not affect how such payments should be reported on Form 990 or Form 990-EZ. As discussed in the instructions for line 1, the amount of the contribution is the excess of the amount paid over the retail value of the goods or services received by the payer. See also Publication 1391.

**Special events may generate both revenue and contributions.** Special events sometimes generate both contributions and revenue. When a buyer pays more than the retail value of the goods or services furnished, enter:

- As gross revenue, on line 9a (in the right-hand column), the retail value of the goods or services,
- As a contribution, on both line 1a and line 9a (within the parentheses), the amount received that exceeds the retail value of the goods or services given.

Report on line 9b only the expenses directly attributable to the goods or services the buyer receives from a special event. Fundraising expenses attributable to contributions, reported on both line 1a and line 9a (within the parentheses), are reportable in Part II, column (D), Fundraising. If you include an expense on line 9b, do not report it again on line 10b or in Part II. Expenses reported on line 10b relate to sales of inventory. Expenses reported in Part II, column D, relate to contributions raised through fundraising.

**Example.** At a special event, an organization received \$100 in gross receipts for goods valued at \$40. The organization entered gross revenue of \$40 on line 9a (in the right-hand column) and entered a contribution of \$60 on both line 1a and line 9a (within the parentheses). The contribution of \$60 was the difference between the gross revenue of \$40 and the gross receipts of \$100.

The expenses directly relating to the sale of the goods would be reported on line 9b. However, all expenses of raising contributions would be reported in column (D), Fundraising, Part II and not on line 9b.

For more details about contributions received through fundraising, and contributions and revenue received through special events, see the line 1 instructions. See also General Instruction L.

**Sales or gifts of goods or services of only nominal value.** If the goods or services given or offered at special events have only nominal value, include all of the receipts as contributions on line 1a and all of the related expenses as fundraising expenses on line 15 and in column (D) of Part II. See General Instruction L for a description of nominal or insubstantial benefits.

**An activity may generate only contributions.** An activity that generates only contributions, such as a solicitation campaign by mail, is not a special event and should not be reported on line 9.

Contributions from such an activity are reportable on line 1, and the related fundraising expenses are reportable in column (D), Part II.

**Sweepstakes, raffles, and lotteries may produce revenue or contributions.** The proceeds of solicitation campaigns in which the names of contributors and other respondents are entered in a drawing for the awarding of prizes (so-called "sweepstakes" or "lotteries") are contributions, reportable on line 1, and the related expenses are fundraising expenses, reportable in column (D) of Part II. However, raffles and lotteries in which a payment of at least a specified minimum amount is required for each entry are special events, reportable on line 9, unless the prizes awarded have only nominal value. Reporting payments in their entirety as contributions when gifts or services given are nominal in value is discussed above.

**Attached schedule.** Attach a schedule listing the three largest special events conducted, as measured by gross receipts. Describe each of these events and show for each event: the gross receipts; the amount of contributions included in gross receipts (see the instructions above); the gross revenue (gross receipts less contributions); the direct expenses; and the net income (or loss) (gross revenue less direct expenses).

Include the same information, in total figures, for all other special events held that were not among the three largest. Indicate the type and number of the events not listed individually (e.g., three dances and two raffles).

An example of this schedule of special events might appear as follows:

Special Events:	(A)	(B)	(C)	All Other	Total
Gross Receipts	\$xx	\$xx	\$xx	\$xx	\$xx
Less: Contributions	xx	xx	xx	xx	xx
Gross Revenue	xx	xx	xx	xx	xx
Less: Direct Expenses	xx	xx	xx	xx	xx
Net Income or (loss)	\$xx	\$xx	\$xx	\$xx	\$xx

If you use the above schedule, report the total for Contributions on line 1a of Form 990 and on line 9a (within the parentheses). Report the totals for Gross Revenue, in the right-hand column, on line 9a; Direct Expenses on line 9b; and Net Income or (loss) on line 9c.

**Lines 10a through 10c—Gross profit or (loss) from sales of inventory**

Enter the gross sales (less returns and allowances), cost of goods sold, and gross profit or (loss) from the sale of inventory items. These sales do not include items sold at special events that are reportable on line 9. Sales of inventory items reportable on line 10 are sales of those items the organization either makes to sell to others or buys for resale. Sales of investments on which the organization expected to profit by appreciation and sale are not reported here. Report sales of investments on line 8.

On line 10a, report gross sales revenue from sales of inventory items, whether the sales activity is an exempt function of the organization or an unrelated trade or business.

On line 10b, report the cost of goods sold related to the sales of such inventory. The usual items included in cost of goods sold are direct and indirect labor, materials and supplies consumed, freight-in, and a proportion of overhead expenses. Marketing and distribution costs are not included in cost of goods sold but are reported in Part II, column (B), Program services.

**Attached schedule.** In an attached schedule, give a breakdown of items sold; (e.g., sales of food, souvenirs, electronic equipment, uniforms, or educational publications).

**Line 11—Other revenue**

Enter the total amount from Part VII, lines 103(a) through (e) (Other revenue), columns (B), (D), and (E). This figure represents the total income from all sources not covered by lines 1 through 10 of Part I. Examples of income includable on line 11 are interest on notes receivable not held as investments or as program-related investments (defined in the line 2 instructions); interest on loans to officers, directors, trustees, key employees, and other employees; and royalties that are not investment income or program service revenue.

**Lines 13 through 15—Program services, management and general, and fundraising expenses**

**Section 4947(a)(1) nonexempt charitable trusts and section 501(c)(3) and (c)(4) organizations.** Complete Part II and then enter on lines 13 through 15 the appropriate amounts from the totals for columns (B), (C), and (D) reported on line 44, Part II.

**All other organizations.** All other organizations are not required to complete lines 13 through 15 of the Form 990.

**Line 16—Payments to affiliates**

This expense classification is used to report certain types of payments to organizations "affiliated with" (closely related to) a reporting agency.

**Payments to affiliated state or national organizations.** Dues paid by the local charity to its affiliated state or national (parent) organization are usually reported on line 16. Report on this line predetermined quota support and dues (excluding membership dues of the type described below) by local agencies to their state or national organizations for unspecified purposes; that is, general use of funds for the national organization's own program and support services.

**Purchases from affiliates.** Purchases of goods or services from affiliates are not reported on line 16 but are reported as expenses in the usual manner.

**Expenses for providing goods or services to affiliates.** In addition to payments made directly to affiliated organizations, expenses incurred in providing goods or services to affiliates may be reported on line 16 if:

1. The goods or services provided are not related to the program services conducted by the organization furnishing them (e.g., when a local organization incurs expenses in the production of a solicitation film for the state or national organization); and

2. The costs involved are not connected with the management and general or fundraising functions of the reporting organization. For example, when a local organization gives a copy of its mailing list to the state or national organization, the expense of preparing the copy provided may be reported on line 16, but not expenses of preparing and maintaining the local organization's master list.

**Federated fundraising agencies.** These agencies (see the instructions for line 1b) should include in their own support the full amount of contributions received in connection with a solicitation campaign they conduct, even though donors designate specific agencies to receive part or all of their individual contributions. These fundraising organizations should report the allocations to participating agencies as grants and allocations (line 22) and quota support payments to their state or national organization as payments to affiliates (line 16).

**Voluntary awards or grants to affiliates.** Do not report on line 16 voluntary awards or grants made by the reporting agency to its state or national organization for specified purposes. Report these awards or grants on line 22, Grants and allocations.

**Membership dues paid to other organizations.** Report membership dues paid to obtain general membership benefits, such as regular services, publications, and materials, from other organizations as "Other expenses" on line 43. This is the case, for example, if a charitable organization pays dues to a trade association comprised of otherwise unrelated members.

**Attached schedule.** Attach a schedule listing the name and address of each affiliate that received payments reported on line 16. Specify the amount and purpose of the payments to each affiliate.

**Note:** Properly distinguishing between payments to affiliates and grants and allocations is especially important if you use Form 990 for state reporting purposes. See General Instruction E. If you use Form 990 only for reporting to the IRS, payments to affiliated state or national organizations that do not represent membership dues reportable as "Other expenses" on line 43 (see instructions

above) may be reported either on line 16 or line 22 and explained in the required attachment.

**Line 17—Total expenses**

Organizations using only column (A) of Part II should enter the total of line 16 and line 44 of column (A), Part II, on line 17. Other organizations should enter the total of lines 13 through 16. Organizations using Form 5500 or an approved DOL form as a partial substitute for Form 990 should enter the total expense figure from Form 5500, or from the required reconciliation schedule if Form LM-2 or LM-3 is used. See General Instruction F.

**Line 18—Excess or (deficit) for the year**

Enter the difference between lines 12 and 17. If line 17 is more than line 12, enter the difference in parentheses.

**Line 19—Net assets or fund balances, beginning of year**

Enter the amount from column (A) of line 73 (or from Form 5500 or an approved DOL form if General Instruction F applies).

**Line 20—Other changes in net assets or fund balances**

Attach a schedule explaining any changes in net assets or fund balances between the beginning and end of the year that are not accounted for by the amount on line 18. Amounts to report here include adjustments of earlier years' activity; unrealized gains and losses on investments carried at market value; and any difference between fair market value and book value of property given as an award or grant. See General Instruction G regarding the reporting of a section 481(a) adjustment to conform to SFAS 116.

**Line 21—Net assets or fund balances, end of year**

Enter the total of lines 18, 19, and 20. This total figure must equal the amount reported in column (B) of line 73.

**Part II—Statement of Functional Expenses****In General—****Column (A)**

All organizations must complete column (A) unless they are using an approved DOL form or Form 5500 as a partial substitute for Form 990. See General Instruction F.

**Columns (B), (C), and (D)**

These columns are optional for all organizations except section 4947(a)(1) nonexempt charitable trusts and section 501(c)(3) and (4) organizations. Section 4947(a)(1) nonexempt charitable trusts and section 501(c)(3) and (4) organizations must complete columns (B), (C), and (D).

In Part II, the organization's expenses are designated by object classification (e.g., salaries, legal fees, supplies, etc.) and allocated into three functions: program services (column (B)); management and general (column (C)); and fundraising (column (D)). These functions are explained below in the instructions for the columns. Do not include in Part II any expense items you must report on lines 6b, 8b, 9b, 10b, or 16 in Part I.

For reporting to the IRS only, use the organization's normal accounting method to report total expenses in column (A) and to segregate them into functions under columns (B), (C), and (D). However, for state reporting requirements, see General Instructions E and G. If the accounting system does not provide

for this type of segregation, a reasonable method of allocation may be used. The amounts reported should be accurate and the method of allocation documented in the organization's records.

Report, in the appropriate column, expenses that are directly attributable to a particular functional category. In general, allocate expenses that relate to more than one functional category. For example, allocate employees' salaries on the basis of each employee's time. For some shared expenses such as occupancy, supplies, and depreciation of office equipment, use an appropriate basis for each kind of cost. However, you should report some other shared expenses in column (C) only. The column instructions below discuss allocating expenses.

**Column (A)—Total**

For column (A), total each line item of columns (B), (C), and (D) in Part II. Except for expenses you report on lines 6b, 8b, 9b, 10b, or 16 of Part I, you should use column (A) to report all expenses the organization paid or incurred.

**Column (B)—Program services**

Program services are mainly those activities that the reporting organization was created to conduct and which, along with any activities commenced subsequently, form the basis of the organization's current exemption from tax. They may be self-funded or funded out of contributions, accumulated income, investment income, or any other source.

Program services can also include the organization's unrelated trade or business activities. For example, publishing a magazine is a program service even though the magazine contains both editorials and articles that further the organization's exempt purpose and advertising, the income from which is taxable as unrelated business income.

If an organization receives a grant to do research, produce an item, or perform a service, either to meet the grantor's specific needs or to benefit the public directly, the costs incurred represent program service expenses. Do not treat these costs as fundraising expenses, even if you report the grant on line 1 as a contribution.

**Column (C)—Management and general**

Use column (C) to report the organization's expenses for overall function and management, rather than for its direct conduct of fundraising activities or program services. Overall management usually includes the salaries and expenses of the chief officer of the organization and that officer's staff. If part of their time is spent directly supervising program services and fundraising activities, their salaries and expenses should be allocated among those functions.

Other expenses to report in column (C) include those for meetings of the board of directors or similar group; committee and staff meetings (unless held in connection with specific program services or fundraising activities); general legal services; accounting (including patient accounting and billing); general liability insurance; office management; auditing, personnel, and other centralized services; preparation, publication, and distribution of an annual report; and investment expenses (however, report rental income expenses on line 6b and program-related income expenses in column (B)).

You should report only general expenses in column (C). Do not use this column to report costs of special meetings or other activities that relate to fundraising or specific program services.

## Column (D)—Fundraising

Fundraising expenses are the total expenses incurred in soliciting contributions, gifts, grants, etc. Report as fundraising expenses all expenses, including allocable overhead costs, incurred in: **(a)** publicizing and conducting fundraising campaigns; **(b)** soliciting bequests and grants from foundations or other organizations, or government grants reportable on line 1c; **(c)** participating in federated fundraising campaigns; **(d)** preparing and distributing fundraising manuals, instructions, and other materials; and **(e)** conducting special events that generate contributions reportable on line 1a, in addition to revenue reportable in the right-hand column on line 9a. However, report any expenses that are directly attributable to revenue shown on line 9a (i.e., the direct expenses incurred in furnishing the goods or services sold) on line 9b.

### Allocating indirect expenses

Colleges, universities, hospitals, and other organizations that accumulate indirect expenses in various cost centers (such as the expenses of operating and maintaining the physical plant) that are reallocated to the program services and other functional areas of the organization in single or multiple steps may find it easier to report these expenses in the following optional manner:

**First**, report the expenses of these indirect cost centers on lines 25 through 43 of column (C), Management and general, along with the expenses properly reportable in that column.

**Second**, allocate the total expenses for each cost center to columns (B), (C), and (D) (Program services, Management and general, and Fundraising) as a separate item entry on line 43, Other expenses. Enter the name of the cost center on line 43. If any of the cost center's expenses are to be allocated to the expenses listed in Part I (such as the expenses attributable to special events and activities), enter these expenses as a negative figure in columns (A) and (C). This prevents reporting the same expense in both Parts I and II. If part of the total cost center expenses are to be allocated to columns (B), Program services, and (D), Fundraising, enter these expenses as positive amounts in these columns and as single negative amounts in column (C), Management and general. Do not make any entries in column (A), Total, for these offsetting entries.

**Example.** An organization reports in column (C) \$50,000 of its actual management and general expenses and \$100,000 of expenses of an indirect cost center that are allocable in part to other functions. The total of lines 25 through 43 of column (C) would be \$150,000 before the indirect cost center allocations were made. Assume that \$10,000 (of the \$100,000 total expenses of the cost center) was allocable to fundraising; \$70,000 to various program services; \$15,000 to management and general functions; and \$5,000 to special events and activities. To report this in Part II under this alternate method:

1. Indicate the cost center, the expenses of which are being allocated, on line 43, as "Allocation of (specify) expenses";
2. Enter a decrease of \$5,000 on the same line in the column (A), Total, representing the special event expenses that were already reported on line 9b in Part I;
3. Enter \$70,000 on the same line in column (B), Program services;
4. Enter \$10,000 on the same line in column (D), Fundraising; and
5. Enter a decrease of \$85,000 on the same line in column (C), Management and

general, to represent the allocations to functional areas other than management and general.

Line	(A)	(B)	(C)	(D)
25-43a	\$150,000	\$—	\$150,000	\$—
43b Allocation of the \$100,000 indirect cost center expenses reported in (C)	(5,000)	70,000	(85,000)	10,000
44	\$145,000	\$70,000	\$65,000	\$10,000

After making these allocations, the column (C) total (line 44, column (C)) would be \$65,000, consisting of the \$50,000 actual management and general expense amount and the \$15,000 allocation of the aggregate cost center expenses to management and general.

The above is an example of a one-step allocation that shows how to report the allocation in Part II. This reporting method would actually be needed more for multiple step allocations involving two or more cost centers. The total expenses of the first would be allocated to the other functions, including an allocation of part of these expenses to the second cost center. The expenses of the second cost center would then be allocated to other functions and any remaining cost centers to be allocated, and so on. The greater the number of these cost centers that are allocated out, the more difficult it is to preserve the object classification identity of the expenses of each cost center (e.g., salaries, interest, supplies, etc.). Using the reporting method described above avoids this problem.

**Note:** *The intent of the above instructions is only to facilitate reporting indirect expenses by both object classification and function. These instructions do not permit the allocation to other functions of expenses that should be reported as management and general expenses.*

### Line 22—Grants and allocations

Enter the amount of awards and grants to individuals and organizations selected by the filing organization. United Way and similar fundraising organizations should include allocations to member agencies.

Report voluntary awards and grants to affiliated organizations for specific (restricted) purposes or projects also on line 22, but not required payments to affiliates reportable on line 16.

Report scholarship, fellowship, and research grants to individuals on line 22. Certain other payments to, or for the benefit of, individuals may be reportable on line 23 instead. See the instructions for line 23 for details.

Report only the amount of actual grants and awards on line 22. Report expenses incurred in selecting recipients, or monitoring compliance with the terms of a grant or award, on lines 25 through 43.

In the spaces provided, give separate totals for cash and noncash grants and allocations made. Cash grants include only grants and allocations paid by cash, checks, money orders, wire transfers, and other charges against funds on deposit at a financial institution.

Reporting for line 22, in accordance with SFAS 116, is acceptable for Form 990 purposes, but not required by IRS. However, see General Instruction E.

An organization that makes a grant to be paid in future years should, according to SFAS 116, report the grant's present value on line 22. Accruals of present value increments to the unpaid grant should also be reported on line 22 in future years.

**Attached schedule.** Attach a schedule of amounts reported on line 22. Any grants or allocations reported on line 22 that were

approved during the year, but not paid by the due date for filing Form 990 (including extensions), must be identified and listed separately in the schedule for line 22. Show on the schedule: **(a)** each class of activity; **(b)** donee's name, address, and the amount given; and **(c)** (in the case of grants to individuals) relationship of donee if related by blood, marriage, adoption, or employment (including employees' children) to any person or corporation with an interest in the organization, such as a creator, donor, director, trustee, officer, etc.

On the schedule, classify activities in more detail than in such broad terms as charitable, educational, religious, or scientific. For example, identify payments for nursing services, laboratory construction, or fellowships.

If property other than cash is given, also show on the schedule: **(a)** a description of the property; **(b)** its book value and how the book value was determined; **(c)** its fair market value and how the fair market value was determined; **(d)** the date of the gift. If the fair market value of the property when the organization gave it is the measure of the award or grant, record any difference between fair market value and book value in the organization's books of account and on line 20.

Colleges, universities, and other educational institutions and agencies subject to the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) are not required to list the names of individuals who were provided scholarships or other financial assistance where such disclosure would violate the privacy provisions of the law. Instead, such organizations should group each type of financial aid provided, indicate the number of individuals who received the aid, and specify the aggregate dollar amount.

### Line 23—Specific assistance to individuals

Enter the amount of payments to, or for the benefit of, particular clients or patients, including assistance rendered by others at the expense of the filing organization. Do not include grants to other organizations that select the person(s) to receive the assistance available through the use of the grant funds. For example, report a payment to a hospital to cover the medical expenses of a particular individual on line 23, but do not report a contribution to a hospital to provide some service to the general public or to unspecified charity patients on this line. Also, do not include scholarship, fellowship, or research grants to individuals even though selected by the grantor organization. Report these grants on line 22 instead.

**Attached schedule.** Attach a schedule showing the total payments for each particular class of activity, such as food, shelter, and clothing for indigents or disaster victims; medical, dental, and hospital fees and charges; and direct cash assistance to indigents. For payments to indigent families, do not identify the individuals.

### Line 24—Benefits paid to or for members

For an organization that provides benefits to members or dependents (such as organizations exempt under section 501(c)(8), (9), or (17)), attach a schedule. Show amounts of: **(a)** death, sickness, hospitalization, or disability benefits; **(b)** unemployment compensation benefits; and **(c)** other benefits (state their nature). Do not report the cost of employment-related benefits the organization provides its officers and employees on this line. Report those expenses on lines 27 and 28.

**Line 25—Compensation of officers, directors, etc.**

Enter the total compensation paid to officers, directors, trustees, and key employees for the year. In Part V, give the name and compensation (if any) of each officer, director, trustee, and key employee, along with the other information requested. If no compensation was paid, enter zero. See the Part V instructions for a definition of "key employee."

Form 941 must be filed to report income tax withholding and social security and Medicare taxes. The organization must also file Form 940 to report Federal unemployment taxes unless the organization is not subject to these taxes. See Pub. 15 (Circular E) for details. See also the discussion of the Trust Fund Recovery Penalty given in General Instruction D.

**Line 26—Other salaries and wages**

Enter the total of employees' salaries not reported on line 25.

**Line 27—Pension plan contributions**

Enter the employer's share of contributions to qualified and nonqualified pension plans for the year. Complete Form 5500 for the organization's plan and file as a separate return. If the organization has more than one plan, complete a form for each plan. File the form by the last day of the 7th month after the plan year ends. See General Instruction D for a discussion of Form 5500.

**Line 28—Other employee benefits**

Enter the organization's contributions to employee benefit programs (such as insurance, health, and welfare programs) that are not an incidental part of a pension plan included on line 27. Report expenses for employee events such as a picnic or holiday party on line 28.

**Line 29—Payroll taxes**

Enter the amount of Federal, state, and local payroll taxes for the year but only those taxes that are imposed on the organization as an employer. This includes the employer's share of social security and Medicare taxes, the Federal unemployment tax (FUTA), state unemployment compensation taxes, and other state and local payroll taxes. Do not include taxes withheld from employees' salaries and paid to the various governmental units such as Federal and state income taxes and the employees' shares of social security and Medicare taxes.

**Line 30—Professional fundraising fees**

Enter the organization's fees to outside fundraisers for solicitation campaigns they conducted or for consultation services connected with a solicitation of contributions by the organization itself.

**Line 31—Accounting fees**

Enter the total accounting and auditing fees charged by outside firms and individuals who are not employees of the reporting organization.

**Line 32—Legal fees**

Enter the total legal fees charged by outside firms and individuals who are not employees of the reporting organization. Do not include any penalties, fines, or judgments imposed against the organization as a result of legal proceedings. Report those expenses on line 43, Other expenses.

**Line 33—Supplies**

Enter the total for office, classroom, medical, and other supplies used during the year, as

determined by the organization's normal method of accounting for supplies.

**Line 34—Telephone**

Enter the total telephone, telegram, and similar expenses for the year.

**Line 35—Postage and shipping**

Enter the total amount of postage, parcel delivery, trucking, and other delivery expenses, including the cost of shipping materials. Include the costs of outside mailing services on this line.

**Line 36—Occupancy**

Enter the total amount paid or incurred for the use of office space or other facilities, heat, light, power, and other utilities (other than telephone expenses reported on line 34), outside janitorial services, mortgage interest, property insurance, real estate taxes, and similar expenses.

Occupancy expenses paid or incurred for program-related income, reportable on line 2, are included on line 36. Do not subtract rental income received from renting or subletting rented space from the amount reported for occupancy expense on line 36. If the activities of the organization's tenant are related to the reporting organization's exempt purpose, report rental income as program-service revenue and allocable occupancy expenses on line 36. However, if the tenant's activities are not program related, report such rental income on line 6a and related rental expenses on line 6b.

Do not include, as an occupancy expense, depreciation (reportable on line 42) or any salaries of the reporting organization's own employees (reportable on line 26).

**Line 37—Equipment rental and maintenance**

Enter the cost of renting and maintaining office equipment and other equipment, except for automobile and truck expenses reportable on lines 35 and 39.

**Line 38—Printing and publications**

Enter the printing and related costs of producing the reporting organization's own newsletters, leaflets, films, and other informational materials on this line. Also include the cost of any purchased publications. However, do not include any expenses, such as salaries or postage, for which a separate line is provided in Part II.

**Line 39—Travel**

Enter the total travel expenses, including transportation costs (fares, mileage allowances, and automobile expenses), meals and lodging, and per diem payments.

**Line 40—Conferences, conventions, and meetings**

Enter the total expenses incurred by the organization in conducting meetings related to its activities. Include such expenses as the rental of facilities, speakers' fees and expenses, and printed materials. Include the registration fees (but not travel expenses) paid for sending any of the organization's staff to conferences, meetings, or conventions conducted by other organizations. However, do not include on this line the salaries and travel expenses of the reporting organization's own officers, directors, trustees, and employees who participate.

**Line 41—Interest**

Enter the total interest expense for the year. Do not include any interest attributable to rental property (reportable on line 6b) or any

mortgage interest treated as occupancy expense on line 36.

**Line 42—Depreciation, depletion, etc.**

If the organization records depreciation, depletion, and similar expenses, enter the total for the year. Include any depreciation (amortization) of leasehold improvements. The organization is not required to use the Modified Accelerated Cost Recovery System (MACRS) to compute the depreciation reported on Form 990 or Form 990-EZ. If the organization records depreciation using MACRS, attach **Form 4562**, Depreciation and Amortization, or a schedule showing the same information required by Form 4562. If the organization does not use MACRS, attach a schedule showing how depreciation was computed.

For an explanation of acceptable methods for computing depreciation, see Pub. 946.

If the organization claims a deduction for depletion, attach a schedule explaining the deduction.

**Line 43—Other expenses**

Show the type and amount of each significant expense for which a separate line is not provided. Report all other miscellaneous expenses as a single total. Expenses that might be reported here include investment counseling and other professional fees, **but not** professional fundraising fees, accounting fees, or legal fees. These are reportable on lines 30 through 32.

Other expenses includable on line 43 are: penalties, fines, and judgments; unrelated business income taxes; insurance and real estate taxes not attributable to rental property or reported as occupancy expenses; and any marketing and distribution costs not included on other lines of Part II. Attach a schedule if more space is needed.

**State reporting—miscellaneous expenses.**

Some states that accept Form 990, or Form 990-EZ, in satisfaction of their filing requirements may require that certain types of miscellaneous expenses be itemized regardless of amount. See General Instruction E.

**Line 44—Total functional expenses**

Add lines 22 through 43 and enter the totals on line 44 in columns (A), (B), (C), and (D). Report the total amounts for columns (B), (C), and (D) in Part I, lines 13 through 15.

**Reporting of joint costs**

Organizations that included in program service expenses (column (B) of Part II) any joint costs from a combined educational campaign and fundraising solicitation must disclose how the total joint costs of all such combined activities were reported in Part II. Organizations answering "Yes" to the joint-cost question following line 44 must furnish the relevant financial data in the spaces provided.

An organization conducts a combined educational campaign and fundraising solicitation when it solicits contributions (by mail, telephone, broadcast media, or any other means) and includes, with the solicitation, educational material or other information that furthers a bona fide nonfundraising exempt purpose of the organization.

Expenses attributable to providing information regarding the organization itself, its use of past contributions, or its planned use of contributions received are not program service expenses and should not be included in column (B). This is true whether or not the organization accounts for joint costs in accordance with the AICPA's Statement of Position 98-2, *Accounting for Costs of Materials and Activities of Not-for-Profit Organizations*

and State and Local Government Entities that Include Fund Raising. Any method of allocating joint costs to program service expenses must be reasonable under the facts and circumstances of each case. Most states with reporting requirements for charitable and other organizations that solicit contributions either require or allow the reporting of joint costs according to Statement of Position 98-2 standards.

### Part III—Statement of Program Service Accomplishments

A program service is a major (usually ongoing) objective of an organization, such as adoptions, recreation for the elderly, rehabilitation, or publication of journals or newsletters.

Step	Action
1	State the organization's primary exempt purpose.
2	<p>All organizations must describe their exempt purpose achievements for each of their four largest program services (as measured by total expenses incurred). If there were four or fewer of such activities, describe each program service activity.</p> <ul style="list-style-type: none"> <li>Describe program service accomplishments through measurements such as clients served, days of care, therapy sessions, or publications issued.</li> <li>Describe the activity's objective, for both this time period and the longer-term goal, if the output is intangible, such as in a research activity.</li> <li>Give reasonable estimates for any statistical information if exact figures are not readily available. Indicate that this information is estimated.</li> <li>Be clear, concise, and complete in your description. Avoid adding an attachment.</li> </ul>
3	<p>If part of the total expenses of any program service consists of grants and allocations reported on line 22, show the amount of grants and allocations in the space provided and include the grants and allocations in the "Expenses" column.</p> <ul style="list-style-type: none"> <li>Section 501(c)(3) and (4) organizations, and section 4947(a)(1) nonexempt charitable trusts, <b>must</b> show the amount of grants and allocations to others and <b>must</b> enter the total expenses for each program service reported.</li> <li>For all other organizations, completing the "Expenses" column (and the "Grants and allocations" entry) in Part III is optional.</li> </ul>

- Attach a schedule that lists the organization's other program services.
  - The detailed information required for the four largest services is not necessary for this schedule.
  - Section 501(c)(3) and (4) organizations, and section 4947(a)(1) nonexempt charitable trusts, however, **must** show the expenses attributable to their program services.

- The organization may show the amount of any donated services, or use of materials, equipment, or facilities it received or utilized in connection with a specific program service.
  - Disclose the applicable amounts of any donated services, etc., on the lines for the narrative description of the appropriate program service.
  - Do not** include these amounts in the expense column in Part III.
  - See the instructions for line 82.

### Part IV—Balance Sheets

All organizations, except those that meet one of the exceptions in General Instruction F, must complete all of Part IV and may not submit a substitute balance sheet. Failure to complete Part IV may result in penalties for filing an incomplete return. See General Instruction K. See General Instruction E for details on completing a Form 990, or Form 990-EZ, to be filed with any state or local governmental agency.

When a schedule is required to be attached for any line item in Part IV, it is only for the end-of-year balance sheet figure reported in column (B). Give the end-of-year figures for any receivables or depreciable assets and the related allowances for doubtful accounts or accumulated depreciation reported within the description column.

#### Line 45—Cash—non-interest-bearing

Enter the total of non-interest-bearing checking accounts, deposits in transit, change funds, petty cash funds, or any other non-interest-bearing account. Do not include advances to employees or officers or refundable deposits paid to suppliers or others.

#### Line 46—Savings and temporary cash investments

Enter the total of interest-bearing checking accounts, savings and temporary cash investments, such as money market funds, commercial paper, certificates of deposit, and U.S. Treasury bills or other governmental obligations that mature in less than 1 year. Report the income from these investments on line 4.

#### Line 47—Accounts receivable

Enter the total accounts receivable (reduced by the allowance for doubtful accounts) from the sale of goods and/or the performance of services. Report claims against vendors or refundable deposits with suppliers or others here, if not significant in amount. Otherwise, report them on line 58, Other assets. Report any receivables due from officers, directors, trustees, or key employees on line 50. Report receivables (including loans and advances) due from other employees on line 58.

#### Line 48—Pledges receivable

Enter the total pledges receivable recorded as of the beginning and end of the year. Do not

include the amount of pledges estimated to be uncollectible.

#### Line 49—Grants receivable

Enter the total grants receivable from governmental agencies, foundations, and other organizations as of the beginning and end of the year. Organizations that follow SFAS 116 may report the present value of the grants receivable as of each balance sheet date.

#### Line 50—Receivables from officers, directors, trustees, and key employees

Report all receivables due from officers, directors, trustees, and key employees, and all secured and unsecured loans to such persons, on line 50 and in an attached schedule discussed below. Report interest from such receivables on line 11. For a definition of "key employee," see the instructions in Part V.

#### When receivables should be reported separately.

In the required schedule, report each receivable separately even if more than one loan was made to the same person or the same terms apply to all loans. Report salary advances, and other advances for the personal use and benefit of the recipient, and receivables subject to special terms, or arising from nontypical transactions, as separate loans for each officer, director, trustee, and key employee.

**When receivables should be reported as a single total.** In the required schedule, report receivables that are subject to the same terms and conditions (including credit limits and rate of interest) as receivables due from the general public (occurring in the normal course of the organization's operations) as a single total for all the officers, directors, trustees, and key employees. Report travel advances for official business of the organization as a single total.

**Schedule format.** For each outstanding loan, or other receivable that must be reported separately, the attached schedule should show the following information (preferably in columnar form):

- Borrower's name and title,
- Original amount,
- Balance due,
- Date of note,
- Maturity date,
- Repayment terms,
- Interest rate,
- Security provided by the borrower,
- Purpose of the loan, and
- Description and fair market value of the consideration furnished by the lender (e.g., cash—\$1,000; or 100 shares of XYZ, Inc., common stock—\$9,000).

The above detail is not required for receivables or travel advances that may be reported as a single total. However, report and identify those totals separately on the attachment.

#### Line 51—Other notes and loans receivable

Enter the combined total of notes receivable and net loans receivable. For notes and loans that represent program-related investments (defined in the line 2 instructions), report the interest income on line 2. For all other notes and loans receivable included on line 51, report the income on line 11.

**Notes receivable.** Enter the amount of all notes receivable not listed on line 50 and not acquired as investments. Attach a schedule similar to that called for in the instructions for line 50. The schedule should also identify the relationship of the borrower to any officer, director, trustee, or key employee of the organization.



Notes receivable from loans by a credit union to its members and scholarship loans by a section 501(c)(3) organization do not have to be itemized. However, identify these loans as such on a schedule and indicate the total amount of such loans that are outstanding.

For a note receivable from another organization exempt under the same paragraph of section 501(c) as the filing organization, list only the name of the borrower and the balance due. For example, a section 501(c)(3) organization would have to provide the full details of a loan to a section 501(c)(4) organization but would have to provide only the name of the borrower and the balance due on a note from a loan to another section 501(c)(3) organization.

**Loans receivable.** Enter the gross amount of loans receivable, less the allowance for doubtful accounts, from the normal activities of the filing organization such as loans by a credit union to its members or scholarship loans by a section 501(c)(3) organization. A schedule of these loans is not required.

Report loans to officers, directors, trustees, and key employees on line 50. Report loans to other employees on line 58.

#### **Line 52—Inventories for sale or use**

Enter the amount of materials, goods, and supplies purchased or manufactured by the organization and held for future sale or use.

#### **Line 53—Prepaid expenses and deferred charges**

Enter the amount of short-term and long-term prepayments of expenses attributable to one or more future accounting periods. Examples include prepayments of rent, insurance, and pension costs, and expenses incurred for a solicitation campaign of a future accounting period.

#### **Line 54—Investments—securities**

Enter the book value, which may be market value, of securities held as investments. Attach a schedule that lists the securities held at the end of the year. Indicate whether the securities are listed at cost (including the value recorded at the time of receipt in the case of donated securities) or end-of-year market value. Debt securities of the U.S., state, and municipal governments, corporate stocks and bonds, and other publicly traded securities (defined in the instructions for line 8) do not have to be listed individually, except for stock holdings that represent 5% or more of the outstanding shares of stock of the same class. However, show separate totals for each type of security (U.S. Government obligations, corporate stocks, etc.). Do not include amounts reported on line 46. Report dividends and interest from these securities on line 5.

#### **Line 55—Investments—land, buildings, and equipment**

Enter the book value (cost or other basis less accumulated depreciation) of all land, buildings, and equipment held for investment purposes, such as rental properties. Attach a schedule listing these fixed assets held as investments at the end of the year. Show for each item or category listed, the cost or other basis, accumulated depreciation, and book value. Report the income from these assets on line 6a.

#### **Line 56—Investments—other**

Enter the amount of all other investment holdings not reported on line 54 or 55. Attach a schedule listing and describing each of these investments held at the end of the year. Show the book value for each and indicate whether

the investment is listed at cost or end-of-year market value. Report the income from these assets on line 7. Do not include program-related investments. See the instructions for line 58.

#### **Line 57—Land, buildings, and equipment**

Enter the book value (cost or other basis less accumulated depreciation) of all land, buildings, and equipment owned by the organization and not held for investment. This includes any property, plant, and equipment owned and used by the organization in conducting its exempt activities. Attach a schedule listing these fixed assets held at the end of the year and showing, for each item or category listed, the cost or other basis, accumulated depreciation, and book value.

#### **Line 58—Other assets**

List and show the book value of each category of assets not reportable on lines 45 through 57. Attach a separate schedule if more space is needed.

One type of asset reportable on line 58 is program-related investments. These are investments made primarily to accomplish an exempt purpose of the filing organization rather than to produce income.

#### **Line 59—Total assets**

Enter the total of lines 45 through 58. The amounts on line 59 must equal the amounts on line 74 for both the beginning and end of year.

#### **Line 60—Accounts payable and accrued expenses**

Enter the total of accounts payable to suppliers and others and accrued expenses, such as salaries payable, accrued payroll taxes, and interest payable.

#### **Line 61—Grants payable**

Enter the unpaid portion of grants and awards that the organization has made a commitment to pay other organizations or individuals, whether or not the commitments have been communicated to the grantees.

#### **Line 62—Deferred revenue**

Include revenue that the organization has received but not yet earned as of the balance sheet date under its method of accounting.

#### **Line 63—Loans from officers, directors, trustees, and key employees**

Enter the unpaid balance of loans received from officers, directors, trustees, and key employees. See the instructions for Part V for definition of "key employee." For loans outstanding at the end of the year, attach a schedule that shows, for each loan, the name and title of the lender and the information specified in items 2 through 10 of the instructions for line 50.

#### **Line 64a—Tax-exempt bond liabilities**

Enter the amount of tax-exempt bonds (or other obligations) issued by the organization on behalf of a state or local governmental unit, or by a state or local governmental unit on behalf of the organization, and for which the organization has a direct or indirect liability. Tax-exempt bonds include state or local bonds and any obligations, including direct borrowing from a lender, or certificates of participation, the interest on which is excluded from the income of the recipient for Federal income tax purposes under section 103.

For all such bonds and obligations outstanding at any time during the year, attach a schedule showing for each separate issue:

(a) the issue date; (b) the purpose of the issue; (c) the original amount of the issue; and (d) whether a Form 8038, 8038-G, or 8038-GC was filed when the obligation was issued, including the date when such form was filed. If the bond, obligation, or debt has been retired or paid by the organization during the year, indicate the date that the event occurred. If the bond, obligation, or debt was outstanding at the end of the year, give: (a) the actual or anticipated completion date for the project financed with the borrowed funds; (b) the amount of the issue outstanding; and (c) the unexpended bond proceeds, if any. Also indicate whether any portion of any bond-financed facility was used by a third party (other than a governmental unit or section 501(c)(3) organization), and, if so, state the percentage of space used by the third party.

If the tax-exempt bond or obligation is in the form of a mortgage, include the amount of the mortgage on line 64a, and not on line 64b. For such mortgage, include in the above listing, the maturity date of the debt, repayment terms, interest rate, and any security provided by the organization.

Line 64a does not, however, refer to situations where the organization only has a contingent liability, as it would if it were a guarantor of tax-exempt bonds issued by a related entity. Contingent liabilities, such as those that arise from guarantees, should be included as an entry in the separately attached schedule required for line 64a.

#### **Line 64b—Mortgages and other notes payable**

Enter the amount of mortgages and other notes payable at the beginning and end of the year. Attach a schedule showing, as of the end of the year, the total amount of all mortgages payable and, for each nonmortgage note payable, the name of the lender and the other information specified in items 2 through 10 of the instructions for line 50. The schedule should also identify the relationship of the lender to any officer, director, trustee, or key employee of the organization.

#### **Line 65—Other liabilities**

List and show the amount of each liability not reportable on lines 60 through 65. Attach a separate schedule if more space is needed.

#### **Lines 67 through 69—Net assets**

The Financial Accounting Standards Board issued *Financial Statements of Not-for-Profit Organizations* (SFAS 117). SFAS 117 provides standards for external financial statements certified by an independent accountant for certain types of nonprofit organizations. SFAS 117 does not apply to credit unions, voluntary employees' beneficiary associations, supplemental unemployment benefit trusts, section 501(c)(12) cooperatives, and other member benefit or mutual benefit organizations.

While some states may require reporting in accordance with SFAS 117, IRS does not (see General Instruction E). However, a Form 990, or Form 990-EZ, return prepared in accordance with SFAS 117 will be acceptable to IRS.

**Organizations that follow SFAS 117.** If the organization follows SFAS 117, check the box above line 67. Classify and report net assets in three groups—unrestricted, temporarily restricted, and permanently restricted—based on the existence or absence of donor-imposed restrictions and the nature of those restrictions. Show the sum of the three classes of net assets on line 73. On line 74, add the amounts on lines 66 and 73 to show total liabilities and net assets. This figure should be the same as the figure for Total assets on line 59.

**Line 67—Unrestricted**

Enter the balances per books of the unrestricted class of net assets. Unrestricted net assets are neither permanently restricted nor temporarily restricted by donor-imposed stipulations. All funds without donor-imposed restrictions must be classified as unrestricted, regardless of the existence of any board designations or appropriations.

**Line 68—Temporarily restricted**

Enter the balance per books for the temporarily restricted class of net assets. Donors' temporary restrictions may require that resources be used in a later period or after a specified date (time restrictions), or that resources be used for a specified purpose (purpose restrictions), or both.

**Line 69—Permanently restricted**

Enter the total of the balances for the permanently restricted class of net assets. Permanently restricted net assets are (a) assets, such as land or works of art, donated with stipulations that they be used for a specified purpose, be preserved, and not be sold or (b) assets donated with stipulations that they be invested to provide a permanent source of income. The latter result from gifts and bequests that create permanent endowment funds.

**Organizations that do not follow SFAS 117.**

If the organization does not follow SFAS 117, check the box above line 70 and report account balances on lines 70 through 72. Report net assets or fund balances on line 73. Also complete line 74 to report the sum of the total liabilities and net assets.

Some states that accept Form 990, or Form 990-EZ, as their basic reporting form may require a separate statement of changes in net assets/fund balances. See General Instruction E.

**Line 70—Capital stock, trust principal, or current funds**

For corporations, enter the balance per books for capital stock accounts. Show par or stated value (or for stock with no par or stated value, total amount received upon issuance) of all classes of stock issued and, as yet, uncanceled. For trusts, enter the amount in the trust principal or corpus account. For organizations continuing to use the fund method of accounting, enter the fund balances for the organization's current restricted and unrestricted funds.

**Line 71—Paid-in or capital surplus, or land, bldg., and equipment fund**

Enter the balance per books for all paid-in capital in excess of par or stated value for all stock issued and uncanceled. If stockholders or others gave donations that the organization records as paid-in capital, include them here. Report any current-year donations you included on line 71 in Part I, line 1. Enter the fund balance for the land, building, and equipment fund on this line.

**Line 72—Retained earnings or accumulated income, endowment, or other funds**

For corporations, enter the balance in the retained earnings, or similar account, minus the cost of any corporate treasury stock. For trusts, enter the balance per books in the accumulated income or similar account. For those organizations using fund accounting, enter the total of the fund balances for the permanent and term endowment funds as well as balances of any other funds not reported on lines 70 and 71.

**Line 73—Total net assets or fund balances**

For organizations that follow SFAS 117, enter the total of lines 67 through 69. For all other organizations, enter the total of lines 70 through 72. Enter the beginning-of-the-year figure on line 73, column (A), in Part I, line 19. The end-of-the-year figure on line 73, column (B) must agree with the figure on line 21 of Part I.

**Line 74—Total liabilities and net assets/fund balances**

Enter the total of lines 66 and 73. This amount must equal the amount for total assets reported on line 59 for both the beginning and end of the year.

**Parts IV-A and IV-B—Reconciliation Statements**

Use these reconciliation statements to reconcile the differences between the revenue and expenses shown on the organization's audited financial statements prepared in accordance with SFAS 117 and the revenue and expenses shown on the organization's Form 990.

If the organization did not receive an audited financial statement for 1999 (or the fiscal year for which it is completing this Form 990) and prepared the return in accordance with SFAS 117, it does not need to complete Parts IV-A or IV-B and should instead enter "N/A" on line a of each Part.

These two parts also do not have to be completed on group returns.

On line d(1) of Parts IV-A and IV-B, include only those investment expenses netted against investment income in the revenue portion of the organization's audited financial statements. Do not include program-related investment expenses or other expenses reported as program service expenses in the audited statement of activities.

**Part V—List of Officers, Directors, Trustees, and Key Employees**

List each person who was an officer, director, trustee, or key employee (defined below) of the organization or disregarded entity described in Regulations sections 301.7701-1 through 301.7701-3 at any time during the year even if they did not receive any compensation from the organization. Enter a zero in columns (B), (C), (D), or (E) if no hours were entered in column (B) and no compensation, contributions, expenses and other allowances were paid during the reporting year, or deferred for payment to a future accounting period. Give the preferred address at which officers, etc., want the Internal Revenue Service to contact them. Use an attachment if there are more persons to list in Part V.

Show all forms of cash and noncash compensation received by each listed officer, etc., whether paid currently or deferred.

If you pay any other person, such as a management services company, for the services provided by any of your officers, directors, trustees, or key employees, report the compensation and other items in Part V as if you had paid the officers, etc., directly.

A failure to fully complete Part V can subject both the organization and the individuals responsible for such failure to penalties for filing an incomplete return. See General Instruction K. In particular, entering the phrase on Part V, "Information available upon request," or a similar phrase, is not acceptable.

The organization may also provide an attachment to explain the entire 1999 compensation package for any person listed in Part V.

Each person listed in Part V should report the listed compensation on his or her income tax return unless the Code specifically excludes any of the payments from income tax. See Pub. 525 for details.

A "key employee" is any person having responsibilities or powers similar to those of officers, directors, or trustees. The term includes the chief management and administrative officials of an organization (such as an executive director or chancellor) but does not include the heads of separate departments or smaller units within an organization.

A chief financial officer and the officer in charge of administration or program operations are both key employees if they have the authority to control the organization's activities, its finances, or both. The "heads of separate departments" reference applies to persons such as the head of the radiology department or coronary care unit of a hospital or the head of the chemistry, history, or English department at a college. These persons are managers within their specific areas but not for the organization as a whole and, therefore, are not key employees.

**Column (B)**

In column (B), a numerical estimate of the average hours per week devoted to the position is required for a complete answer. Phrases such as "as needed" or "as required" are unacceptable.

**Column (C)**

For each person listed, report salary, fees, bonuses, and severance payments paid. Include current-year payments of amounts reported or reportable as deferred compensation in any prior year.

**Column (D)**

Include in this column all forms of deferred compensation and future severance payments (whether or not funded; whether or not vested; and whether or not the deferred compensation plan is a qualified plan under section 401(a)). Include also payments to welfare benefit plans on behalf of the officers, etc. Such plans provide benefits such as medical, dental, life insurance, severance pay, disability, etc. Reasonable estimates may be used if precise cost figures are not readily available.

Unless the amounts were reported in column (C), report, as deferred compensation in column (D), salaries and other compensation earned during the period covered by the return, but not yet paid by the date the organization files its return.

**Column (E)**

Enter both taxable and nontaxable fringe benefits (other than *de minimis* fringe benefits described in section 132(e)). Include expense allowances or reimbursements that the recipients must report as income on their separate income tax returns. Examples include amounts for which the recipient did not account to the organization or allowances that were more than the payee spent on serving the organization. Include payments made under indemnification arrangements, the value of the personal use of housing, automobiles, or other assets owned or leased by the organization (or provided for the organization's use without charge), as well as any other taxable and nontaxable fringe benefits. See Pub. 525 for more information.

## Line 75—Compensation from related organizations

Answer “Yes” to this question if any officer, director, trustee, or key employee received total compensation of more than \$100,000 from your organization and all related organizations (as defined below) and more than \$10,000 of this compensation was provided by the related organization. For this purpose, “compensation” includes any amount that would be reportable in column (C), (D), or (E) of Part V if provided by the filing organization.

Report any compensation paid by a related organization for only that period where a control or other relationship existed between the organizations. Report compensation paid by a related organization in the same period (calendar or fiscal year) as compensation paid by the Form 990 filer.

Organizations answering “Yes” must attach a schedule that lists, for each officer, director, trustee, or key employee receiving such compensation, the name and EIN of each related organization that provided the compensation and the amount each provided. Use the same format as required by columns (C) through (E) of Part V.

Providing information on compensation received from related organizations does not violate the disclosure provisions of section 7216(a). See also section 6033(a)(1).

A “related organization” is any entity (whether tax-exempt or taxable) that the filing organization directly or indirectly owns or controls, or that directly or indirectly owns or controls the filing organization. For example, if Organization A owns 90% of B, and B owns 80% of C, then A would directly own 90% of B and indirectly own 72% (90% of 80%) of C.

“Owns” means holding (directly or indirectly) 50% or more of the voting membership rights, voting stock, profits interest, or beneficial interest.

“Control” means that:

1. Fifty percent (50%) or more of the filing organization’s officers, directors, trustees, or key employees are also officers, directors, trustees, or key employees of the second organization being tested for control;
2. The filing organization appoints 50% or more of the officers, directors, trustees, or key employees of the second organization; or
3. Fifty percent (50%) or more of the filing organization’s officers, directors, trustees, or key employees are appointed by the second organization.

Control exists if the 50% test is met by any one group of persons even if collectively the 50% test is not met.

Whether or not any elements of ownership or control are present, a related organization also includes:

- A supporting organization operated in connection with the filing organization where one of the purposes of the supporting organization is to benefit or further the purposes of the filing organization; and
- A supported organization operated in connection with the filing organization where one of the purposes of the filing organization is to benefit or further the purposes of the supported organization.

For example, a hospital auxiliary that raises funds for Hospital Y or coordinates the efforts of that hospital’s volunteer staff would be a supporting organization of Hospital Y and, thus, a related organization, even if the hospital does not own or control the auxiliary. Hospital Y, in turn, would be a supported organization of the auxiliary. In any case where the \$10,000 and \$100,000 minimums were met, the hospital

must report (on an attachment to its return) the compensation paid by the auxiliary to the officer, director, trustee, or key employee of the hospital. The same reporting requirement would apply to compensation paid by Hospital Y to an officer, etc., of the auxiliary.

## Part VI—Other Information

**Note:** Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must also complete and attach a Schedule A (Form 990) to their Form 990 or Form 990-EZ. See General Instruction D for information on Schedule A (Form 990).

### Line 76—Change in activities

Attach a statement to explain any significant changes in the kind of activities the organization conducts to further its exempt purpose. Include new or modified activities not listed as current or planned in the organization’s application for recognition of exemption, or not yet reported to the IRS by a letter to its key District director or by an attachment to the organization’s return for any earlier year. Also include any major program activities that are being discontinued.

### Line 77—Changes in organizing or governing documents

Attach a conformed copy of any changes to the articles of incorporation, or association, constitution, trust instrument, or other organizing document, or to the bylaws or other governing document.

A “conformed” copy is one that agrees with the original document and all amendments to it. If the copies are not signed, they must be accompanied by a written declaration signed by an officer authorized to sign for the organization, certifying that they are complete and accurate copies of the original documents.

Photocopies of articles of incorporation showing the certification of an appropriate state official do not have to be accompanied by such a declaration. See Rev. Proc. 68-14, 1968-1 C.B. 768, for details. When a number of changes are made, attach a copy of the entire revised organizing instrument or governing document.

However, if your exempt organization changes its legal structure, such as from a trust to a corporation, you must file a new exemption application to establish that the new legal entity qualifies for exemption.

### Line 78—Unrelated business income

Check “Yes” on line 78a if the organization’s total gross income from all of its unrelated trades and businesses is \$1,000 or more for the year. Gross income is the amount of gross receipts less the cost of goods sold. See Pub. 598 for a description of unrelated business income and the Form 990-T filing requirements for section 501(c), 501(e), 501(f), 501(k), and 501(n) organizations having such income.

**Form 990-T is not a substitute for Form 990.** Report on Form 990, or Form 990-EZ, items of income and expense that are also reported on Form 990-T when the organization is required to file both forms.

**Note:** All tax-exempt organizations must pay estimated taxes with respect to their unrelated business income if they expect their tax liability to be \$500 or more. Use Form 990-W to compute this tax.

### Line 79—Liquidation, dissolution, termination, or substantial contraction

For a complete liquidation of a corporation or termination of a trust, check the “Final return” box in the heading of Form 990 or Form

990-EZ. If there was a liquidation, dissolution, termination, or substantial contraction, attach a statement explaining what took place.

On the attached statement, show whether the assets have been distributed and the date of distribution. Also attach a certified copy of any resolution, or plan of liquidation or termination, etc., with all amendments or supplements not already filed. In addition, attach a schedule listing the names and addresses of all persons who received the assets distributed in liquidation or termination, the kinds of assets distributed to each one, and each asset’s fair market value.

A “substantial contraction” is a partial liquidation or other major disposition of assets except transfers for full consideration or distributions from current income.

A “major disposition of assets” means any disposition for the tax year that is:

1. At least 25% of the fair market value of the organization’s net assets at the beginning of the tax year; or

2. One of a series of related dispositions begun in earlier years that add up to at least 25% of the net assets the organization had at the beginning of the tax year when the first disposition in the series was made. Whether a major disposition of assets took place through a series of related dispositions depends on the facts in each case.

See Regulations section 1.6043-3 for special rules and exceptions.

### Line 80—Relation to other organizations

Answer “Yes” if most (more than 50%) of the organization’s governing body, officers, directors, trustees, or membership are also officers, directors, trustees, or members of any other organization.

Disregard any coincidental overlap of membership with another organization; that is, when membership in one organization is not a condition of membership in another organization. For example, assume that a majority of the members of a section 501(c)(4) civic organization also belong to a local chamber of commerce described in section 501(c)(6). The civic organization should answer “No” on line 80 if it does not require its members to belong to the chamber of commerce.

Also disregard affiliation with any statewide or nationwide organization. Thus, the civic organization in the above example would still answer “No” on line 80 even if it belonged to a state or national federation of similar organizations. A local labor union whose members are also members of a national labor organization would answer “No” on line 80.

### Line 81—Expenditures for political purposes

A political expenditure is one intended to influence the selection, nomination, election, or appointment of anyone to a Federal, state, or local public office, or office in a political organization, or the election of Presidential or Vice Presidential electors. It does not matter whether the attempt succeeds.

An expenditure includes a payment, distribution, loan, advance, deposit, or gift of money, or anything of value. It also includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable.

**All section 501(c) organizations.** Section 501(c) organizations must file Form 1120-POL if their political expenditures and their net investment income both exceed \$100 for the year. They may be liable for a tax under section 527.

If a section 501(c) organization establishes and maintains a section 527(f)(3) separate segregated fund, it is the fund's responsibility to file its own Form 1120-POL if the fund meets the Form 1120-POL filing requirements. Do not include the segregated fund's receipts, expenditures, and balance sheet items on the Form 990, or Form 990-EZ, of the section 501(c) organization that establishes and maintains the fund. When answering questions 81a and 81b on its Form 990, this section 501(c) organization should disregard the political expenses and Form 1120-POL filing requirement of the segregated fund.

However, when a section 501(c) organization transfers its own funds, to a separate segregated section 527(f)(3) fund for use as political expenses, the 501(c) organization must report the transferred funds as its own political expenses on its Form 990 or Form 990-EZ.

**Section 501(c)(3) organizations.** A section 501(c)(3) organization will lose its tax-exempt status if it engages in political activity.

A section 501(c)(3) organization must pay a section 4955 excise tax for any amount paid or incurred on behalf of, or in opposition to, any candidate for public office. The organization must pay an additional excise tax if it fails to correct the expenditure timely.

A manager of a section 501(c)(3) organization who knowingly agrees to a political expenditure must pay a section 4955 excise tax, unless the agreement is not willful and there is reasonable cause. A manager who does not agree to a correction of the political expenditure may have to pay an additional excise tax.

When a section 501(c)(3) organization promotes a candidate for public office (or is used or controlled by a candidate or prospective candidate), amounts paid or incurred for the following purposes are political expenditures:

- Remuneration to such individual (a candidate or prospective candidate) for speeches or other services;
- Travel expenses of such individual;
- Expenses of conducting polls, surveys, or other studies, or preparing papers or other material for use by such individual;
- Expenses of advertising, publicity, and fundraising for such individual; and
- Any other expense that has the primary effect of promoting public recognition or otherwise primarily accruing to the benefit of such individual.

An organization is effectively controlled by a candidate or prospective candidate only if such individual has a continuing, substantial involvement in the day-to-day operations or management of the organization.

A determination of whether the primary purpose of an organization is promoting the candidacy or prospective candidacy of an individual for public office is made on the basis of all the facts and circumstances. See section 4955 and Regulations section 53.4955.

Use Form 4720 to figure and report the excise taxes.

**Line 82—Donated services or facilities**

Because Form 990, or Form 990-EZ, is open to public inspection, you may want the return to show contributions the organization received in the form of donated services or the use of materials, equipment, or facilities at less than fair rental value. If so, and if the organization's records either show the amount and value of such items or give a clearly objective basis for an estimate, the organization may choose to enter this optional information on line 82b. The IRS does not require any organization to keep

such records. However, **do not** include the value of such items in Part I or II, or in the expense column in Part III. You may indicate the value of donated services or use of materials, equipment, or facilities in Part III in the narrative description of program services rendered. See the instructions for Part III.

**Line 83—Public inspection requirements**

Answer "Yes" only if the organization complied with its public inspection obligations described in General Instruction M.

**Line 83b—Disclosure requirements for quid pro quo contributions**

See General Instruction L.

**Line 84a—Solicitations of contributions**

All organizations that qualify under section 170(c) to receive contributions that are deductible as charitable contributions for Federal income tax purposes, enter "N/A." See General Instruction L.

**Line 85—Section 501(c)(4), (5), or (6) organizations**

**Reporting membership dues, lobbying, and political expenses under section 6033(e).** Only certain organizations that are tax exempt under:

- Section 501(c)(4) (social welfare organizations),
- Section 501(c)(5) (agricultural and horticultural organizations), or
- Section 501(c)(6) (business leagues) are subject to (a) the section 6033(e) notice and reporting requirements, and (b) a potential proxy tax. These organizations must report their total lobbying expenses, political expenses, and membership dues, or similar amounts, on line 85 of Form 990.

**Section 6033(e) notice and reporting requirements and proxy tax.** Section 6033(e) requires certain section 501(c)(4), (5), and (6) organizations to tell their members what portion of their membership dues were allocable to the political or lobbying activities of the organization. If an organization does not give its members this information, then the organization is subject to a proxy tax. The tax is reported on Form 990-T.

However, if the organization meets **Exception 1** or **2**, it is excluded from the notice, reporting, and proxy tax requirements of section 6033(e). See also Rev. Proc. 98-19, 1998-1 C.B. 547.

**Exception 1. Section 6033(e)(3) exception for organizations whose dues are nondeductible.** (Check "Yes" for line 85a.)

1. All organizations exempt from tax under section 501(a), other than section 501(c)(4), 501(c)(5), and 501(c)(6) organizations.
2. Local associations of employees' and veterans' organizations described in section 501(c)(4), but not section 501(c)(4) social welfare organizations.
3. Labor unions and other labor organizations described in section 501(c)(5), but not section 501(c)(5) agricultural and horticultural organizations.
4. Section 501(c)(4), (5), and (6) organizations that receive more than 90% of their dues from:
  - a. Section 501(c)(3) organizations,
  - b. State or local governments,
  - c. Entities whose income is exempt from tax under section 115, or
  - d. Organizations described in 1 through 3, above.
5. Section 501(c)(4) and (5) organizations that receive more than 90% of their annual dues from:

- a. Persons,
- b. Families, or
- c. Entities who each paid annual dues of \$77 or less in 1999 (adjusted annually for inflation). See Rev. Proc. 98-61, 1998-2 C.B. 811.

6. Any organization that receives a private letter ruling from the IRS stating that the organization satisfies the section 6033(e)(3) exception.

7. Any organization that keeps records to substantiate that 90% or more of its members cannot deduct their dues (or similar amounts) as business expenses whether or not any part of their dues are used for lobbying purposes.

8. Any organization that is not a membership organization.

**Note:** *Special rules treat affiliated social welfare organizations, agricultural and horticultural organizations, and business leagues as parts of a single organization for purposes of meeting the nondeductible dues exception.* See Rev. Proc. 98-19.

**Exception 2. Section 6033(e)(1) \$2,000 in-house lobbying exception.** (Check "Yes" for line 85b.) An organization satisfies the \$2,000 in-house lobbying exception if it:

1. Did not receive a waiver for proxy tax owed for the prior year.
2. Did not make any political or foreign lobbying expenditures during the 1999 reporting year,
3. Made lobbying expenses during the 1999 reporting year consisting only of in-house direct lobbying expenses totaling \$2,000 or less, but excluding:
  - a. Any allocable overhead expenses, and
  - b. All direct lobbying expenses of any local council regarding legislation of direct interest to the organization or its members.

**Dues notices.** An organization that checked "No" for both lines 85a and 85b, and is thus responsible for reporting on line 85c through 85h, must send dues notices to its members at the time of assessment or payment of dues, unless the organization chooses to pay the proxy tax instead of informing its members of the nondeductible portion of its dues. These dues notices must reasonably estimate the dues allocable to the nondeductible lobbying and political expenditures reported on line 85d.

IF . . .	THEN . . .
The organization's lobbying and political expenses are more than its membership dues for the year,	The organization must: (a) Allocate all membership dues to its lobbying and political activities, and (b) Carry forward any excess lobbying and political expenses to the next tax year.
The organization: (a) Had only <i>de minimis</i> in-house expenses (\$2,000 or less) and no other nondeductible lobbying or political expenses; or (b) Paid a proxy tax, instead of notifying its members on the allocation of dues to lobbying and political expenses*; or (c) Established that substantially all of its membership dues, etc., are not deductible by members,	The organization need not disclose to its membership the allocation of dues, etc., to its lobbying and political activities.

\* (such as political campaign or grassroots lobbying expenses)

Members of the organization cannot take a trade or business expense deduction on their tax returns for the portion of their dues, etc., allocable to the organization's lobbying and political activities.

### Proxy tax.

IF . . .	THEN . . .
The organization's actual lobbying and political expenses are more than it estimated in its dues notices,	The organization is liable for a proxy tax on the excess and reports it on Form 990-T.
The organization: (a) Elects to pay the proxy tax, and (b) Chooses not to give its members a notice allocating dues to lobbying and political activities,	All the members' dues remain eligible for a section 162 trade or business expense deduction.
The organization: (a) Makes a reasonable estimate of dues allocable to nondeductible lobbying and political activities, and (b) Agrees to adjust its estimate in the following year*,	The IRS may permit a waiver of the proxy tax.

\*A facts and circumstances test determines whether or not a reasonable estimate was made in good faith.

**Allocation of costs to lobbying activities and influencing legislation.** An organization that is subject to the lobbying disclosure rules of section 6033(e) must use a reasonable allocation method to determine its total costs of its direct lobbying activities; that is, costs to influence:

- Legislation, and
- The actions of a covered executive branch official through direct communication (e.g., President, Vice President, or cabinet-level officials, and their immediate deputies) (sections 162(e)(1)(A) and (D)).

Reasonable methods of allocating costs to direct lobbying activities include, but are not limited to:

- The ratio method,
- The gross-up and alternative gross-up methods, and
- A method applying the principles of section 263A.

See Regulations sections 1.162-28 and 1.162-29 and the special rules and definitions for these allocation methods given below.

An organization that is subject to the lobbying disclosure rules of section 6033(e) must also determine its total costs of:

- *de minimis* in-house lobbying,
- grassroots lobbying, and
- political activities.

There are no special rules related to determining these costs.

**All methods.** For all the allocation methods, include labor hours and costs of personnel whose activities involve significant judgment with respect to lobbying activities (lobbying personnel).

### Special rules and definitions.

#### Ratio and gross-up methods.

1. May use even if volunteers conduct activities.
2. May disregard labor hours and costs of clerical or support personnel (other than lobbying personnel) under the ratio method.

#### Alternative gross-up method.

- Disregard labor hours and

- Costs of clerical or support personnel (other than lobbying personnel).

**Third-party costs** are those paid to:

- Outside parties for conducting lobbying activities,
- Dues paid to another membership organization that were declared to be nondeductible lobbying expenses, and
- Travel and entertainment costs for lobbying activities.

**Direct contact lobbying** is a:

- Meeting,
- Telephone conversation,
- Letter, or
- Similar means of communication that is with a:

1. Legislator (other than a local legislator) or
2. Covered executive branch official and that otherwise qualifies as a lobbying activity.

Treat all hours spent by a person in connection with direct contact lobbying as labor hours allocable to lobbying activities.

Do not treat the hours spent by a person who engages in research and other background activities related to direct contact lobbying, but who makes no direct contact with a legislator, or covered executive branch official, as direct contact lobbying.

**De minimis rule.** If less than 5% of a person's time is spent on lobbying activities, and there is no direct contact lobbying, an organization may treat that person's time spent on lobbying activities as zero.

**Influencing legislation** means:

- Any attempt to influence legislation through a lobbying communication; and
- All activities, such as research and coordination for the purpose of making or supporting a lobbying communication, even if not yet made.

A **lobbying communication** is any communication with any member or employee of a legislative body, or any other government official participating in the formulation of the legislation that:

- Refers to specific legislation and reflects a view on that legislation; or
- Provides support for views in a prior lobbying communication.

**Purpose for engaging in an activity** is based on all the facts and circumstances. If an organization's lobbying communication was for a lobbying and a nonlobbying purpose, the organization must make a reasonable allocation of costs to influencing legislation.

#### Correction of prior year lobbying costs.

If in a prior year, an organization treated costs incurred for a future lobbying communication as a lobbying cost to influence legislation, but after the organization filed a timely return, it appears the lobbying communication will not be made under any foreseeable circumstance, the organization may apply these costs to reduce its current year's lobbying costs, but not below zero. The organization may carry forward any amount of the costs not used to reduce its current year's lobbying costs to subsequent years.

**Example: Ratio method.** X Organization incurred:

1. 6,000 labor hours for all activities
2. 3,000 labor hours for lobbying activities (three employees)
3. \$300,000 for operational costs
4. No third-party lobbying costs

X Organization allocated its lobbying costs as follows:

Lobbying labor hrs.	$\frac{3,000}{6,000} \times \$300,000$	+	0	=	\$150,000
Total labor hrs.	Total costs of operations	Allocable third-party costs	Costs allocable to lobbying activities		

### Examples: Gross-up method and Alternative gross-up method.

A and B are employees of Y Organization.

1. A's activities involve significant judgment with respect to lobbying activities.

2. A's basic lobbying labor costs (excluding employee benefits) are \$50,000.

3. B performs clerical and support activities for A.

4. B's labor costs (excluding employee benefits) in support of A's activities are \$15,000.

5. Allocable third-party costs are \$100,000.

If Y Organization uses the gross-up method to allocate its lobbying costs, Y multiplies 175% times its basic labor costs (excluding employee benefits) for all of the lobbying of its personnel and adds its allocable third-party lobbying costs as follows:

$175\% \times \$65,000$	+	\$100,000	=	\$213,750
Basic lobbying labor costs of A + B	Allocable third-party costs	Costs allocable to lobbying activities		

If Y Organization uses the alternative gross-up method to allocate its lobbying costs, Y multiplies 225% times its basic labor costs (excluding employee benefits) for all of the lobbying hours of its "lobbying personnel" and adds its third-party lobbying costs as follows:

$225\% \times \$50,000$	+	\$100,000	=	\$212,500
Basic lobbying labor costs of A	Allocable third-party costs	Costs allocable to lobbying activities		

**Section 263A cost allocation method.** The examples that demonstrate this method are found in Regulations section 1.162-28(f).

### Line 85a—Section 6033(e)(3) exception for nondeductible dues

If your organization meets any of the criteria of **Exception 1** in the line 85 instructions, answer "Yes" to question 85a. By doing so, you are declaring that substantially all of the organization's membership dues were nondeductible. Skip lines 85b through 85h.

### Line 85b—In-house lobbying expenditures

An organization is exempt from the notice, reporting, and proxy tax liability rules of section 6033(e) if it meets **Exception 2**, the \$2,000 in-house lobbying exception. Both exceptions are discussed in the instructions for line 85.

An organization should answer "Yes" to question 85b if it met all of the requirements of **Exception 2**. Skip lines 85c through 85h.

If the organization's in-house direct lobbying expenditures during the 1999 reporting year were \$2,000 or less, but the organization also paid or incurred other lobbying or political expenditures during the 1999 reporting year, or received a waiver for proxy tax owed for the prior year, it should answer "No" to question 85b and complete lines 85c through 85h. However, the \$2,000 or less of in-house direct lobbying expenditures should not be included in the total on line 85d.

### Definitions.

**Grassroots lobbying** refers to attempts to influence any segment of the general public regarding legislative matters or referendums.

**Direct lobbying includes attempting to influence:**

- Legislation through communication with legislators and other government officials, and
- The official actions or positions of covered executive branch officials through direct communication.

**Direct lobbying does not include attempting to influence:**

- Any local council on legislation of direct interest to the organization or its members, and
- The general public regarding legislative matters (grassroots lobbying).

**Other lobbying includes:**

- Grassroots lobbying,
- Foreign lobbying,
- Third-party lobbying, and
- Dues paid to another organization that were used to lobby.

**In-house expenditures include:**

- Salaries, and
- Other expenses of the organization's officials and staff (including amounts paid or incurred for the planning of legislative activities).

**In-house expenditures do not include:**

- Any payments to other taxpayers engaged in lobbying or political activities as a trade or business.
- Any dues paid to another organization that are allocable to lobbying or political activities.

**Line 85c—Dues, assessments, and similar amounts received**

Enter the total dues, assessments, and similar amounts allocable to the 1999 reporting year.

The term "dues" means the amount the organization requires a member to pay in order to be recognized as a member.

Payments that are similar to dues include:

1. Members' voluntary payments,
2. Assessments to cover basic operating costs, and
3. Special assessments to conduct lobbying and political activities.

**Line 85d—Lobbying and political expenditures**

Include on line 85d the total amount of expenses paid or incurred during the 1999 reporting year in connection with:

1. Influencing legislation;
2. Participating or intervening in any political campaign on behalf of (or in opposition to) any candidate for any public office;
3. Attempting to influence any segment of the general public with respect to elections, legislative matters, or referendums; or
4. Communicating directly with a covered executive branch official in an attempt to influence the official actions or positions of such official.

Also include on line 85d:

1. Excess lobbying and political expenditures carried over from the preceding taxable year.
2. An amount equal to the taxable lobbying and political expenditures reported on line 85f for the preceding taxable year, if the organization received a waiver of the proxy tax imposed on that amount.

**Do not include:**

1. Any direct lobbying of any local council or similar governing body with respect to legislation of direct interest to the organization or its members.

2. In-house direct lobbying expenditures, if the total of such expenditures is \$2,000 or less (excluding allocable overhead).

3. Political expenditures for which the section 527 tax has been paid (on Form 1120-POL).

- Reduce the current year's lobbying expenditures, but not below zero, by costs previously allocated in a prior year to lobbying activities that were cancelled after a return reporting those costs was filed.
- Carry forward any amounts not used as a reduction to subsequent years.

**Line 85e—Dues declared nondeductible in notices to members**

Enter the total amount of dues, etc., allocable to the 1999 reporting year that members were notified were nondeductible under section 162(e).

**Example.**

- Membership dues: \$100,000 for the 1999 reporting year
- Organization's timely notices to members—25% of membership dues nondeductible
- Line 85e entry—\$25,000

**Line 85f—Taxable lobbying and political expenditures**

The taxable amount reportable on line 85f is the amount of dues, etc.:

1. Allocable to the 1999 reporting year, and
2. Attributable to lobbying and political expenditures that the organization did not timely notify its members were nondeductible.

If the amount on line 85c (dues, etc.) is GREATER than the amount on line 85d (lobbying & political expenses), then:

Line 85d (lobbying & political expenses)  
 Less: Line 85e (dues shown in notices)  
 Equals: Line 85f (taxable lobbying & political expenses)

If the amount on line 85c (dues, etc.) is LESS than the amount on line 85d (lobbying & political expenses), then:

Line 85c (dues, etc.)  
 Less: Line 85e (dues shown in notices)  
 Equals: Line 85f (taxable lobbying & political expenses), and  
  
 Line 85d (lobbying & political expenses)  
 Less: Line 85c (dues, etc.)  
 Equals: The excess amount to be carried over to the following taxable year and reported on line 85d (lobbying & political expenses), or its equivalent, on the year 2000 Form 990.

See **Examples** given below.

**Lines 85g and 85h—Proxy tax and waivers**

An organization must pay the section 6033(e) proxy tax on the amount reported on line 85f unless it has the option to check "Yes" on line 85h.

If the amount on line 85f is zero, or less than zero, enter on:  
 Line 85g N/A  
 Line 85h N/A

If the organization sent dues notices to its members at the time of assessment or payment of dues that reasonably estimated the dues allocable to the nondeductible lobbying and political expenditures reported on line 85d, enter on:

Line 85g No  
 Line 85h Yes

Include the amount on the 1999 Form 990, line 85f, on the year 2000 Form 990, line 85d, or its equivalent.

If the organization did not send these dues notices, enter on:

Line 85g Yes  
 Line 85h No

Report the proxy tax on Form 990-T.

**Examples. Organizations A and B:**

1. Reported on the calendar year basis.
2. Incurred only grassroots lobbying expenses (did not qualify for the under \$2,000 in-house lobbying exception (*de minimis* rule)).
3. Allocated dues to the taxable year in which received.

**For Organization A**—Dues, assessments, and similar amounts received in 1999 were GREATER than its lobbying expenses for 1999.

**Workpapers (for 1999 Form 990)—Organization A**

1. Total dues, assessments, etc., received .....	\$800	
2. Lobbying expenses paid or incurred .....	\$600	
3. Less: Total nondeductible amount of dues notices .....	100	100
4. (Subtract line 3 from both lines 1 and 2).....	\$700	\$500
5. Taxable amount of lobbying expenses (smaller of the two amounts on line 4).....		\$500

**Note:** The amounts on lines 1, 2, 3, and 5 of the workpapers were entered on lines 85c through 85f of the 1999 Form 990.

Because dues, etc., received were GREATER than lobbying expenses, there is no carryover of excess lobbying expenses to line 85d of the year 2000 Form 990.

See the instructions for lines 85g and 85h for the treatment of the \$500.

**For Organization B**—Dues, assessments, and similar amounts received in 1999 were LESS than its lobbying expenses for 1999.

**Workpapers (for 1999 Form 990)—Organization B**

1. Total dues, assessments, etc., received .....	\$400	
2. Lobbying expenses paid or incurred .....	\$600	
3. Less: Total nondeductible amount of dues notices .....	100	100
4. (Subtract line 3 from both lines 1 and 2).....	\$300	\$500
5. Taxable amount of lobbying expenses (smaller of the two amounts on line 4).....		\$300

**Note:** The amounts on lines 1, 2, 3, and 5 of the workpapers were entered on lines 85c through 85f of the 1999 Form 990.

Because dues, etc., received were LESS than lobbying expenses, excess lobbying expenses of \$200 must be carried forward to line 85d of the year 2000 Form 990 (excess of \$600 of lobbying expenses over \$400 dues, etc., received). The \$200 will be included along with the other lobbying and political expenses paid or incurred in the 2000 reporting year and reportable on line 85d (or the equivalent line) of the year 2000 Form 990.

See the instructions for lines 85g and 85h for the treatment of the \$300.

**Underreporting of lobbying expenses.** An organization is subject to the proxy tax for the 1999 reporting year for underreported lobbying and political expenses only to the extent that these expenses (if actually reported) would have resulted in a proxy tax liability for that

year. A waiver of proxy tax for the taxable year only applies to reported expenditures.

An organization that underreports its lobbying and political expenses is also subject to the section 6652(c) daily penalty for filing an incomplete or inaccurate return.

**Line 86—Section 501(c)(7) organizations**

**Gross receipts test.** A section 501(c)(7) organization may receive up to 35% of its gross receipts, including investment income, from sources outside its membership and remain tax-exempt. Part of the 35% (up to 15% of gross receipts) may be from public use of a social club's facilities.

Gross receipts are the club's income from its usual activities and include:

- Charges,
- Admissions,
- Membership fees,
- Dues,
- Assessments,
- Investment income (such as dividends, rents, and similar receipts), and normal recurring capital gains on investments.

Gross receipts **do not include**:

- Capital contributions (see Regulations section 1.118-1),
- Initiation fees, or
- Unusual amounts of income (such as the sale of the clubhouse).

**Note:** College fraternities or sororities or other organizations that charge membership initiation fees, but not annual dues, do include initiation fees in their gross receipts.

If the 35% and 15% limits do not affect the club's exempt status, include the income shown on line 86b on the club's Form 990-T.

Investment income earned by a section 501(c)(7) organization is not tax-exempt income unless it is set aside for:

- Religious,
- Charitable,
- Scientific,
- Literary,
- Educational purposes, or
- Prevention of cruelty to children or animals.

If the combined amount of an organization's gross investment income and other unrelated business income exceeds \$1,000, it must report the investment income and other unrelated business income on Form 990-T.

**Nondiscrimination policy.** A section 501(c)(7) organization is not exempt from income tax if any written policy statement, including the governing instrument and bylaws, allows discrimination on the basis of race, color, or religion.

However, section 501(i) allows social clubs to retain their exemption under section 501(c)(7) even though their membership is limited (in writing) to members of a particular religion, if the social club:

1. Is an auxiliary of a fraternal beneficiary society exempt under section 501(c)(8), and
2. Limits its membership to the members of a particular religion; or the membership limitation is:
  - a. A good-faith attempt to further the teachings or principles of that religion, and
  - b. Not intended to exclude individuals of a particular race or color.

**Line 87—Section 501(c)(12) organizations**

One of the requirements that an organization must meet to qualify under section 501(c)(12) is that at least 85% of its gross income consists of amounts collected from members for the sole purpose of meeting losses and expenses. For purposes of section 501(c)(12), the term

"gross income" means gross receipts without reduction for any cost of goods sold.

For a mutual or cooperative electric or telephone company, "gross income" does not include amounts received or accrued as "qualified pole rentals."

For a mutual or cooperative telephone company, "gross income" also does not include amounts received or accrued either from another telephone company for completing long distance calls to or from or between the telephone company's members, or from the sale of display listings in a directory furnished to the telephone company's members.

**Line 88**

Answer "Yes" to this question if at any time during the year, the organization owned a 50% or greater interest in a taxable corporation or partnership or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3. If an organization answers "Yes" on line 88, complete Part IX, Information Regarding Taxable Subsidiaries and Disregarded Entities.

**Line 89a—Section 501(c)(3) organizations: Disclosure of excise taxes imposed under section 4911, 4912, or 4955**

Section 501(c)(3) organizations must disclose any excise tax imposed during the year under section 4911 (excess lobbying expenditures), 4912 (disqualifying lobbying expenditures), or, unless abated, 4955 (political expenditures). See sections 4962 and 6033(b).

**Line 89b—Section 501(c)(3) and 501(c)(4) organizations: Disclosure of section 4958 excess benefit transactions and excise taxes**

Sections 6033(b) and 6033(f) require section 501(c)(3) and section 501(c)(4) organizations to report the amount of taxes imposed under section 4958 (excess benefit transactions) involving the organization, unless abated, as well as any other information the Secretary may require concerning those transactions. See General Instruction P for a discussion of excess benefit transactions.

Attach a statement describing any excess benefit transaction, the disqualified person or persons involved, and whether or not the excess benefit transaction was corrected.

**Line 89c—Taxes imposed on organization managers or disqualified persons**

For line 89c, enter the amount of taxes imposed on organization managers or disqualified persons under sections 4912, 4955, and 4958, unless abated.

**Line 89d—Taxes reimbursed by the organization**

For line 89d, enter the amount of tax on line 89c that was reimbursed by the organization. Any reimbursement of the excise tax liability of a disqualified person or organization manager will be treated as an excess benefit unless (1) the organization treats the reimbursement as compensation during the year the reimbursement is made, and (2) the total compensation to that person, including the reimbursement, is reasonable.

**Line 90a—List of states**

List each state with which the organization is filing a copy of this return in full or partial satisfaction of state filing requirements.

**Line 90b—Number of employees**

Enter the number of employees on your payroll during the pay period including March 12, 1999, as shown on your Form 941, Employer's

Quarterly Federal Tax Return, or Form 943, Employer's Annual Tax Return for Agricultural Employees, (January-March calendar quarter return only). Do not include household employees, persons who received no pay during the pay period, pensioners, or members of the Armed Forces.

**Line 92—Section 4947(a)(1) nonexempt charitable trusts**

Section 4947(a)(1) nonexempt charitable trusts that file Form 990 instead of Form 1041 must complete this line. The trust should include exempt-interest dividends received from a mutual fund or other regulated investment company as well as tax-exempt interest received directly.

**Part VII—Analysis of Income-Producing Activities**

An organization is exempt from income taxes only if its primary purpose is to engage in the type of activity for which it claims exemption.

An exempt organization is subject to a tax on unrelated business taxable income if such income is from a trade or business that is regularly carried on by the organization and is not substantially related to the organization's performance of its exempt purpose or function. Generally, a tax-exempt organization with gross income of \$1,000 or more for the year from an unrelated trade or business must file Form 990-T and pay any tax due.

In Part VII, show whether revenue, also reportable on lines 2 through 11 of Part I, was received from activities related to the organization's purpose or activities unrelated to its exempt purpose. Enter gross amounts unless indicated otherwise. Show also any revenue excludable from the definition of unrelated business taxable income.

The sum of amounts entered in columns (B), (D), and (E) for lines 93 through 103 of Part VII should match amounts entered for correlating lines 2 through 11 of Part I. Use the following table to verify the relationship of Part VII with Part I.

**Note:** Contributions that are reportable on lines 1a through 1d of Part I are not reportable in Part VII.

Amounts in Part VII on Line	Correspond to Amounts in Part I on Line
93(a) through (g).....	2
94.....	3
95.....	4
96.....	5
97 and 98.....	6c
99.....	7
100.....	8d
101.....	9c
102.....	10c
103(a) through (e).....	11
105 (plus line 1d, Part I).....	12

**Completing Part VII**

**Column (A)**

In column (A), identify any unrelated business taxable income reportable in column (B) by selecting a business code from the Codes for Unrelated Business Activity in the 1999 Instructions for Form 990-T.

**Note:** The codes for unrelated business activity have been revised. Use the codes shown in the 1999 Instructions for Form 990-T.

**Column (B)**

In column (B), enter any revenue received from activities unrelated to the exempt purpose of the organization. See the Instructions for Form 990-T and Pub. 598 for a discussion of what is



unrelated business taxable income. If you enter an amount in column (B), then you must enter a business code in column (A).

#### Column (C)

In column (C), enter an exclusion code from the Exclusion Codes list on the last page of the Specific Instructions for Form 990 to identify any revenue excludable from unrelated business taxable income. If more than one exclusion code applies to a particular revenue item, use the lowest numbered exclusion code that applies. If nontaxable revenues from several sources are reportable on the same line in column (D), use the exclusion code that applies to the largest revenue source. If the list of exclusion codes does not include an item of revenue that is excludable from unrelated business taxable income, enter that item in column (E) and see the instructions for column (E).

#### Column (D)

For column (D), identify any revenue received that is excludable from unrelated business taxable income. If you enter an amount in column (D), you must enter an exclusion code in column (C).

#### Column (E)

For column (E), report any revenue from activities related to the organization's exempt purpose; (i.e., income received from activities that form the basis of the organization's exemption from taxation). Also report here any revenue that is excludable from gross income other than by Code section 512, 513, or 514, such as interest on state and local bonds that is excluded from tax by section 103. Explain in Part VIII how any amount reported in column (E) related to the accomplishment of the organization's exempt purposes.

#### Lines 93(a) through (f)—Program service revenue

List the organization's revenue-producing program service activities on these lines. Program service activities are primarily those that form the basis of an organization's exemption from tax. Enter, in the appropriate columns, gross revenue from each program service activity and the business and exclusion codes that identify this revenue. See the explanation of program service revenue in the instructions for Part I, line 2.

#### Line 93(g)—Fees and contracts from government agencies

In the appropriate columns, enter gross revenue earned from fees and contract payments by government agencies for a service, facility, or product that benefited the government agency primarily, either economically or physically. Do not include government grants that enabled your organization to benefit the public directly and primarily. See Part I, line 1c instructions for the distinction between government grants that represent contributions and payments from government agencies for a service, product, or

facility that primarily benefited the government agencies.

Report on line 2 of Part I (program service revenue) the sum of the entries in columns (B), (D), and (E) for lines 93(a) through (g).

#### Lines 94 through 96—Dues, assessments, interest, and dividends

In the appropriate columns, report the revenue received for these line items. General instructions for lines 94 through 96 are given in the instructions for Part I, lines 3 through 5.

#### Lines 97 and 98—Rental income (loss)

Report net rental income from investment property on these lines. Also report here rental income from unaffiliated exempt organizations. Report rental income, however, from an exempt function (program service) on line 93. Refer to the instructions for Part I, line 6. A more detailed discussion of rental income is given in the Instructions for Form 990-T and Pub. 598.

Rents from real property are usually excluded in computing unrelated business taxable income, as are incidental amounts (10% or less) of rental income from personal property leased with real property (mixed lease). In a mixed lease where the rent attributable to personal property is more than 50% of the total rent, neither rent from real or personal property is excluded from unrelated business taxable income. The exclusion also does not apply when the real or personal property rentals depend wholly or partly on the income or profits from leased property, other than an amount based on a fixed percentage or percentage of gross receipts or sales.

The rental exclusion from unrelated business taxable income does not apply to debt-financed real property. In general, debt-financed property is any property that the organization finances by debt and holds to produce income instead of for exempt purposes. An exempt organization's income from debt-financed property is treated as unrelated business taxable income and is subject to tax in the same proportion as the property remains financed by the debt. If substantially all (85% or more) of any property is used for an organization's exempt purposes, the property is not treated as debt-financed property. The rules for debt-financed property do not apply to rents from personal property.

#### Lines 99 through 102

In the appropriate columns, report the revenue received for these line items. General instructions for lines 99 through 102 are given in the instructions for Part I, lines 7 through 10.

#### Lines 103(a) through (e)—Other revenue

List any "Other revenue" activity on these lines. These activities are discussed in the instructions for line 11, Part I. In the appropriate columns, enter the revenue received from these activities. Select applicable business and exclusion codes. Report as "Other revenue," on line 11 of Part I, the total revenue entered

in columns (B), (D), and (E) for lines 103(a) through (e).

#### Line 105—Total

Enter the total revenue reported on line 104 for columns (B), (D), and (E). The amount reported on line 105, plus the amount on line 1d of Part I, should equal the amount entered for "Total revenue" on line 12 of Part I.

### Part VIII—Relationship of Activities to the Accomplishment of Exempt Purposes

To explain how an amount entered in Part VII, column (E), was related or exempt function income, show the line number of the amount in column (E) and give a brief description of how the activity reported in column (E) specifically contributed to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes). Activities that generate exempt-function income are activities that form the basis of the organization's exemption from tax.

Also give the line number and an explanation for any income entered in column (E) that is specifically excluded from gross income other than by Code sections 512, 513, or 514. If no amount is entered in column (E), do not complete Part VIII.

**Example.** M, an organization described in section 501(c)(3), operates a school for the performing arts. Admission is charged at student performances. M reported admission income in column (E) of Part VII and explained in Part VIII that performances before an audience were an essential part of the students' training and related to the exempt purpose of the organization.

Because M also reported interest from state bonds in column (E) of Part VII, M explained in Part VIII that such interest was excluded from gross income by Code section 103.

### Part IX—Information Regarding Taxable Subsidiaries and Disregarded Entities

**Column (A).** Enter the name, address, and EIN of each taxable corporation or partnership and each disregarded entity in which the organization held a 50% or greater interest at any time during the year. If a disregarded entity does not have its own EIN, state that it uses the organization's EIN.

**Columns (D) and (E).** Enter the corporation's or partnership's total income and end-of-year total assets as reported on each entity's Federal tax return for the year ending within the year covered by the parent organization's Form 990. Since the financial information of a disregarded entity is reported on its parent organization's return, enter in Column (D) the amount on line 12, Total revenue, that is attributable to the disregarded entity. Enter in Column (E) the amount on line 59, Total assets, Column (B), that is attributable to the disregarded entity.

## Exclusion Codes

### General Exceptions

- 01— Income from an activity that is not regularly carried on (section 512(a)(1))
- 02— Income from an activity in which labor is a material income-producing factor and substantially all (at least 85%) of the work is performed with unpaid labor (section 513(a)(1))
- 03— Section 501(c)(3) organization—Income from an activity carried on primarily for the convenience of the organization's members, students, patients, visitors, officers, or employees (hospital parking lot or museum cafeteria, for example) (section 513(a)(2))
- 04— Section 501(c)(4) local association of employees organized before 5/27/69—Income from the sale of work-related clothes or equipment and items normally sold through vending machines; food dispensing facilities; or snack bars for the convenience of association members at their usual places of employment (section 513(a)(2))
- 05— Income from the sale of merchandise, substantially all of which (at least 85%) was donated to the organization (section 513(a)(3))

### Specific Exceptions

- 06— Section 501(c)(3), (4), or (5) organization conducting an agricultural or educational fair or exposition—Qualified public entertainment activity income (section 513(d)(2))
- 07— Section 501(c)(3), (4), (5), or (6) organization—Qualified convention and trade show activity income (section 513(d)(3))
- 08— Income from hospital services described in section 513(e)
- 09— Income from noncommercial bingo games that do not violate state or local law (section 513(f))
- 10— Income from games of chance conducted by an organization in North Dakota (section 311 of the Deficit Reduction Act of 1984, as amended)
- 11— Section 501(c)(12) organization—Qualified pole rental income (section 513(g))
- 12— Income from the distribution of low-cost articles in connection with the solicitation of charitable contributions (section 513(h))
- 13— Income from the exchange or rental of membership or donor list with an organization eligible to receive charitable contributions by a section 501(c)(3) organization; by a war veterans' organization; or an auxiliary unit or society of, or trust or foundation for, a war veterans' post or organization (section 513(h))

### Modifications and Exclusions

- 14— Dividends, interest, payments with respect to securities loans, annuities, income from notional principal contracts, loan commitment fees, and other substantially similar income from ordinary and routine investments excluded by section 512(b)(1)
- 15— Royalty income excluded by section 512(b)(2)
- 16— Real property rental income that does not depend on the income or profits derived by the person leasing the property and is excluded by section 512 (b)(3)

- 17— Rent from personal property leased with real property and incidental (10% or less) in relation to the combined income from the real and personal property (section 512(b)(3))
- 18— Gain (or loss, to the extent allowed) from the sale of investments and other non-inventory property and from certain property acquired from financial institutions that are in conservatorship or receivership (sections 512(b)(5) and (16)(A))
- 19— Income or loss from the lapse or termination of options to buy or sell securities, or real property, and from the forfeiture of good-faith deposits for the purchase, sale, or lease of investment real property (section 512(b)(5))
- 20— Income from research for the United States; its agencies or instrumentalities; or any state or political subdivision (section 512(b)(7))
- 21— Income from research conducted by a college, university, or hospital (section 512(b)(8))
- 22— Income from research conducted by an organization whose primary activity is conducting fundamental research, the results of which are freely available to the general public (section 512(b)(9))
- 23— Income from services provided under license issued by a Federal regulatory agency and conducted by a religious order or school operated by a religious order, but only if the trade or business has been carried on by the organization since before May 27, 1959 (section 512 (b)(15))

### Foreign Organizations

- 24— Foreign organizations only—Income from a trade or business NOT conducted in the United States and NOT derived from United States sources (patrons) (section 512(a)(2))

### Social Clubs and VEBAs

- 25— Section 501(c)(7), (9), or (17) organization—Non-exempt function income set aside for a charitable, etc., purpose specified in section 170(c)(4) (section 512(a)(3)(B)(i))
- 26— Section 501(c)(7), (9), or (17) organization—Proceeds from the sale of exempt function property that was or will be timely reinvested in similar property (section 512(a)(3)(D))
- 27— Section 501(c)(9), or (17) organization—Non-exempt function income set aside for the payment of life, sick, accident, or other benefits (section 512(a)(3)(B)(ii))

### Veterans' Organizations

- 28— Section 501(c)(19) organization—Payments for life, sick, accident, or health insurance for members or their dependents that are set aside for the payment of such insurance benefits or for a charitable, etc., purpose specified in section 170(c)(4) (section 512(a)(4))
- 29— Section 501(c)(19) organization—Income from an insurance set-aside (see code 28 above) that is set aside for payment of insurance benefits or for a charitable, etc., purpose specified in section 170(c)(4) (Regulations section 1.512(a)-4(b)(2))

### Debt-financed Income

- 30— Income exempt from debt-financed (section 514) provisions because at least 85% of the use of the property is for the organization's exempt purposes (**Note:** *This code is only for income from the 15% or less non-exempt purpose use.*) (section 514(b)(1)(A))
- 31— Gross income from mortgaged property used in research activities described in section 512(b)(7), (8), or (9) (section 514(b)(1)(C))
- 32— Gross income from mortgaged property used in any activity described in section 513(a)(1), (2), or (3) (section 514(b)(1)(D))
- 33— Income from mortgaged property (neighborhood land) acquired for exempt purpose use within 10 years (section 514(b)(3))
- 34— Income from mortgaged property acquired by bequest or devise (applies to income received within 10 years from the date of acquisition) (section 514(c)(2)(B))
- 35— Income from mortgaged property acquired by gift where the mortgage was placed on the property more than 5 years previously and the property was held by the donor for more than 5 years (applies to income received within 10 years from the date of gift) (section 514(c)(2)(B))
- 36— Income from property received in return for the obligation to pay an annuity described in section 514(c)(5)
- 37— Income from mortgaged property that provides housing to low and moderate income persons to the extent the mortgage is insured by the Federal Housing Administration (section 514(c)(6)) (**Note:** *In many cases, this would be exempt function income reportable in column (E). It would not be so in the case of a section 501(c)(5) or (6) organization, for example, that acquired the housing as an investment or as a charitable activity.*)
- 38— Income from mortgaged real property owned by: a school described in section 170(b)(1)(A)(ii); a section 509(a)(3) affiliated support organization of such a school; a section 501(c)(25) organization, or by a partnership in which any of the above organizations owns an interest if the requirements of section 514(c)(9)(B)(vi) are met (section 514(c)(9))

### Special Rules

- 39— Section 501(c)(5) organization—Farm income used to finance the operation and maintenance of a retirement home, hospital, or similar facility operated by the organization for its members on property adjacent to the farm land (section 1951(b)(8)(B) of Public Law 94-455)
- 40— Annual dues not exceeding \$110 (subject to inflation) paid to a section 501(c)(5) agricultural or horticultural organization (section 512(d))

### Trade or Business

- 41— Gross income from an unrelated activity that is regularly carried on but, in light of continuous losses sustained over a number of tax periods, cannot be regarded as being conducted with the motive to make a profit (not a trade or business)

## Specific Instructions for Form 990-EZ

**Note:** See also the General Instructions that apply to both Form 990 and Form 990-EZ.

Contents	Page
Completing the Heading of Form 990-EZ .....	32
Part I—Revenue, Expenses, and Changes in Net Assets.....	32
Part II—Balance Sheets .....	36
Part III—Statement of Program Service Accomplishments .....	36
Part IV—List of Officers, Directors, Trustees, and Key Employees.....	36
Part V—Other Information .....	37

### Completing the Heading of Form 990-EZ

The instructions that follow are keyed to items in the heading for Form 990-EZ.

#### Item A—Accounting period

Use the 1999 Form 990-EZ to report on a calendar year accounting period beginning January 1, 1999, and ending December 31, 1999.

Use the 1999 Form 990-EZ to report on an accounting period other than a calendar year (either a fiscal year that began in 1999 or a short period (less than 12 months) that began in 1999). You must show the month and day in 1999 that your fiscal year began, or the short period began. You must also show the day, month, and year your fiscal year or short period ended. See General Instruction G.

#### Item B—Checkboxes

**Change of address and initial return.** Check the appropriate box if the organization changed its address since it filed its previous return, or if this is the organization's initial return.

**Final return and amended return.** Check the appropriate box if this is a final return, or an amended return. See the instructions for line 36 if the final return is because of the liquidation of a corporation or termination of a trust. If amending a return, see General Instruction J.

#### Item C—Name and address

If we mailed the organization a Form 990 Package with a preaddressed mailing label, attach the label in the name and address space on the organization's return. Using the label helps us avoid errors in processing the return. If any information on the label is wrong, draw a line through that part and correct it.

Include the suite, room, or other unit number after the street address. If the Post Office does not deliver mail to the street address and the organization has a P.O. box, show the box number instead of the street address.

Enter information in the following order: city, province or state, and the name of the country. Follow the foreign country's practice in placing the postal code in the address. Please **do not** abbreviate the country name.

If a change of address occurs after the return is filed, use Form 8822 to notify the IRS of the new address.

#### Item D—Employer identification number

The organization should have only one Federal employer identification number (EIN). If the organization has more than one EIN and has not been advised which to use, notify the Internal Revenue Service Center, Ogden, UT

84201-0027. State what numbers the organization has, the name and address to which each number was assigned, and the address of its principal office. The IRS will advise the organization which number to use.

**Note:** A section 501(c)(9) voluntary employees' beneficiary association must use its own EIN and not the EIN of its sponsor.

#### Item E—Telephone number

Enter a telephone number of the organization that members of the public and government regulators may use during normal business hours to obtain information about the organization's finances and activities. If the organization does not have a telephone number, enter the telephone number of an organization official who can provide such information.

#### Item F—Application pending

If the organization's application for recognition of exemption is pending, check this box and complete the return.

#### Item G—Accounting method

Indicate the method of accounting used in preparing this return. See General Instruction G.

#### Item H—Group exemption number

If the organization is covered by a group exemption letter, enter the four-digit group exemption number (GEN). Contact the central/parent organization if you are unsure of the GEN assigned.

#### Item I—Type of organization

If the organization is exempt under section 501(c), check the applicable box and insert, within the parentheses, the number that identifies the type of section 501(c) organization the filer is. See the chart in General Instruction C. If the organization is a section 4947(a)(1) nonexempt charitable trust, check the applicable box and note the discussion in General Instruction D for Schedule A (Form 990) and Form 1041 as well as the instructions for line 43.

#### Item J—Gross receipts of \$25,000 or less

Check this box if the organization's gross receipts are normally not more than \$25,000. However, if the organization received a Form 990 Package, see General Instruction A and the discussion on gross receipts in General Instruction B.

#### Item K—Calculating gross receipts

Only those organizations with gross receipts of less than \$100,000 and total assets of less than \$250,000 at the end of the year can use the Form 990-EZ. If the organization does not meet these requirements, it must file Form 990. See the gross receipts discussion in General Instruction B.

### Part I—Revenue, Expenses, and Changes in Net Assets or Fund Balances

All organizations filing Form 990-EZ with the IRS or any state must complete Part I. Some states that accept Form 990-EZ in place of their own forms may require additional information. See General Instruction E.

#### Line 1. Contributions, Gifts, Grants, and Similar Amounts Received

##### A. What is included on line 1

• Report amounts received as voluntary contributions; (i.e., payments, or the part of any payment, for which the payer (donor) does not

receive full retail value (fair market value) from the recipient (donee) organization).

• Enter the gross amounts of contributions, gifts, grants, and bequests that the organization received from individuals, trusts, corporations, estates, affiliates, foundations, public charities, and other exempt organizations, or raised by an outside professional fundraiser.

• Report all related expenses on lines 12 through 16.

Reporting for line 1, in accordance with SFAS 116, *Accounting for Contributions Received and Contributions Made*, is acceptable for Form 990-EZ or Form 990 purposes, but not required by the IRS. However, see General Instruction E.

An organization that receives a grant to be paid in future years should, according to SFAS 116, report the grant's present value on line 1. Accruals of present value increments to the unpaid grant should also be reported on line 1 in future years.

**1. Contributions can arise from special events when an excess payment is received for items offered.** Fundraising activities relate to soliciting and receiving contributions.

However, special fundraising activities such as dinners, door-to-door sales of merchandise, carnivals, and bingo games can produce **both** contributions and revenue. Report as a contribution, both on line 1 and on line 6a (within the parentheses), any amount received through such a "special event" that is greater than the fair market value (retail value) of the merchandise or services furnished by the organization to the contributor.

This situation usually occurs when organizations seek support from the public through solicitation programs that are in part special events or activities and are in part solicitations for contributions. The primary purpose of such solicitations is to receive contributions and not to sell the merchandise at its retail value even though this might produce a profit.

**Example.** An organization announces that anyone who contributes at least \$40 to the organization can choose to receive a book worth \$16 retail value. A person who gives \$40, and who chooses the book, is really purchasing the book for \$16 and also making a contribution of \$24. The contribution of \$24, which is the difference between the buyer's payment and the \$16 retail value of the book, would be reported on line 1 and again on line 6a (within the parentheses). The revenue received (\$16 retail value of the book) would be reported in the right-hand column on line 6a. Any expenses directly relating to the sale of the book would be reported on line 6b. Any fundraising expenses relating to the contribution of \$24 would be reported on lines 12 through 16.

If a contributor gives more than \$40, that person would be making a larger contribution, the difference between the book's retail value of \$16 and the amount actually given. See also the instructions for line 6 and Publication 1391.

**Note:** At the time of any solicitation or payment, organizations that are eligible to receive tax-deductible contributions should advise patrons of the amount deductible for Federal tax purposes. See General Instruction L.

**2. Contributions can arise from special events when items of only nominal value are given or offered.** If an organization offers goods or services of only nominal value through a special event, or distributes free, unordered, low-cost items to patrons, report the **entire** amount received for such benefits as a contribution on line 1. Report all related expenses on lines 12 through 16.

See General Instruction L for a definition of benefits that have a nominal or insubstantial value.

**3. Section 501(c)(3) organizations.** These organizations must compute the amounts of revenue and contributions received from special events according to the above instructions when preparing their Support Schedule in Part IV-A of Schedule A (Form 990).

**4. Grants equivalent to contributions.** Grants made to encourage an organization receiving the grant to carry on programs or activities that further the grant recipient's exempt purposes are grants that are equivalent to contributions. Report them on line 1. The grantor may specify which of the recipient's activities the grant may be used for, such as an adoption program or a disaster relief project.

A grant is still equivalent to a contribution if the grant recipient performs a service, or produces a work product, that benefits the grantor incidentally (but see line 1, instruction B1, below).

**5. Contributions received through other fundraising organizations.** Contributions received indirectly from the public through solicitation campaigns conducted by federated fundraising agencies (such as United Way) are included on line 1.

**6. Contributions received from associated organizations.** Include on line 1 amounts contributed by other organizations closely associated with the reporting organization. This includes contributions received from a parent organization, subordinate, or another organization having the same parent.

**7. Contributions from a commercial co-venture.** Include amounts contributed by a commercial co-venture on line 1. These contributions are amounts received by the organization for allowing an outside organization (donor) or individual to use the recipient organization's name in a sales promotion campaign.

**8. Contributions or grants from governmental units.** A grant, or other payment from a governmental unit, is treated as a grant equivalent to a contribution if its primary purpose is to enable the recipient to provide a service to, or maintain a facility for, the direct benefit of the public rather than to serve the direct and immediate needs of the grantor (even if the public pays part of the expense of providing the service or facility). (See also line 1, instruction B1, below.)

**9. Contributions in the form of membership dues.** Include on line 1 membership dues and assessments to the extent they are contributions and not payments for benefits received. (See line 3, instruction C1.)

#### **B. What is not included on line 1**

**1. Grants that are payments for services are not contributions.** A grant is a payment for services, and not a contribution, when the terms of the grant provide the grantor with a specific service, facility, or product, rather than providing a benefit to the general public or that part of the public served by the grant recipient. The recipient organization would report such a grant as income on line 2 (program service revenue).

**2. Donations of services.** Do not include the value of services donated to the organization, or items such as the free use of materials, equipment, or facilities, as contributions on line 1. However, for the optional reporting of such amounts, see the instruction for donated services in Part III.

Any unreimbursed expenses of officers, employees, or volunteers do not belong on the Form 990 or Form 990-EZ. See the instructions for charitable contributions and employee business expenses in Pub. 17.

**3. Section 501(c)(9), (17), and (18) organizations.** These organizations provide participants with life, sickness, accident, welfare and unemployment insurance, pension(s), or similar benefits, or a combination of these benefits. When such an organization receives payments from participants, or their employers, to provide these benefits, report the payments on line 2 as program service revenue, rather than on line 1 as contributions.

#### **C. How to value noncash contributions**

See General Instruction L.

#### **D. Schedule of contributors**

*(Not open to public inspection.)* Attach a schedule listing each contributor who, during the year, gave the organization, directly or indirectly, money, securities, or other property worth \$5,000 or more. If no one contributed \$5,000 or more, you do not need to attach a schedule. See General Instruction L for guidelines. Note the cautionary statement for this schedule.

#### **Line 2—Program Service Revenue Including Government Fees and Contracts**

Enter the total program service revenue (exempt function income). Program services are primarily those that form the basis of an organization's exemption from tax.

**1. Examples.** A clinic would include on line 2 all of its charges for medical services (whether to be paid directly by the patients or through Medicare, Medicaid, or other third-party reimbursement), laboratory fees, and related charges for services.

Program service revenue also includes tuition received by a school; revenue from admissions to a concert or other performing arts event or to a museum; royalties received as author of an educational publication distributed by a commercial publisher; payments received by a section 501(c)(9) organization from participants or employers of participants for health and welfare benefits coverage; and registration fees received in connection with a meeting or convention.

#### **2. Program-related investment income.**

Program service revenue also includes income from program-related investments. These investments are made primarily to accomplish an exempt purpose of the investing organization rather than to produce income. Examples are scholarship loans and low-interest loans to charitable organizations, indigents, or victims of a disaster. Rental income received from an exempt function is another example of program-related investment income. See also the instructions for line 4.

#### **3. Unrelated trade or business activities.**

Unrelated trade or business activities (not including any special events or activities) that generate fees for services may also be program service activities. A social club, for example, should report as program service revenue the fees it charges both members and nonmembers for the use of its tennis courts and golf course.

**4. Government fees and contracts.** Program service revenue includes income earned by the organization for providing a government agency with a service, facility, or product that benefited that government agency directly rather than benefiting the public as a whole. See line 1, instruction A8, for reporting

guidelines when payments are received from a government agency for providing a service, facility, or product for the primary benefit of the general public.

#### **Line 3—Membership Dues and Assessments**

Enter members' and affiliates' dues and assessments that are not contributions. See also General Instruction L.

#### **A. What is included on line 3**

**1. Dues and assessments received that compare reasonably with the benefits of membership.** When the organization receives dues and assessments that compare reasonably with membership benefits, report such dues and assessments on line 3.

**2. Organizations that generally match dues and benefits.** Organizations described in section 501(c)(5), (6), or (7) generally provide benefits with a reasonable relationship to dues, although benefits to members may be indirect.

#### **B. Examples of membership benefits**

These include subscriptions to publications; newsletters (other than one about the organization's activities only); free or reduced-rate admissions to events the organization sponsors; use of its facilities; and discounts on articles or services that both members and nonmembers can buy. In figuring the value of membership benefits, disregard such intangible benefits as the right to attend meetings, vote, or hold office in the organization, and the distinction of being a member of the organization.

#### **C. What is not included on line 3**

**1. Dues or assessments received that exceed the value of available membership benefits.** Whether or not membership benefits are used, dues received by an organization, to the extent they exceed the monetary value of the membership benefits available to the dues payer, are a contribution that should be reported on line 1.

**2. Dues received primarily for the organization's support.** If a member pays dues primarily to support the organization's activities, and not to obtain benefits of more than nominal monetary value, those dues are a contribution to the organization includable on line 1.

#### **Line 4—Investment Income**

#### **A. What is included on line 4**

**1. Interest on savings and temporary cash investments.** Include the amount of interest received from interest-bearing checking accounts, savings, and temporary cash investments, such as money market funds, commercial paper, certificates of deposit, and U.S. Treasury bills or other governmental obligations that mature in less than 1 year. So-called dividends or earnings received from mutual savings banks, money market funds, etc., are actually interest and should be included on this line.

**2. Dividends and interest from securities.** Include the amount of dividend and interest income from equity and debt securities (stocks and bonds) on this line. Include amounts received from payments on securities loans, as defined in section 512(a)(5).

**3. Gross rents.** Include gross rental income received during the year from investment property.

**4. Other investment income.** Include, for example, royalty income from mineral interests owned by the organization.

## B. What is not included on line 4

**1. Capital gains dividends and unrealized gains and losses.** Do not include on this line any capital gains dividends. They are reported on line 5. Also do not include unrealized gains and losses on investments carried at market value. See the instructions for line 20.

**2. Exempt function revenue (program service).** Do not include on line 4 amounts that represent income from an exempt function (program service). Report these amounts on line 2 as program service revenue. Report expenses related to this income on lines 12 through 16.

An organization whose exempt purpose is to provide low-rental housing to persons with low income receives exempt function income from such rentals. An organization receives exempt function income if it rents or sublets rental space to a tenant whose activities are related to the reporting organization's exempt purpose. Exempt function income also arises when an organization rents to an **unaffiliated** exempt organization at less than fair rental value for the purpose of helping that unaffiliated organization carry out its exempt purpose. Report rental income received in these instances on line 2 and not on line 4.

Only for purposes of completing this return, treat income from renting property to **affiliated** exempt organizations as exempt function income and include such income on line 2 as program service revenue.

## Lines 5a–c—Gains (or Losses) From Sale of Assets Other Than Inventory

### A. What is included on line 5

Report on line 5a all sales of securities and sales of all other types of investments (such as real estate, royalty interests, or partnership interests) as well as sales of all other noninventory assets (such as program-related investments and fixed assets used by the organization in its related and unrelated activities).

Total the cost or other basis (less depreciation) and selling expenses and enter the result on line 5b. On line 5c, enter the net gain or loss. Report capital gains dividends, the organization's share of capital gains and losses from a partnership, and capital gains distributions from trusts on lines 5a and 5c. Indicate the source on the schedule described below.

For this return, you may use the more convenient way to figure the organization's gain or loss from sales of securities by comparing the sales price with the average-cost basis of the particular security sold. However, generally, the average-cost basis is not used to figure the gain or loss from sales of securities reportable on Form 990-T.

### B. What is not included on line 5

Do not include on line 5 any unrealized gains or losses on securities that are carried in the books of account at market value. See the instructions for line 20.

### C. Attached schedule

**1. Nonpublicly traded securities and noninventory items.** Attach a schedule to show the sale or exchange of nonpublicly traded securities and the sale or exchange of other assets that are not inventory items. The schedule should show security transactions separately from the sale of other assets. Show for these assets:

- Date acquired and how acquired,
- Date sold and to whom sold,
- Gross sales price,

- Cost, other basis, or if donated, value at time acquired (state which),
- Expense of sale and cost of improvements made after acquisition, and
- Depreciation since acquisition, if depreciable property.

**2. Publicly traded securities.** For sales of publicly traded securities through a broker, you may total the gross sales price, the cost or other basis, and the expenses of sale, and report lump-sum figures in place of providing the detailed reporting required in the above paragraph.

Publicly traded securities include common and preferred stocks, bonds (including governmental obligations), and mutual fund shares that are listed and regularly traded in an over-the-counter market or on an established exchange and for which market quotations are published or otherwise readily available.

### Lines 6a–c—Special Events and Activities

On the appropriate line, enter the gross revenue, expenses, and net income (or loss) from all special events and activities, such as dinners, dances, carnivals, raffles, bingo games, other gambling activities, and door-to-door sales of merchandise.

These activities only incidentally accomplish an exempt purpose. Their sole or primary purpose is to raise funds that are other than contributions to finance the organization's exempt activities.

This is done by offering goods or services that have more than a nominal value (compared to the price charged) for a payment that is more than the direct cost of those goods or services. See line 1 instructions A1 and A2 for a discussion on contributions reportable on line 1 and revenue reportable on line 6. See also General Instruction L.

Calling any required payment a "donation" or "contribution" on tickets, advertising, or solicitation materials does not change how these payments should be reported on Form 990-EZ.

The gross revenue from gambling activities and other special events must be reported in the right-hand column on line 6a without reduction for cash or noncash prizes, cost of goods sold, compensation, fees, or other expenses.

### A. What is included on line 6

**1. Gross revenue/contributions.** When an organization receives payments for goods or services offered through a special event, enter:

1. As gross revenue, on line 6a (in the right-hand column), the retail value of the goods or services,
2. As a contribution, on both line 1 and line 6a (within the parentheses), any amount received that exceeds the retail value of the goods or services given.

**Example.** At a special event, an organization received \$100 in gross receipts for goods valued at \$40. The organization entered gross revenue of \$40 on line 6a and entered a contribution of \$60 on both line 1 and within the parentheses on line 6a. The contribution was the difference between the gross revenue of \$40 and the gross receipts of \$100.

**2. Raffles or lotteries.** Report as revenue, on line 6a, any amount received from raffles or lotteries that require payment of a specified minimum amount for each entry, unless the prizes awarded have only nominal value. See line 6, instruction B1 and B2, below.

**3. Direct expenses.** Report on line 6b only the direct expenses attributable to the goods or services the buyer receives from a special

event. If you include an expense on line 6b, do not report it again on line 7b. Report cost of goods related to the sale of inventory on line 7b. Fundraising expenses attributable to contributions reported on line 6a (within the parentheses), and also on line 1, are reportable on lines 12 through 16.

### B. What is not included on line 6

**1. Sales or gifts of goods or services of only nominal value.** If the goods or services offered at the special event have only nominal value, include all of the receipts as contributions on line 1 and all of the related expenses on lines 12 through 16. See General Instruction L for a description of nominal or insubstantial benefits.

**2. Sweepstakes, raffles, and lotteries.** Report as a contribution, on line 1, the proceeds of solicitation campaigns in which the names of contributors and other respondents are entered in a drawing for prizes.

When a minimum payment is required for each raffle or lottery entry and prizes of only nominal value are awarded, report any amount received as a contribution. Report the related expenses on lines 12 through 16.

**3. Activities that generate only contributions are not special events.** An activity that generates only contributions, such as a solicitation campaign by mail, is not a special event. Any amount received should be included on line 1 as a contribution. Related expenses are reportable on lines 12 through 16.

### C. Attached schedule

Attach a schedule listing the three largest special events conducted, as measured by gross receipts. Describe each of these events and indicate for each event: the gross receipts; the amount of contributions included in gross receipts (see line 6, instruction A1, above); the gross revenue (gross receipts less contributions); the direct expenses; and the net income (gross revenue less direct expenses).

Furnish the same information, in total figures, for all other special events held that are not among the largest three. Indicate the type and number of the events not listed individually (e.g., three dances and two raffles).

An example of this schedule of special events might appear in columnar form as follows:

Special Events:	(A)	(B)	(C)	All Other	Total
Gross Receipts	\$xx	\$xx	\$xx	\$xx	\$xx
Less: Contributions	xx	xx	xx	xx	xx
Gross Revenue	xx	xx	xx	xx	xx
Less: Direct Expenses	xx	xx	xx	xx	xx
Net Income or (loss)	\$xx	\$xx	\$xx	\$xx	\$xx

If you use this format, report the total for Contributions on line 1 of Form 990-EZ and on line 6a (within the parentheses). Report the totals for Gross Revenue, in the right-hand column, on line 6a; Direct Expenses on line 6b; and Net Income or (loss) on line 6c.

### Lines 7a–c—Gross Sales of Inventory

**1. Sales of inventory.** Include on line 7a the gross sales (less returns and allowances) of inventory items, whether the sales activity is an exempt function or an unrelated trade or business. Include all inventory sales except sales of goods at special events, which are reportable on line 6.

**2. Cost of goods sold.** On line 7b, report the cost of goods sold related to sales of such inventory. The usual items included in cost of goods sold are direct and indirect labor, materials and supplies consumed, freight-in, and a proportion of overhead expenses. Marketing and distribution expenses are not

includable in cost of goods sold. Include those expenses on lines 12 through 16.

**3. Investments.** Do not include on line 7 sales of investments on which the organization expected to profit by appreciation and sale. Report sales of these investments on line 5.

#### Line 8—Other Revenue

Enter the total income from all sources not covered by lines 1 through 7. Examples of types of income includable on line 8 are interest on notes receivable not held as investments or as program-related investments (defined in the line 2 instructions); interest on loans to officers, directors, trustees, key employees, and other employees; and royalties that are not investment income or program service revenue.

#### Line 10—Grants and Similar Amounts Paid

Reporting for line 10, in accordance with SFAS 116, is acceptable for Form 990-EZ purposes, but not required by IRS. However, see General Instruction E.

An organization that makes a grant to be paid in future years should, according to SFAS 116, report the grant's present value on line 10. Accruals of present value increments to the unpaid grant should also be reported on line 10 in future years.

##### A. What is included on line 10

Enter the amount of actual grants and similar amounts paid to individuals and organizations selected by the filing organization. Include scholarship, fellowship, and research grants to individuals.

###### 1. Specific assistance to individuals.

Include on this line the amount of payments to, or for the benefit of, particular clients or patients, including assistance by others at the expense of the filing organization.

**2. Payments, voluntary awards, or grants to affiliates.** Include on line 10 certain types of payments to organizations "affiliated with" (closely related to) the reporting organization. These payments include predetermined quota support and dues payments by local organizations to their state or national organizations.

**Note:** If the organization uses Form 990-EZ for state reporting purposes, be sure to distinguish between payments to affiliates and awards and grants. See General Instruction E.

##### B. What is not included on line 10

**1. Administrative expenses.** Do not include on this line expenses made in selecting recipients or monitoring compliance with the terms of a grant or award. Enter those expenses on lines 12 through 16.

**2. Purchases of goods or services from affiliates.** Do not report the cost of goods or services purchased from affiliates on line 10. Report these as expenses on lines 12 through 16.

**3. Membership dues paid to another organization.** Report membership dues that the organization pays to another organization for general membership benefits, such as regular services, publications, and materials on line 16, as "Other expenses."

##### C. Attached schedule

Attach a schedule to explain the amounts reported on line 10. Show on this schedule:

- Each class of activity,
- The donee's name and address,
- The amount given, and
- The relationship of the donee (in the case of grants to individuals) if the relationship is by blood, marriage, adoption, or employment (including employees' children) to any person

or corporation with an interest in the organization, such as a creator, donor, director, trustee, officer, etc.

Any grants reported on line 10 that were approved during the year, but not paid by the due date for filing Form 990-EZ (including extensions), must be identified and listed separately in the line 10 schedule.

Give the name and address of each affiliate that received any payment reported on line 10. Specify both the amount and purpose of these payments.

Classify activities on this schedule in more detail than by using such broad terms as charitable, educational, religious, or scientific. For example, identify payments to affiliates; payments for nursing services; fellowships; or payments for food, shelter, or medical services for indigents or disaster victims. For payments to indigent families, do not identify the individuals.

If an organization gives property other than cash and measures an award or grant by the property's fair market value, also show on this schedule:

- A description of the property,
- The book value of the property,
- How you determined the book value,
- How you determined the fair market value, and
- The date of the gift.

Any difference between a property's fair market value and book value should be recorded in the organization's books of account and on line 20.

Educational institutions and agencies subject to the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) are not required to list the names of individuals who were provided scholarships or other financial assistance where such disclosure would violate the privacy provisions of the law. Instead, such organizations should group each type of financial aid provided, indicate the number of individuals who received the aid, and specify the aggregate dollar amount.

##### Line 11—Benefits Paid To or For Members

For an organization that gives benefits to members or dependents (such as organizations exempt under section 501(c)(8), (9), or (17)), enter the amounts paid for: **(a)** death, sickness, hospitalization, or disability benefits; **(b)** unemployment compensation benefits; and **(c)** other benefits. Do not include, on this line, the cost of employment-related benefits the organization gives its officers and employees. Report them on line 12.

##### Line 12—Salaries, Other Compensation, and Employee Benefits

Enter the total salaries and wages paid to all employees and the fees paid to officers, directors, and trustees. Include the total of the employer's share of the contributions the organization paid to qualified and nonqualified pension plans and the employer's share of contributions to employee benefit programs (such as insurance, health, and welfare programs) that are not an incidental part of a pension plan. Complete the Form 5500 return if you are required to file it.

Also include in the total the amount of Federal, state, and local payroll taxes for the year that are imposed on the organization as an employer. This includes the employer's share of social security and Medicare taxes, Federal unemployment tax (FUTA), state unemployment compensation tax, and other state and local payroll taxes. Taxes withheld from employees' salaries and paid over to the various governmental units (such as Federal and state income taxes and the employees'

share of social security and Medicare taxes) are part of the employees' salaries included on line 12. Report expenses paid or incurred for employee events such as a picnic or holiday party on this line.

##### Line 13—Professional Fees and Other Payments to Independent Contractors

Enter the total amount of legal, accounting, auditing, other professional fees (such as fees for fundraising or investment services) and related expenses charged by outside firms and individuals who are not employees of the organization. Do not include any penalties, fines, or judgments imposed against the organization as a result of legal proceedings. Report and identify those expenses on line 16. Report fees paid to directors and trustees on line 12.

##### Line 14—Occupancy, Rent, Utilities, and Maintenance

Enter the total amount paid or incurred for the use of office space or other facilities, heat, light, power, and other utilities, outside janitorial services, mortgage interest, real estate taxes and property insurance attributable to rental property, and similar expenses. Do not subtract from rental expenses reported on line 14 any rental income received from renting or subletting rented space. See the instructions for lines 2 and 4 to determine whether such income is reportable as exempt function income or investment income. However, report on line 14 any rental expenses for rental income reported on lines 2 and 4. If the organization records depreciation on property it occupies, enter the total for the year.

For an explanation of acceptable methods for computing depreciation, see Pub. 946.

##### Line 15—Printing, Publications, Postage, and Shipping

Enter the printing and related costs of producing the reporting organization's own newsletters, leaflets, films, and other informational materials on this line. Include the costs of outside mailing services on this line. Also include the cost of any purchased publications as well as postage and shipping costs not reportable on lines 5b, 6b, or 7b. Do not include any expenses, such as salaries, for which a separate line is provided.

##### Line 16—Other Expenses

Include here such expenses as penalties, fines, and judgments; unrelated business income taxes; insurance and real estate taxes not attributable to rental property or reported as occupancy expenses; depreciation on investment property; travel and transportation costs; interest expense; and expenses for conferences, conventions, and meetings.

Some states that accept Form 990-EZ in satisfaction of their filing requirements may require that certain types of miscellaneous expenses be itemized. See General Instruction E.

##### Line 18—Excess or (Deficit) for the Year

Enter the difference between lines 9 and 17. If line 17 is more than line 9, enter the difference in parentheses.

##### Line 19—Net Assets or Fund Balances at Beginning of Year

Enter the amount from the prior year's balance sheet or from Form 5500 or an approved DOL form if General Instruction F applies.

##### Line 20—Other Changes in Net Assets or Fund Balances

Attach a statement explaining any changes in net assets or fund balances between the

beginning and end of the year that are not accounted for by the amount on line 18. Amounts to report here include adjustments of earlier years' activity; unrealized gains and losses on investments carried at market value; and any difference between fair market value and book value of property given as an award or grant. See General Instruction G regarding the reporting of a section 481(a) adjustment to conform to SFAS 116.

## Part II—Balance Sheets

All organizations, except those that meet one of the exceptions in General Instruction F, must complete columns (A) and (B) of Part II of the return and may not submit a substitute balance sheet. Failure to complete Part II may result in penalties for filing an incomplete return. See General Instruction K.

Some states require more information. See General Instruction E for more information about completing a Form 990-EZ to be filed with any state or local government agency.

### Line 22—Cash, Savings, and Investments

Include all interest and non-interest bearing accounts such as petty cash funds, checking accounts, savings accounts, money market funds, commercial paper, certificates of deposit, U.S. Treasury bills, and other government obligations. Also include the book value of securities held as investments, and all other investment holdings including land and buildings held for investment. Report the income from these investments on line 4.

### Line 23—Land and Buildings

Enter the book value (cost or other basis less accumulated depreciation) of all land and buildings owned by the organization and not held for investment.

### Line 24—Other Assets

Enter the total of other assets along with a description of those assets. Amounts to include here are (among others) receivable accounts, inventories, and prepaid expenses.

### Line 25—Total Assets

Enter the amount of total assets. If the end-of-year total assets entered in column (B) are \$250,000 or more, Form 990 must be filed instead of Form 990-EZ.

### Line 27—Net Assets or Fund Balances

Subtract line 26 (total liabilities) from line 25 (total assets) to determine net assets. Enter this net asset amount on line 27. The amount entered in column (B) should agree with the net asset or fund balance amount on line 21.

States that accept Form 990-EZ as their basic report form may require a separate statement of changes in net assets. See General Instruction E.

## Part III—Statement of Program Service Accomplishments

A program service is a major (usually ongoing) objective of an organization, such as adoptions, recreation for the elderly, rehabilitation, or publication of journals or newsletters.

Step	Action
1	State the organization's primary exempt purpose.
2	All organizations must describe their exempt purpose achievements for each of their three largest program services (as measured by total expenses incurred). If there were three or fewer of such activities, describe each program service activity. <ul style="list-style-type: none"> <li>Describe program service accomplishments through measurements such as clients served, days of care, therapy sessions, or publications issued.</li> <li>Describe the activity's objective, for both this time period and the longer-term goal, if the output is intangible, such as in a research activity.</li> <li>Give reasonable estimates for any statistical information if exact figures are not readily available. Indicate that this information is estimated.</li> <li>Be clear, concise, and complete in your description. Avoid adding an attachment.</li> </ul>
3	If part of the total expenses of any program service consists of grants reported on line 10, show the amount of the grants in the space provided and include the grants in the "Expenses" column. <ul style="list-style-type: none"> <li>Section 501(c)(3) and (4) organizations, and section 4947(a)(1) nonexempt charitable trusts, <b>must</b> show the amount of grants and allocations to others and <b>must</b> enter the total expenses for each program service reported.</li> <li>For all other organizations, completing the "Expenses" column (and the "Grants" entry) in Part III is optional.</li> </ul>
4	Attach a schedule that lists the organization's other program services. <ul style="list-style-type: none"> <li>The detailed information required for the three largest services is not necessary for this schedule.</li> <li>Section 501(c)(3) and (4) organizations, and section 4947(a)(1) nonexempt charitable trusts, however, <b>must</b> show the expenses attributable to their program services.</li> </ul>
5	The organization may show the amount of any donated services, or use of materials, equipment, or facilities it received or utilized in connection with a specific program service. <ul style="list-style-type: none"> <li>Disclose the applicable amounts of any donated services, etc., on the lines for the narrative description of the appropriate program service.</li> <li><b>Do not</b> include these amounts in the expense column in Part III.</li> <li>See the instructions for line 1, B2.</li> </ul>

## Part IV—List of Officers, Directors, Trustees, and Key Employees

List each person who was an officer, director, trustee, or key employee (defined below) of the organization at any time during the year even if they did not receive any compensation from the organization. Enter a zero in columns (B), (C), (D), or (E) if no hours were entered in column (B) and no compensation, contributions, expenses, and other allowances were paid during the reporting year, or deferred for payment to a future accounting period. Give the preferred address at which officers, etc., want the Internal Revenue Service to contact them. Use an attachment if there are more than four persons to list in Part IV.

Show all forms of cash and noncash compensation received by each listed officer, etc., whether paid currently or deferred.

If you pay any other person, such as a management services company, for the services provided by any of your officers, directors, trustees, or key employees, report the compensation and other items in Part IV as if you had paid the officers, etc., directly.

A failure to fully complete Part IV can subject both the organization and the individuals responsible for such failure to penalties for filing an incomplete return. See General Instruction K. In particular, entering the phrase on Part IV, "Information available upon request," or a similar phrase, is not acceptable.

The organization may also provide an attachment to explain the entire 1999 compensation package for any person listed in Part IV.

**Key employee.** A "key employee" is any person having responsibilities or powers similar to those of officers, directors, or trustees. The term includes the chief management and administrative officials of an organization (such as an executive director or chancellor) but does not include the heads of separate departments or smaller units within an organization.

A chief financial officer and the officer in charge of administration or program operations are both key employees if they have the authority to control the organization's activities, its finances, or both. The "heads of separate departments" reference applies to persons such as the heads of the radiology department or coronary care unit of a hospital or the head of the chemistry or history or English department at a college. These persons are managers within their specific areas but not for the organization as a whole and, therefore, are not key employees.

### Column (B)

In column (B), a numerical estimate of the average hours per week devoted to the position is required for a complete answer. Phrases such as "as needed" or "as required" are unacceptable.

### Column (C)

For each person listed, report salary, fees, bonuses, and severance payments paid. Include current-year payments of amounts reported or reportable as deferred compensation in any prior year.

### Column (D)

Include in this column all forms of deferred compensation and future severance payments (whether or not funded; whether or not vested; and whether or not the deferred compensation plan is a qualified plan under section 401(a)). Include also payments to welfare benefit plans on behalf of the officers, etc. Such plans provide benefits such as medical, dental, life insurance, severance pay, disability, etc.



Reasonable estimates may be used if precise cost figures are not readily available.

Unless the amounts were reported in column (C), report, as deferred compensation in column (D), salaries and other compensation earned during the period covered by the return, but yet not paid by the date the organization files its return.

#### Column (E)

Enter both taxable and nontaxable fringe benefits (other than *de minimis* fringe benefits described in section 132(e)). Include amounts that the recipients must report as income on their separate income tax returns. Examples include amounts for which the recipient did not account to the organization or allowances that were more than the payee spent on serving the organization. Include payments made under indemnification arrangements, the value of the personal use of housing, automobiles, or other assets owned or leased by the organization (or provided for the organization's use without charge), as well as any other taxable and nontaxable fringe benefits. See Pub. 525 for more information.

Form 941 must be filed to report income tax withholding and social security and Medicare taxes. The organization must also file Form 940 to report Federal unemployment tax, unless the organization is not subject to these taxes. See Pub. 15 (Circular E) for more information. See also the Trust Fund Recovery Penalty discussion in General Instruction D.

### Part V—Other Information

**Note:** Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must also complete and attach a Schedule A (Form 990) to their Form 990-EZ or Form 990. See the discussion in General Instruction D for Schedule A (Form 990).

#### Line 33—Change in Activities

Attach a statement to explain any significant changes in the kind of activities the organization conducts to further its exempt purpose. Include new or modified activities not listed as current or planned in the organization's application for recognition of exemption or not already made known to the IRS by a letter to its key District director or by an attachment to the organization's return for any earlier year. Also include any major program activities that are being discontinued.

#### Line 34—Changes in Organizing or Governing Documents

Attach a conformed copy of any changes to the articles of incorporation, or association, constitution, trust instrument, or other organizing document, or to the bylaws or other governing document.

A "conformed copy" is one that agrees with the original document and all amendments to it. If the copies are not signed, they must be accompanied by a written declaration signed by an officer authorized to sign for the organization, certifying that they are complete and accurate copies of the original documents.

Photocopies of articles of incorporation showing the certification of an appropriate state official need not be accompanied by such a declaration. See Rev. Proc. 68-14, 1968-1 C.B. 768, for details. When a number of changes are made, attach a copy of the entire revised organizing instrument or governing document.

However, if your exempt organization changes its legal structure, such as from a trust to a corporation, you must file a new exemption application to establish that the new legal entity qualifies for exemption.

### Line 35—Unrelated Business Income and Lobbying Proxy Tax

#### Unrelated business income

Check "Yes" on line 35a if the organization's total gross income from all of its unrelated trades and businesses is \$1,000 or more for the year. Gross income is gross receipts less the cost of goods sold. See Pub. 598 for a description of unrelated business income and the Form 990-T filing requirements. **Form 990-T is not a substitute for Form 990-EZ.** Items of income and expense reported on Form 990-T must also be reported on Form 990-EZ when the organization is required to file both forms.

**Note:** All tax-exempt organizations must pay estimated taxes with respect to their unrelated business income if they expect their tax liability to be \$500 or more. Use Form 990-W to compute this tax.

#### Section 6033(e) tax for lobbying expenditures

If you check "No" to line 35a, you are certifying that the organization was not subject to the notice and reporting requirements of section 6033(e) and that the organization had no lobbying and political expenditures potentially subject to the proxy tax.

**Section 6033(e) notice and reporting requirements and proxy tax.** Section 6033(e) requires certain section 501(c)(4), (5), and (6) organizations to tell their members the portion of their membership dues that were allocable to the political or lobbying activities of the organization. If an organization does not give its members this information, then the organization is subject to a proxy tax. The tax is reported on Form 990-T.

If you check "Yes" on line 35a to declare that your organization had reportable section 6033(e) lobbying and political expenses in the 1999 reporting year (and potential liability for the proxy tax):

1. Complete lines 85a-h, page 5, of Form 990 (note instructions), and
2. Attach page 5 to Form 990-EZ.

Only certain organizations that are tax exempt under sections:

- 501(c)(4) (social welfare organizations)
- 501(c)(5) (agricultural and horticultural organizations), or
- 501(c)(6) (business leagues)

are subject to (a) the section 6033(e) notice and reporting requirements, and (b) a potential proxy tax.

**If your organization is not tax-exempt under sections 501(c)(4), (5), or (6), check "No" on line 35a, unless there was unrelated business income.**

If the organization meets **Exception 1** or **2** below, it is excluded from the notice, reporting, and proxy tax requirements of section 6033(e), and you should check "No" to line 35a, unless the organization had \$1,000 or more of unrelated business income. See also Rev. Proc. 98-19, 1998-1 C.B. 547.

#### Exception 1. Section 6033(e)(3) exception for nondeductible dues.

1. All organizations exempt from tax under section 501(a), other than section 501(c)(4), 501(c)(5), and 501(c)(6) organizations.

2. Local associations of employees' and veterans' organizations described in section 501(c)(4), but not section 501(c)(4) social welfare organizations.

3. Labor unions and other labor organizations described in section 501(c)(5), but not section 501(c)(5) agricultural and horticultural organizations.

4. Section 501(c)(4), (5), and (6) organizations that receive more than 90% of their dues from:

- a. Section 501(c)(3) organizations,
  - b. State or local governments,
  - c. Entities whose income is exempt from tax under section 115, or
  - d. Organizations described in 1 through 3, above.
5. Section 501(c)(4) and (5) organizations that receive more than 90% of their annual dues from:

- a. Persons,
- b. Families, or
- c. Entities who each paid annual dues of \$77 or less in 1999 (adjusted annually for inflation). See Rev. Proc. 98-61, 1998-2 C.B. 811.

6. Any organization that receives a private letter ruling from the IRS stating that the organization satisfies the section 6033(e)(3) exception.

7. Any organization that keeps records to substantiate that 90% or more of its members cannot deduct their dues (or similar amounts) as business expenses whether or not any part of their dues are used for lobbying purposes.

8. Any organization that is not a membership organization.

**Note:** Special rules treat affiliated social welfare organizations, agricultural and horticultural organizations, and business leagues as parts of a single organization for purposes of meeting the nondeductible dues exception. See Rev. Proc. 98-19.

**Exception 2. Section 6033(e)(1) \$2,000 in-house lobbying exception.** An organization satisfies the \$2,000 in-house lobbying exception if it:

1. Did not receive a waiver for proxy tax owed for the prior year.
2. Did not make any political or foreign lobbying expenditures during the 1999 reporting year,
3. Incurred lobbying expenses during the 1999 reporting year consisting only of in-house direct lobbying expenses totaling \$2,000 or less, but excluding:
  - a. Any allocable overhead expenses, and
  - b. All direct lobbying expenses of any local council regarding legislation of direct interest to the organization or its members.

#### Definitions.

**Grassroots lobbying** refers to attempts to influence any segment of the general public regarding legislative matters or referendums.

**Direct lobbying includes attempting to influence:**

- Legislation through communication with legislators and other government officials, and
- The official actions or positions of covered executive branch officials through direct communication.

**Direct lobbying does not include attempting to influence:**

- Any local council on legislation of direct interest to the organization or its members, and
- The general public regarding legislative matters (grassroots lobbying).

**Other lobbying includes:**

- Grassroots lobbying,
- Foreign lobbying,
- Third-party lobbying, and
- Dues paid to another organization that were used to lobby.

**In-house expenditures include:**

- Salaries, and
- Other expenses of the organization's officials and staff (including amounts paid or incurred for the planning of legislative activities).

**In-house expenditures do not include:**

- Any payments to other taxpayers engaged in lobbying or political activities as a trade or business.
- Any dues paid to another organization that are allocable to lobbying or political activities.

**Line 36—Liquidation, Dissolution, Termination, or Substantial Contraction**

If there was a liquidation, dissolution, termination, or substantial contraction, attach a statement explaining what took place.

For a complete liquidation of a corporation or termination of a trust, check the "Final Return" box in the heading of the return. On the attached statement, show whether the assets have been distributed and the date. Also attach a certified copy of any resolution, or plan of liquidation or termination, etc., with all amendments or supplements not already filed. In addition, attach a schedule listing the names and addresses of all persons who received the assets distributed in liquidation or termination; the kinds of assets distributed to each one; and each asset's fair market value.

A "substantial contraction" is a partial liquidation or other major disposition of assets except transfers for full consideration or distributions from current income.

A "major disposition of assets" means any disposition for the tax year that is:

1. At least 25% of the fair market value of the organization's net assets at the beginning of the tax year; or

2. One of a series of related dispositions begun in earlier years that add up to at least 25% of the net assets the organization had at the beginning of the tax year when the first disposition in the series was made. Whether a major disposition of assets took place through a series of related dispositions depends on the facts in each case.

See Regulations section 1.6043-3 for special rules and exceptions.

**Line 37—Expenditures for Political Purposes**

A political expenditure is one intended to influence the selection, nomination, election, or appointment of anyone to a Federal, state, or local public office, or office in a political organization, or the election of Presidential or Vice Presidential electors. It does not matter whether the attempt succeeds.

An expenditure includes a payment, distribution, loan, advance, deposit, or gift of money, or anything of value. It also includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable.

**All section 501(c) organizations.** Section 501(c) organizations must file Form 1120-POL if their political expenditures and their net investment income both exceed \$100 for the year. They may be liable for a tax under section 527.

If a section 501(c) organization establishes and maintains a section 527(f)(3) separate segregated fund, see the specific instructions for line 81, Form 990.

**Section 501(c)(3) organizations.** A section 501(c)(3) organization will lose its tax-exempt status if it engages in political activity.

A section 501(c)(3) organization must pay a section 4955 excise tax for any amount paid or incurred on behalf of, or in opposition to, any candidate for public office. The organization must pay an additional excise tax if it fails to correct the expenditure timely.

A manager of a section 501(c)(3) organization who knowingly agrees to a political expenditure must pay a section 4955

excise tax, unless the agreement is not willful and there is reasonable cause. A manager who does not agree to a correction of the political expenditure may have to pay an additional excise tax.

When an organization promotes a candidate for public office (or is used or controlled by a candidate or prospective candidate), amounts paid or incurred for the following purposes are political expenditures:

- Remuneration to such individual (a candidate or prospective candidate) for speeches or other services;
- Travel expenses of such individual;
- Expenses of conducting polls, surveys, or other studies, or preparing papers or other material for use by such individual;
- Expenses of advertising, publicity, and fundraising for such individual; and
- Any other expense that has the primary effect of promoting public recognition or otherwise primarily accruing to the benefit of such individual.

An organization is effectively controlled by a candidate or prospective candidate only if such individual has a continuing, substantial involvement in the day-to-day operations or management of the organization.

A determination of whether the primary purpose of an organization is promoting the candidacy or prospective candidacy of an individual for public office is made on the basis of all the facts and circumstances. See section 4955 and Regulations section 53.4955.

Use Form 4720 to figure and report these excise taxes.

**Line 38—Loans To or From Officers, Directors, Trustees, and Key Employees**

Enter the end-of-year unpaid balance of secured and unsecured loans made to or received from officers, directors, trustees, and key employees. For example, if the organization borrowed \$1,000 from one officer and loaned \$500 to another, none of which has been repaid, report \$1,500 on line 38b.

For loans outstanding at the end of the year, attach a schedule as described below. Report any interest expense on line 16 and any interest income on line 2, 4, or 8, depending on the nature of the receivable that created the interest income.

**When loans should be reported separately.**

In the required schedule, report each loan separately, even if more than one loan was made to or received from the same person, or the same terms apply to all loans made. Salary advances and other advances for the personal use and benefit of the recipient, and receivables subject to special terms or arising from nontypical transactions, must be reported as separate loans for each officer, director, trustee, and key employee.

**When loans should be reported as a single total.**

In the required schedule, report receivables that are subject to the same terms and conditions (including credit limits and rate of interest) as receivables due from the general public (occurring in the normal course of the organization's operations) as a single total for all the officers, directors, trustees, and key employees. Report travel advances for official business of the organization as a single total.

**Schedule format.** For each outstanding loan or other receivable that must be reported separately, the attached schedule should show the following information (preferably in columnar form):

- Borrower's name and title,
- Original amount,
- Balance due,
- Date of note,

- Maturity date,
- Repayment terms,
- Interest rate,
- Security provided by the borrower,
- Purpose of the loan, and
- Description and fair market value of the consideration furnished by the lender (e.g., cash—\$1,000; or 100 shares of XYZ, Inc., common stock—\$9,000).

The above detail is not required for receivables or travel advances that may be reported as a single total. However, report and identify those totals separately in the attachment.

**Line 39—Section 501(c)(7) Organizations**

**Gross receipts test.** A section 501(c)(7) organization may receive up to 35% of its gross receipts, including investment income, from sources outside its membership and remain tax-exempt. Part of the 35% (up to 15% of gross receipts) may be from public use of a social club's facilities.

Gross receipts are the club's income from its usual activities and include:

- Charges,
- Admissions,
- Membership fees,
- Dues,
- Assessments,
- Investment income (such as dividends, rents, and similar receipts), and normal recurring capital gains on investments.

Gross receipts **do not include:**

- Capital contributions (see Regulations section 1.118-1),
- Initiation fees, or
- Unusual amounts of income (such as the sale of the clubhouse).

**Note:** *College fraternities or sororities or other organizations that charge membership initiation fees, but not annual dues, do include initiation fees in their gross receipts.*

If the 35% and 15% limits do not affect the club's exempt status, include the income shown on line 39b on the club's Form 990-T.

Investment income earned by a section 501(c)(7) organization is not tax-exempt income unless it is set aside for:

- Religious,
- Charitable,
- Scientific,
- Literary,
- Educational purposes, or
- Prevention of cruelty to children or animals.

If the combined amount of an organization's gross investment income and other unrelated business income exceeds \$1,000, it must report the investment income and other unrelated business income on Form 990-T.

**Nondiscrimination policy.** A section 501(c)(7) organization is not exempt from income tax if any written policy statement, including the governing instrument and bylaws, allows discrimination on the basis of race, color, or religion.

However, section 501(i) allows social clubs to retain their exemption under section 501(c)(7) even though their membership is limited (in writing) to members of a particular religion, if the social club:

1. Is an auxiliary of a fraternal beneficiary society exempt under section 501(c)(8), and
2. Limits its membership to the members of a particular religion; or the membership limitation is:
  - a. A good-faith attempt to further the teachings or principles of that religion, and
  - b. Not intended to exclude individuals of a particular race or color.

**Line 40a—Section 501(c)(3) organizations: Disclosure of excise taxes imposed under section 4911, 4912, or 4955**

Section 501(c)(3) organizations must disclose any excise tax imposed during the year under section 4911 (excess lobbying expenditures), 4912 (disqualifying lobbying expenditures), or, unless abated, 4955 (political expenditures). See sections 4962 and 6033(b).

**Line 40b—Section 501(c)(3) and 501(c)(4) organizations: Disclosure of section 4958 excess benefit transactions and excise taxes**

Sections 6033(b) and 6033(f) require section 501(c)(3) and section 501(c)(4) organizations to report the amount of taxes imposed under section 4958 (excess benefit transactions) involving the organization, unless abated, as well as any other information the Secretary may require concerning those transactions.

See General Instruction P for a discussion of excess benefit transactions.

Attach a statement describing any excess benefit transaction, the disqualified person or persons involved, and whether or not the excess benefit transaction was corrected.

**Line 40c—Taxes imposed on organization managers or disqualified persons**

For line 40c, enter the amount of taxes imposed on organization managers or disqualified persons under sections 4912, 4955, and 4958, unless abated.

**Line 40d—Taxes reimbursed by the organization**

For line 40d, enter the amount of tax on line 40c that was reimbursed by the organization. Any reimbursement of the excise tax liability of a disqualified person or organization manager will be treated as an excess benefit unless (1)

the organization treats the reimbursement as compensation during the year the reimbursement is made, and (2) the total compensation to that person, including the reimbursement, is reasonable.

**Line 41—List of states**

List each state with which the organization is filing a copy of this return in full or partial satisfaction of state filing requirements.

**Line 43—Section 4947(a)(1) nonexempt charitable trusts**

Section 4947(a)(1) nonexempt charitable trusts that file Form 990-EZ instead of Form 1041 must complete this line. The trust should include exempt-interest dividends received from a mutual fund or other regulated investment company as well as tax-exempt interest received directly.

**Index**

**A**

Accounting fees ..... 21, 35

Accounting method ..... 4, 5, 15, 32

Accounting period ..... 5, 15, 32

Accounts payable ..... 23

Accounts receivable ..... 22

Activities, analysis of income-producing ... 29

Activities, change in ..... 25, 37

Address and name ..... 15, 32

Address, change of ..... 15, 32

Administrative expenses ..... 35

Affiliates ..... 19, 35

Agencies, federated fundraising ..... 19

Amended returns ..... 4, 6, 15, 32

Application pending ..... 2, 15, 32

Assessments ..... 17, 28, 30, 33

Assets, net ..... 23, 35

Assets, other ..... 23, 36

Assets, sale of noninventory ..... 17, 34

Attachments ..... 14

Audit guides ..... 4

**B**

Backup withholding ..... 13

Balance sheets ..... 22, 36

Benefits, employee ..... 21, 35

Benefits, members ..... 20, 35

Bonds, tax-exempt ..... 23

**C**

Capital stock accounts ..... 24

Capital surplus ..... 24

Cash ..... 22, 36

Change of address ..... 15, 32

Changes in net assets ..... 35

Changes to note ..... 1

Children, photographs of missing ..... 1

Co-venture, contributions ..... 16, 33

Colleges and universities ..... 17

Combined Federal Campaign ..... 2

Compensation ..... 21, 25, 35

Contributions ..... 6, 15, 16, 18, 26, 32, 33, 34

Contributions, acknowledgment ..... 7

Contributions, co-venture ..... 33

Contributions, definitions ..... 7

Contributions, disclosure statement ..... 7

Contributions, government ..... 16

Contributions, indirect ..... 33

Contributions, insubstantial value ..... 7

Contributions, noncash ..... 7

Contributions, nondeductible, solicitations of ..... 6

Contributions, pension plan ..... 21

Contributions, quid pro quo ..... 7

Contributions, special events ..... 18

Contributors, schedule of ..... 6, 16, 33

Costs, joint ..... 21

**D**

Deferred charges ..... 23

Deferred revenue ..... 23

Depletion expense ..... 21

Depreciation expense ..... 21

Direct expenses ..... 34

Disclosure requirements ..... 7

Disqualified persons ..... 29, 39

Disregarded entities ..... 2, 15, 30

Dissolution ..... 25, 38

Dividends ..... 17, 30, 33

Documents, changes in organizing ..... 25, 37

Donations ..... 4, 16, 26, 33

Dues ..... 17, 19, 26, 27, 28, 30, 33, 35

Dues notices ..... 26, 37

Dues, membership ..... 16, 17, 19, 33, 35

**E**

Employee benefit plans (section 501(c)(9), (17), or (18)) ..... 5

Employee benefits ..... 21

Employees, key ..... 24, 36

Employees, reporting of ..... 29

Employer identification number (EIN) ..... 15, 32

Disregarded entities ..... 15

Section 501(c)(9) organizations ..... 15, 32

Equipment rental and maintenance expense ..... 21

Excess benefit transactions ..... 11, 29, 39

Excise taxes ..... 29, 39

Exempt organizations, types of ..... 3

Exempt purposes, relationship of activities ..... 30

Expenses ..... 17, 19, 20, 21, 23, 25, 27, 28, 34, 35, 37, 38

Expenses, functional ..... 19

Expenses, fundraising ..... 20

Expenses, indirect ..... 20

Expenses, management and general ..... 19

Expenses, political ..... 25, 38

Expenses, program service ..... 19

Extension of time to file ..... 5

**F**

Fees ..... 21, 35

Fees and contracts, government ..... 30

Filing tests ..... 2

Final return ..... 6, 15, 25, 32, 38

Foreign organizations ..... 14

Form 1041 ..... 3

Form 990 or Form 990-EZ, assembling ..... 14

Form 990 or Form 990-EZ, completing properly ..... 14

Form 990-T ..... 3

Form LM-2 and LM-3, Labor Organization Annual Report ..... 4

Forms and publications ..... 3

Functional expenses ..... 19

Fund balances ..... 19, 24, 35, 36

Fundraising agencies ..... 19

Fundraising expenses ..... 20

Fundraising fees ..... 21

Fundraising records ..... 6

Funds, current ..... 24

**G**

General instructions ..... 2

Gifts ..... 15, 16, 32

Government contributions ..... 16, 33

Government fees and contracts ..... 17, 30, 33

Government grants ..... 16

Grants ..... 15, 16, 32, 33, 35

Grants and allocations ..... 20

Grants equivalent to contributions ..... 16, 33

Grants payable ..... 23

Grants receivable ..... 22

Grants, government ..... 16

Gross receipts ..... 2, 15, 29, 32, 38

Group exemption number ..... 15, 32

Group return ..... 13, 15

**H**

Heading of Form 990-EZ, completion of ... 32

Heading of Form 990, completion of ..... 15

Help by phone ..... 1

Hospitals ..... 17

**I**

Income, investment ..... 33

Income, unrelated business ..... 25, 37

Indirect public support ..... 16

Information, other ..... 37

Initial return ..... 15, 32

Interest ..... 17, 21, 30, 33

Inventory, sales of ..... 18, 34

Investment income ..... 17, 33

Investments ..... 17, 23, 36

Investments, program-related ..... 17, 33

Investments, savings, and temporary cash ..... 22

**J**

Joint costs ..... 21

**L**

Labor organizations (section 501(c)(5)) ..... 4

Land and buildings ..... 36

Land, buildings, and equipment ..... 23, 24

Law firms, public interest ..... 14

Legal fees ..... 21, 35

Liquidation ..... 25, 38

Loans from officers, directors, trustees, and key employees .....	23	Program service expenses .....	19	Section 501(c)(4), (5), or (6) organizations .....	26, 37
Loans receivable .....	22	Program service revenue .....	17, 30, 33	Section 501(c)(7) organizations .....	29, 38
Loans to or from officers, directors, trustees, and key employees .....	38	Program-related investment income .....	33	Section 501(c)(9) organizations .....	15, 32
Lobbying activities, cost allocation .....	27	Program-related investments .....	17	Section 501(c)(9), (17), (18) organizations .....	16, 33
Lobbying expenses .....	27, 28, 37	Proxy tax .....	26, 27, 28, 37	Section 6033(e) exceptions .....	26, 37
Lotteries .....	34	Public inspection .....	4, 8, 14, 26	Section 6033(e) notice and reporting requirements and proxy tax .....	26, 37
<b>M</b>		Public interest law firms .....	14	Securities .....	18, 23, 34
Maintenance expense .....	35	Public support, indirect .....	16	SFAS 116 .....	19, 32
Management and general expenses .....	19	Publication 78, Cumulative list of section 170(c) organizations .....	2	SFAS 117 .....	23, 24
Meetings, expense of .....	21	Publications and forms .....	3	Shipping expense .....	21, 35
Members benefits .....	20, 35	Publications expense .....	35	Signature .....	14
Membership assessments .....	17, 33	Purpose of form .....	1	Solicitations of contributions .....	26
Membership dues .....	16, 17, 19, 33, 35	<b>Q</b>		Solicitations of nondeductible contributions .....	6
Miscellaneous expenses, reporting for state .....	21	Quid pro quo contributions .....	7, 26	Special events .....	15, 16, 18, 32, 34
Mortgages payable .....	23	<b>R</b>		Specific instructions for Form 990 .....	15
<b>N</b>		Raffles .....	34	Specific Instructions for Form 990-EZ .....	32
Name and address .....	15, 32	Receivable, accounts .....	22	State, reporting to .....	4, 5, 21
Net assets .....	19, 23, 24, 36	Receivable, grants .....	22	Statement of Position 98-2 .....	21
Nondeductible dues .....	26, 27, 28	Receivable, notes and loans .....	22	Statement of program service accomplishments .....	22, 36
Nondiscrimination policy .....	29, 38	Receivable, pledges .....	22	States, list of .....	29, 39
Notes payable .....	23	Receivables .....	23, 38	Subsidiaries, taxable .....	30
Notes receivable .....	22	Receivables from officers, directors, trustees, and key employees .....	22	Substantiation and disclosure requirements .....	7
<b>O</b>		Reconciliation statements .....	24	Substitute forms for Form 990 or Form 990-EZ .....	4
Occupancy expense .....	21, 35	Recordkeeping .....	14	Supplies .....	21
Officers, directors, trustees, and key employees, list of .....	24, 36	Rent expense .....	17, 35	Support, direct public .....	16
Organization managers .....	29, 39	Rental income (loss) .....	30	Sweepstakes, raffles, and lotteries .....	18, 34
Organization, type of .....	15, 32	Rents, gross .....	17, 33	<b>T</b>	
Organizations not required to file .....	2	Rents, gross .....	17, 33	Tax-exempt bond liabilities .....	23
Organizations, compensation from related .....	25	Retained earnings .....	24	Taxable subsidiaries .....	30
Organizations, relation to other .....	25	Return, final .....	6, 15, 25, 32, 38	Taxes, payroll .....	21
Other expenses .....	21, 35	Return, group .....	13, 15	Taxes, reimbursement of .....	39
Other information .....	25, 37	Return, initial .....	15, 32	Telephone expense .....	21
<b>P</b>		Returns, amended .....	4, 6, 15, 32	Telephone number .....	15, 32
Package 990, receipt of .....	2	Revenue .....	18, 23, 30	Termination .....	25, 38
Paid-in capital .....	24	Revenue, program service .....	17, 30, 33	Travel expense .....	21
Paperwork reduction act notice .....	1	Revenue, special events .....	15, 18, 32, 34	Trust fund recovery penalty .....	3
Payables .....	23, 38	Rounding off to whole dollars .....	14	Trust principal account .....	24
Payroll taxes .....	21	<b>S</b>		Trusts, section 4947(a)(1) .....	2, 29, 39
Penalties .....	3, 6	Sales of Federal government materials, disclosure for .....	11	<b>U</b>	
Pension plan contributions .....	21	Sales of inventory .....	17, 18	Unrelated business income .....	25, 37
Phone help .....	1	Savings .....	36	Unrelated trade or business activities .....	17, 33
Pledges receivable .....	22	Schedule A (Form 990) .....	2, 3, 16, 33	Utilities expense .....	35
Political expenses .....	25, 28	Schedule of contributors .....	6, 16, 33	<b>W</b>	
Postage expense .....	21, 35	Section 4911, 4912, or 4955 .....	29, 39	When to file .....	5
Prepaid expenses .....	23	Section 4947(a)(1) trusts .....	2, 29, 39	Where to file .....	5
Printing expense .....	21, 35	Section 4958 .....	11, 29, 39	Who must file .....	2
Private delivery services .....	5	Section 501(a), (e), (f), (k), and (n) organizations .....	2	Withholding, backup .....	13
Program service accomplishments, statement of .....	22, 36	Section 501(c)(12) organizations .....	29		
		Section 501(c)(3) organizations .....	16, 26, 33, 38		
		Section 501(c)(3) organizations, disclosure of transactions and relationships .....	11		



# Instructions for Schedule A (Form 990)

Section references are to the Internal Revenue Code unless otherwise noted.

## Contents

Part	Page
I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees.....	1
II Compensation of the Five Highest Paid Independent Contractors for Professional Services.....	1
III Statements About Activities.....	1
IV Reason for Non-Private Foundation Status.....	2
IV-A Support Schedule.....	4
V Private School Questionnaire.....	4
VI-A Lobbying Expenditures by Electing Public Charities.....	6
VI-B Lobbying Activity by Nonelecting Public Charities.....	8
VII Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations.....	8

## General Instructions

**Purpose of form.** Schedule A (Form 990) is used by section 501(c)(3), 501(e), 501(f), 501(k), and 501(n) organizations and section 4947(a)(1) nonexempt charitable trusts to furnish additional information that is not required of other types of organizations that file **Form 990**, Return of Organization Exempt From Income Tax, or **Form 990-EZ**, Short Form Return of Organization Exempt From Income Tax. This additional information is required by section 6033(b) and Rev. Proc. 75-50, 1975-2 C.B. 587.

For purposes of these instructions, the term "section 501(c)(3)" includes organizations exempt under sections 501(e), 501(f), 501(k), and 501(n).

**Who must file.** An organization described in section 501(c)(3) or a nonexempt charitable trust described in section 4947(a)(1) must complete and attach Schedule A (Form 990) to its Form 990 or Form 990-EZ.

If an organization is not required to file Form 990, or Form 990-EZ, it is not required to file Schedule A (Form 990). Do not use Schedule A (Form 990) if an organization is a private foundation. Instead, file **Form 990-PF**, Return of Private Foundation.

**Period covered.** The organization's Schedule A (Form 990) should cover the same period as the Form 990, or Form 990-EZ, with which it is filed.

**Penalties.** Schedule A (Form 990) is considered a part of Form 990, or Form 990-EZ, for section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts that are required to file either form. Therefore, any such organization that does not submit a completed Schedule A (Form 990) with its

Form 990, or Form 990-EZ, does not satisfy its filing requirement and may be charged a \$20 a day penalty (\$100 a day for large organizations). See General Instruction K of the Instructions for Form 990 and Form 990-EZ for details on this and other penalties.

To avoid having to respond to requests for missing information, please be sure to complete all applicable line items; to answer "Yes" or "No" to each question on the return; to make an entry (including a zero when appropriate) on all total lines; and to enter "None" or "N/A" if an entire part does not apply.

## Specific Instructions

If you need more space for any part or line item, attach separate sheets on which you follow the same format and sequence as on the printed form. Show totals on the printed form. Be sure to put the organization's name and employer identification number on the attached separate sheets and identify the part or line that the attachments support.

You may show money items as whole dollars. To do so, drop any amount less than 50 cents and increase any amount from 50 through 99 cents to the next higher dollar.

### Part I—Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees

Complete Part I for the five employees with the highest annual compensation over \$50,000. Also enter the number of other employees with annual compensation over \$50,000 who are **not** individually listed in Part I. **Do not** include employees listed in Part V of Form 990 or in Part IV of Form 990-EZ (List of Officers, Directors, Trustees, and Key Employees).

In columns (c) through (e), show all cash and noncash forms of compensation for each listed employee whether paid currently or deferred. The organization may also provide an attachment to explain the entire 1999 compensation package for any person listed in Part I.

**Column (c).** Enter salary, fees, bonuses, and severance payments received by each listed employee. Include current year payments of amounts reported or reportable as deferred compensation in any prior year.

**Column (d).** Include in column (d) all forms of deferred compensation and future severance payments (whether or not funded, whether or not vested, and whether or not the deferred compensation plan is a qualified plan under section 401(a)). Include in this column payments to welfare benefit plans on behalf of the employee. Such plans provide benefits such as medical, dental, life insurance, severance pay, disability, etc. Reasonable estimates may be used if precise cost figures are not readily available.

Unless the amounts are reported in column (c), report, as deferred compensation in column (d), salaries and other compensation earned during the period covered by the return, but not yet paid by the date the organization files its return.

**Column (e).** Enter in column (e) both taxable and nontaxable fringe benefits (other than *de minimis* fringe benefits described in section 132(e)). Include expense allowances or reimbursements that the recipients must report as income on their separate income tax returns. Examples include amounts for which the recipient did not account to the organization or allowances that were more than the payee spent on serving the organization. Include payments made in connection with indemnification arrangements, the value of the personal use of housing, automobiles, or other assets owned or leased by the organization (or provided for the organization's use without charge), as well as any other taxable and nontaxable fringe benefits. See **Pub. 525**, Taxable and Nontaxable Income, for more information.

### Part II—Compensation of the Five Highest Paid Independent Contractors for Professional Services

Complete Part II for the five highest paid independent contractors (whether individuals or firms) who performed personal services of a professional nature for the organization and, in return, received over \$50,000 for the year from the organization. Examples of such contractors include attorneys, accountants, doctors, and professional fundraisers. Also show the number of other independent contractors who received more than \$50,000 for the year for performing such services but who are not individually listed in Part II.

The organization may, at its discretion, provide an attachment to explain the entire 1999 compensation package for any person listed in Part II.

Fundraising fees exceeding \$50,000 should be reported in Part II, but not reimbursements for amounts paid by the fundraiser to others for printing, paper, envelopes, postage, mailing list rental, etc. Part II is intended for the fee portion of payments to contractors, not for any expense reimbursements.

### Part III—Statements About Activities

**Line 1.** If you checked "Yes" on this line, you must complete Part VI-A or VI-B and provide the required additional information; otherwise, the return may be considered incomplete.

**Substantial part test.** In general, a section 501(c)(3) organization may not devote a "substantial part" of its activities to attempts to influence legislation. Under the "substantial part" test, if such an organization engages in

substantial lobbying activities, the organization will lose both its tax-exempt status and its ability to receive tax-deductible charitable contributions. Except for churches, certain church affiliated organizations, and private foundations, an organization that loses its section 501(c)(3) status because it did not meet the "substantial part" test will owe an excise tax under section 4912 on all of its lobbying expenditures. Managers of the organization may also be jointly and severally liable for this tax.

**Expenditure test.** As an alternative to the "substantial part" test, eligible public charities may elect the "expenditure test" of section 501(h). The expenditure test generally permits higher limits for lobbying expenditures than allowed under the "substantial part" test. Electing public charities are subject to the lobbying expenditure definitions of section 4911, which are generally more liberal than the definitions under the "substantial part" test. Section 4911 applies only to public charities that made a valid section 501(h) election by filing **Form 5768**, Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation.

**Electing public charities.** If the organization is an electing public charity, you must complete Part VI-A of this form.

**Nonelecting public charities.** If the organization checked "Yes" but is **not** an electing public charity, you must complete Part VI-B and attach a statement giving a detailed description of the organization's lobbying activities.

**Important:** All charities, both electing and nonelecting, are absolutely prohibited from intervening in a political campaign for or against any candidate for an elective public office. If a charity does intervene in a political campaign, it will lose both its tax-exempt status and its eligibility to receive tax-deductible charitable contributions. Also, both the organization and its managers are subject to the tax on political expenditures under section 4955.

**Line 2.** See **Part IV, Definitions**, for the meaning of the term "members of their families."

**Lines 2a through 2e** apply to both sides of a listed transaction. Reporting is required, for example, whether the exempt organization is a payer or payee, buyer or seller, lender or borrower.

**Line 2d.** If the only compensation or repayment relates to amounts the organization reported in Part V of Form 990, or Part IV of Form 990-EZ, check "Yes" and write "See Part V, Form 990," or "See Part IV of Form 990-EZ," on the dotted line to the left of the entry space.

**Line 4a.** Indicate whether you have a section 403(b) annuity plan available for your employees.

**Line 4b.** The term "qualify" means that organizations or individuals will use the funds the organization provides for charitable purposes described in sections 170(c)(1) and 170(c)(2).

The term "qualify" also means that individual recipients belong to a charitable class and the payments are to aid them. Examples include helping the aged poor; training teachers and social workers from underdeveloped countries; and awarding scholarships to individuals.

## Part IV—Reason for Non-Private Foundation Status

### Definitions

The following terms are used in more than one item in Part IV. The definitions given below generally apply. **Note:** Line references are to *Parts IV and IV-A*.

#### 1. "Support":

**1a.** The term "support" (for lines 10, 11, and 12), with certain qualified exceptions described in **1b** below, means all forms of support including (but not limited to):

**(i)** Gifts, grants, contributions, membership fees (lines 15 and 16);

**(ii)** Net income from unrelated business activities, whether or not such activities are carried on regularly as a trade or business (lines 18 and 19);

**(iii)** Gross investment income, such as interest, dividends, rents, and royalties (line 18);

**(iv)** Tax revenues levied for the benefit of an organization and either paid to or expended on behalf of such organization (line 20); and

**(v)** The value of services or facilities (exclusive of those generally furnished to the public without charge) furnished by a governmental unit referred to in Code section 170(c)(1) to an organization without charge (line 21).

**1b.** Support does not include the following: **Caution:** Observe the **Note** in **(i)** below.

**(i)** Any amounts an organization receives from the exercise or performance of its charitable, educational, or other purpose or function constituting the basis for its exemption (line 17). **Note:** For organizations that checked the box on line 12, the amounts on line 17 of the Support Schedule are included in support for the purpose of both of the section 509(a)(2) tests.

**(ii)** Any gain upon the sale or exchange of property which would be considered under any section of the Code as gain from the sale or exchange of a capital asset.

**(iii)** Contributions of services for which a deduction is not allowable.

**2.** "Support from a governmental unit," with certain exceptions described below, includes:

**2a.** Any amounts received from a governmental unit, including donations or contributions and amounts received in connection with a contract entered into with a governmental unit for the performance of services or in connection with a government research grant, provided these amounts are not excluded from the term "support" as amounts received from exercising or performing the organization's charitable purpose or function.

An amount paid by a governmental unit to an organization is not treated as received from exercising or performing its charitable, etc., purpose or function if the payment is to enable the organization to provide a service to, or maintain a facility for, the direct benefit of the public, as for example, to maintain library facilities that are open to the public.

**2b.** Tax revenues levied for the organization's benefit and either paid to or expended on its behalf.

**2c.** The value of services or facilities (exclusive of services or facilities generally furnished, without charge, to the public) furnished by a governmental unit to the organization without charge; for example, a city pays the salaries of personnel to guard a museum, art gallery, etc., or provides the use of a building rent free. However, the term does

not include the value of any exemption from Federal, state, or local tax or any similar benefit.

**3.** "Indirect contributions from the general public" are what the organization receives from other organizations that receive a substantial part of their support from general public contributions. An example is the organization's share of the proceeds from an annual community chest drive (such as the United Way or United Fund). These are included on line 15.

**4.** A "disqualified person" is:

**4a.** A "substantial contributor," who is any person who gave an aggregate amount of more than \$5,000, if that amount is more than 2% of the total contributions the foundation or organization received from its inception through the end of the year in which that person's contributions were received. Gifts from the contributor's spouse are treated as gifts from the contributor. Gifts are generally valued at fair market value as of the date the organization received them.

In the case of a trust, the creator of the trust is considered a substantial contributor without regard to the amount of contributions received by the trust from the creator and other persons. Any person who is a substantial contributor at any time generally remains a substantial contributor for all future periods even if later contributions by others push that person's contributions below the 2% figure discussed above.

**4b.** An officer, director, or trustee of the organization or any individual having powers or responsibilities similar to those of officers, directors, or trustees.

**4c.** An owner of more than 20% of the voting power of a corporation, profits interest of a partnership, or beneficial interest of a trust or an unincorporated enterprise that is a substantial contributor to the organization.

**4d.** A family member of an individual in the first three categories. A "family member" includes only a person's spouse, ancestors, children, grandchildren, great grandchildren, and the spouses of children, grandchildren, and great grandchildren.

**4e.** A corporation, partnership, trust, or estate in which persons described in **4a, b, c,** or **d** above own more than 35% of the voting power, profits interest, or beneficial interest. See section 4946(a)(1).

**5.** An organization is considered "normally" to satisfy the public support test (for lines 10, 11, and 12 of the Support Schedule) for its current tax year and the tax year immediately following its current tax year, if the organization satisfies the applicable support test for the 4 tax years immediately before the current tax year.

If the organization has a material change (other than from unusual grants—see instructions for line 28) in its sources of support during the current tax year, the data ordinarily required in the Support Schedule covering the years 1995 through 1998 must be submitted for the years 1995 through 1999. You must prepare and attach a 5-year schedule using the same format as provided in the Support Schedule for lines 15 through 28.

**Lines 5 through 14.** Check one of the boxes on these lines to indicate the reason the organization is not a private foundation. The organization's exemption letter states the reason, or the local IRS office can tell you.

**Line 6.** Check the box on line 6 for a school whose primary function is the presentation of formal instruction, and regularly has a faculty, a curriculum, an enrolled body of students, and a place where educational activities are regularly conducted.

A private school, in addition, must have a racially nondiscriminatory policy toward its students. For details about these requirements, see the instructions for Part V.

**Line 7.** Check the box on line 7 for an organization whose main purpose is to provide hospital or medical care. A rehabilitation institution or an outpatient clinic may qualify as a hospital, but the term does not include medical schools, medical research organizations, convalescent homes, homes for the aged, or vocational training institutions for the handicapped. Also check the box on line 7 for a cooperative hospital service organization described in section 501(e).

**Line 9.** Check the box on line 9 for a medical research organization operated in connection with or in conjunction with a hospital. The hospital must be described in section 501(c)(3) or operated by the Federal government, a state or its political subdivision, a U.S. possession or its political subdivision, or the District of Columbia.

"Medical research" means studies and experiments done to increase or verify information about physical or mental diseases and disabilities and their causes, diagnosis, prevention, treatment, or control. The organization must conduct the research directly and continuously. If it primarily gives funds to other organizations (or grants and scholarships to individuals) for them to do the research, the organization is not a medical research organization.

The organization is not required to be an affiliate of the hospital, but there must be an understanding that there will be close and continuous cooperation in any joint-effort medical research.

An organization qualifies as a medical research organization if its principal purpose is medical research, and it devotes more than half its assets, or spends at least 3.5% of the fair market value of its endowment, in conducting medical research directly. Either test may be met based on a computation period consisting of the immediately preceding tax year or the immediately preceding 4 tax years. If an organization does not satisfy either the "assets test" or the "expenditure test," it may still qualify as a medical research organization, based on the circumstances involved. These tests are discussed in Regulations sections 1.170A-9(c)(2)(v) and (vi). Value the organization's assets as of any day in its tax year but use the same day every year. Value the endowment at fair market value, using commonly accepted valuation methods. (See Regulations section 20.2031.)

**Line 10.** Check the box on line 10 and complete the Support Schedule if the organization receives and manages property for and expends funds to benefit a college or university that is owned or operated by one or more states or their political subdivisions. The school must be as described in the first paragraph of the instructions for line 6.

Expending funds to benefit a college or university includes acquiring and maintaining the campus, its buildings, and its equipment, granting scholarships and student loans, and making any other payments in connection with the normal functions of colleges and universities.

The organization must meet essentially the same public support test described below for line 11. See Rev. Rul. 82-132, 1982-2 C.B. 107.

**Line 11.** Check either box (but not both) on line 11a or 11b and complete the Support Schedule to determine whether the organization meets the section 509(a)(1)/170(b)(1)(A)(vi) public support test

described below. The Support Schedule is completed for an organization that "normally" (see **Part IV, Definitions**) receives at least 33 1/3% of its support (excluding income received in exercising its charitable, etc., function) from direct or indirect contributions from the general public; from other publicly supported (section 170(b)(1)(A)(vi)) organizations; or from a governmental unit.

To determine whether the section 509(a)(1)/170(b)(1)(A)(vi) test is met, donor contributions are considered support from direct or indirect contributions from the general public only to the extent that the total amount received from any one donor during the 4-tax-year period is 2% or less of the organization's total support for those 4 tax years as described below:

- Any contribution by one individual will be included **in full** in the total support **denominator** of the fraction determining the 33 1/3%-of-support or the 10%-of-support limitation.
- **Only** the portion of each donor's contribution that is 2% or less of the total support denominator will be included in the **numerator**. In applying the 2% limitation, all contributions by any person(s) related to the donor as described in section 4946(a)(1)(C) through (G) (and related regulations) will be treated as if made by the donor. The 2% limitation does not apply to support from governmental units referred to in section 170(c)(1), or to contributions from publicly supported organizations (section 170(b)(1)(A)(vi)), that check the box on line 11a or 11b.

**Example.** X organization reported the following amounts in its Support Schedule for the 4-year period 1995 through 1998:

Line	(e) Total
15 Gifts, grants & contributions.....	\$300,000
17 Gross receipts from admissions, etc....	100,000
18 Dividends & interest .....	300,000
24 Line 23 minus line 17.....	600,000
26a 2% of line 24 .....	12,000
b Total of contributions exceeding the 2% limitation .....	98,000

The X organization determined whether or not it met the section 509(a)(1)/170(b)(1)(A)(vi) public support test as follows:

Total support (line 24):.....	<u>\$600,000</u>
Direct contributions:	
Total direct contributions from persons who contributed less than 2% of total support .....	\$50,000
Total direct contributions from six donors, each of whom gave more than 2% (\$12,000) of total support .....	170,000
Indirect contributions from the general public:	
United Fund .....	40,000
Grant from Y City.....	<u>40,000</u>
Total gifts, grants, & contributions.....	<u>\$300,000</u>
Total direct contributions from six donors, each of whom gave more than 2% of total support..	\$170,000
2% limitation for six donors: (2% × \$600,000 × 6) .....	<u>72,000</u>
Less: Direct contributions in excess of 2% of total support...	<u>98,000</u>
Total public support .....	<u>\$202,000</u>

**Section 509(a)(1)/170(b)(1)(A)(vi) computation:**

Line 26c Total support .....	\$600,000
Line 26d Less total of lines:	
18.....	\$300,000
19.....	-0-
22.....	-0-
26b.....	<u>98,000</u>
	<u>\$398,000</u>

Line 26e Total public support..... \$202,000

Line 26f Public support percentage (line 26e divided by line 26c—\$202,000/\$600,000)..... **33.67%**

Since X organization received more than 33 1/3% of its total support for the period from public sources, it qualifies as a section 509(a)(1)/170(b)(1)(A)(vi) publicly supported organization. Note that if an organization fails the public support test for 2 consecutive years, it loses its public charity status and becomes a private foundation.

**Facts and circumstances test.** An organization that does not qualify as publicly supported under the test described above may be publicly supported on the basis of the facts in its case if it receives at least 10% of its support from the general public. If you believe your organization is publicly supported according to applicable regulations, attach a detailed statement of the facts upon which you base your conclusion.

**Line 12.** Check the box on line 12 and complete the Support Schedule to determine whether an organization meets **both** of the following section 509(a)(2) support tests:

1. The organization normally receives **more than one-third** of its support for each tax year from:

- Persons other than disqualified persons (see **Part IV, Definitions**) with respect to the organization,
- Governmental units (described in section 170(c)(1)), or
- Organizations described in section 170(b)(1)(A) (other than in clauses (vii) and (viii)), and

Such support is received by the organization from any combination of:

- Gifts, grants, contributions, or membership fees, and
- Gross receipts from admissions, sales of merchandise, performance of services, or furnishing of facilities, in an activity that is not an unrelated trade or business (within the meaning of section 513).

Gross receipts, in any tax year, do not include receipts from any person, bureau, or similar agency of a governmental unit (described in section 170(c)(1)) to the extent such receipts exceed the greater of \$5,000 or 1% of the organization's support in such tax year.

2. The organization normally receives **not more than one-third** of its support each tax year from the sum of:

- Gross investment income (as defined in section 509(e)), and
- The excess (if any) of the amount of the unrelated business taxable income (as defined in section 512) over the amount of the tax imposed by section 511.

When determining whether an organization meets the gross investment income test of section 509(a)(2)(B), amounts received from the following organizations retain the character of gross investment income (rather than gifts or contributions) to the extent that these organizations characterize the amounts as gross investment income:

- An organization that claims to be described in section 509(a)(3) because it supports a section 509(a)(2) organization; or



• A charitable trust, corporation, fund, or association described in section 501(c)(3) (including a nonexempt charitable trust described in section 4947(a)(1)), that is required to distribute, or normally distributes, at least 25% of its adjusted net income (within the meaning of section 4942(f)) to a section 509(a)(2) organization, if the distribution normally comprises at least 5% of the distributee organization's adjusted net income.

If an organization receives an amount from a split-interest trust described in section 4947(a)(2) that is required to distribute, or normally distributes, at least 25% of its adjusted net income to a section 509(a)(2) organization, and the distribution normally comprises at least 5% of the distributee organization's adjusted net income, the amount retains the character of gross investment income if it would be characterized as gross investment income attributable to transfers in trust after May 26, 1969, if the trust were a private foundation.

All income characterized as gross investment income in the possession of the distributing organization is considered to be distributed first by the organization and keeps its character as such in the possession of the recipient.

For more details, see Regulations section 1.509(a)-5 that covers special rules of attribution.

If the organization received any amounts from either kind of organization above, attach a statement. Show the amounts received from each organization, including amounts, such as gifts, that are not investment income.

**Example.** T organization reported the following amounts in its Support Schedule for the 4-year period 1995 through 1998:

Line		(e) Total
15	Gifts, grants & contributions.....	\$45,000
16	Membership fees.....	50,000
17	Gross receipts from admissions, merchandise, etc.....	25,000
18	Gross income from interest, dividends, etc.....	80,000
23	Total of lines 15 through 22.....	\$200,000
27a	Gifts from disqualified persons.....	\$25,000
	<b>b</b> Excess gross receipts from nondisqualified persons.....	\$20,000
T organization determined whether or not it met the one-third tests of section 509(a)(2) in the following computation:		
<b>Section 509(a)(2) computation:</b>		
<b>Line</b>		
27c	Add: Amounts from column (e), lines 15, 16, 17, 20, and 21.....	\$120,000
27d	Total of line 27a.....	\$25,000
	Total of line 27b.....	20,000
		45,000
27e	Public support (line 27c minus line 27d total)	\$75,000
27f	Total support (line 23, column (e)).....	\$200,000
27g	Public support percentage (line 27e divided by line 27f—\$75,000/\$200,000)	37.50%
27h	Investment income percentage (line 18 divided by line 27f—\$80,000/\$200,000)	40.0%

T organization received 37.50% of its total support from the public and thus met the more-than-one-third test of public support to total support. T organization's investment income percentage was 40.0%. Therefore, it did not meet the second part of the section 509(a)(2) test—the not-more-than-one-third of

total support from gross investment income and net unrelated business taxable income.

Since T organization did not satisfy both of the one-third tests of section 509(a)(2), it failed the section 509(a)(2) public support test for this year. An organization that fails the public support test for 2 consecutive years loses its public charity status and becomes a private foundation.

**Line 13.** Check the box on line 13 and complete columns (a) and (b) for a supporting organization operated only for the benefit of and in connection with organizations listed in lines 5 through 12, or with organizations described in section 501(c)(4), (5), or (6) that meet the tests of section 509(a)(2) (described in line 12). General principles governing supporting organizations are described in Regulations section 1.509(a)-4.

For column (b), identify the organization supported if it is included in lines 5 through 12. For example, if your organization supported a hospital, enter "7" in column (b).

**Line 14.** Check the box on line 14 only if the organization has received a ruling from the IRS that it is organized and operated primarily to test for public safety.

## Part IV-A—Support Schedule

Complete the Support Schedule if a box on line 10, 11, or 12 was checked.

**Note:** *The Support Schedule must be completed on the cash method of accounting.* For example, if a grantor makes a grant to an organization payable over a term of years, such grant will be includible in the support fraction of the grantee organization only when and to the extent amounts payable under the grant are received by the grantee.

If the organization uses the accrual method of accounting, a worksheet such as the one that follows may be used to convert any revenue account from an accrual basis to a cash basis.

1. Revenue per books (accrual basis) ...	_____
2. Add:	
a. Beginning-of-year entry (if any) reversing accrual of income at the end of the prior year; and.....	_____
b. Any amounts collected during the year that were not credited to the revenue account in the current year ..	_____
3. Subtotal.....	_____
4. Less:	
Income accrued during the current year but not collected as of the end of the year .....	_____
5. Revenue on a cash basis.....	_____

If the organization has not existed during the whole period the Support Schedule covers, fill in the information for the years that apply. If the organization's status is based on years not shown in the Support Schedule, attach an additional schedule for the other years.

**Lines 15, 16, 17, 26, and 27.** See **Part IV, Definitions,** and Regulations section 1.509(a)-3:

- To distinguish gross receipts from gifts and contributions, grants, and gross investment income, and
- For the definition of membership fees and a bureau or similar agency of a governmental unit.

**Note:** *Organizations completing line 26 should note the instructions and examples for lines 10 or 11 regarding the public support test applicable to their type of organization. Organizations completing line 27 should note the instructions and examples for line 12 for guidance in computing their public support test.*

**Line 17.** Include income generated by the organization's exempt function activities (charitable, educational, etc.) and by its nontaxable fundraising events (excluding any contributions received, reported on line 15). Examples of such income include the income derived by a symphony orchestra from the sale of tickets to its performances; and raffles, bingo, or other fundraising-event income that is not taxable as unrelated business income because substantially all the work is performed without compensation, or carried on by the organization primarily for the convenience of its members, or the event consists of the selling of merchandise, substantially all of which has been received by the organization as gifts or contributions (section 513(a)(1), (2), or (3)).

**Line 28.** Unusual grants generally are substantial contributions and bequests from disinterested persons and:

- Are attracted because of the organization's publicly supported nature,
- Are unusual and unexpected because of the amount, and
- Are large enough to endanger the organization's status as normally meeting the support test described in the instructions for lines 10, 11, and 12.

A grant that meets these terms may be treated as an unusual grant (that is disregarded entirely in the public support computation) even if the organization receives the funds over a period of years. In the list of unusual grants, show only what the organization received during the year.

Do not treat gross investment income items as unusual grants. Instead, include all investment income in support.

See Regulations sections 1.170A-9(e)(6)(ii) and 1.509(a)-3(c)(3) and (4) for details about unusual grants.

## Part V—Private School Questionnaire

All schools that checked the box on line 6, Part IV, must complete Part V. Relevant parts of Rev. Proc. 75-50, 1975-2 C.B. 587 are given below. The revenue procedure gives guidelines and recordkeeping requirements for determining whether private schools that are recognized as exempt from tax have racially nondiscriminatory policies toward their students.

**4.01 Organizational requirements.** A school must include a statement in its charter, bylaws, or other governing instrument, or in a resolution of its governing body, that it has a racially nondiscriminatory policy as to students and therefore does not discriminate against applicants and students on the basis of race, color, and national or ethnic origin.

**4.02 Statement of policy.** Every school must include a statement of its racially nondiscriminatory policy as to students in all its brochures and catalogues dealing with student admissions, programs, and scholarships. A statement substantially similar to the Notice described in paragraph (a) of subsection 1 of section 4.03, *infra*, will be acceptable for this purpose. Further, every school must include a reference to its racially nondiscriminatory policy in other written advertising that it uses as a means of informing prospective students of its programs. The following references will be acceptable:

The (name) school admits students of any race, color, and national or ethnic origin.

**4.03 Publicity.** The school must make its racially nondiscriminatory policy known to all segments of the general community served by the school.

1. The school must use one of the following two methods to satisfy this requirement:

(a) The school may publish a notice of its racially nondiscriminatory policy in a newspaper of general circulation that serves all racial segments of the community. This publication must be repeated at least once annually during the period of the school's solicitation for students or, in the absence of a solicitation program, during the school's registration period. Where more than one community is served by a school, the school may publish its notice in those newspapers that are reasonably likely to be read by all racial segments of the communities that it serves. The notice must appear in a section of the newspaper likely to be read by prospective students and their families and it must occupy at least three column inches. It must be captioned in at least 12 point boldface type as a notice of nondiscriminatory policy as to students, and its text must be printed in at least 8 point type. The following notice will be acceptable:

### Notice Of Nondiscriminatory Policy As To Students

The (name) school admits students of any race, color, national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

(b) The school may use the broadcast media to publicize its racially nondiscriminatory policy if this use makes such nondiscriminatory policy known to all segments of the general community the school serves. If this method is chosen, the school must provide documentation that the means by which this policy was communicated to all segments of the general community was reasonably expected to be effective. In this case, appropriate documentation would include copies of the tapes or script used and records showing that there was an adequate number of announcements, that they were made during hours when the announcements were likely to be communicated to all segments of the general community, that they were of sufficient duration to convey the message clearly, and that they were broadcast on radio or television stations likely to be listened to by substantial numbers of members of all racial segments of the general community. Announcements must be made during the period of the school's solicitation for students or, in the absence of a solicitation program, during the school's registration period.

Communication of a racially nondiscriminatory policy as to students by a school to leaders of racial groups as the sole means of publicity generally will not be considered effective to make the policy known to all segments of the community.

2. The requirements of subsection 1 of this section will not apply when one of the following paragraphs applies:

(a) If for the preceding 3 years the enrollment of a parochial or other church-related school consists of students at least 75% of whom are members of the sponsoring religious denomination or unit, the school may make known its racially nondiscriminatory policy in whatever newspapers or circulars the religious

denomination or unit utilizes in the communities from which the students are drawn. These newspapers and circulars may be those distributed by a particular religious denomination or unit or by an association that represents a number of religious organizations of the same denomination. If, however, the school advertises in newspapers of general circulation in the community or communities from which its students are drawn and paragraphs (b) and (c) of this subsection are not applicable to it, then it must comply with paragraph (a) of subsection 1 of this section.

(b) If a school customarily draws a substantial percentage of its students nationwide or world-wide or from a large geographic section or sections of the United States and follows a racially nondiscriminatory policy as to students, the publicity requirement may be satisfied by complying with section 4.02, *supra*. Such a school may demonstrate that it follows a racially nondiscriminatory policy within the meaning of the preceding sentence either by showing that it currently enrolls students of racial minority groups in meaningful numbers or, when minority students are not enrolled in meaningful numbers, that its promotional activities and recruiting efforts in each geographic area were reasonably designed to inform students of all racial segments in the general communities within the area of the availability of the school. The question whether a school satisfies the preceding sentence will be determined on the basis of the facts and circumstances of each case.

(c) If a school customarily draws its students from local communities and follows a racially nondiscriminatory policy as to students, the publicity requirement may be satisfied by complying with section 4.02, *supra*. Such a school may demonstrate that it follows a racially nondiscriminatory policy within the meaning of the preceding sentence by showing that it currently enrolls students of racial minority groups in meaningful numbers. The question whether a school satisfies the preceding sentence will be determined on the basis of the facts and circumstances of each case. One of the facts and circumstances that the Service will consider is whether the school's promotional activities and recruiting efforts in each area were reasonably designed to inform students of all racial segments in the general communities within the area of the availability of the school. The Service recognizes that the failure by a school drawing its students from local communities to enroll racial minority group students may not necessarily indicate the absence of a racially nondiscriminatory policy as to students when there are relatively few or no such students in these communities. Actual enrollment is, however, a meaningful indication of a racially nondiscriminatory policy in a community in which a public school or schools became subject to a desegregation order of a federal court or otherwise expressly became obligated to implement a desegregation plan under the terms of any written contract or other commitment to which any Federal agency was a party.

The Service encourages schools to satisfy the publicity requirement by the methods described in subsection 1 of this section, regardless of whether a school considers itself within subsection 2, because it believes these methods to be the most effective to make known a school's racially nondiscriminatory policy. In this regard it is each school's responsibility to determine whether paragraph (a), (b), or (c) of subsection 2 applies to it. On audit, a school must be prepared to demonstrate that the failure to publish its racially nondiscriminatory policy in accordance

with subsection 1 of this section was justified by the application to it of paragraph (a), (b), or (c) of subsection 2. Further, a school must be prepared to demonstrate that it has publicly disavowed or repudiated any statements purported to have been made on its behalf (after November 6, 1975) that are contrary to its publicity of a racially nondiscriminatory policy as to students, to the extent that the school or its principal official were aware of such statements.

**4.04 Facilities and programs.** A school must be able to show that all of its programs and facilities are operated in a racially nondiscriminatory manner.

**4.05 Scholarship and loan programs.** As a general rule, all scholarship or other comparable benefits procurable for use at any given school must be offered on a racially nondiscriminatory basis. Their availability on this basis must be known throughout the general community being served by the school and should be referred to in the publicity required by this section in order for that school to be considered racially nondiscriminatory as to students. . . . [S]cholarships and loans that are made pursuant to financial assistance programs favoring members of one or more racial minority groups that are designed to promote a school's racially nondiscriminatory policy will not adversely affect the school's exempt status. Financial assistance programs favoring members of one or more racial groups that do not significantly derogate from the school's racially nondiscriminatory policy similarly will not adversely affect the school's exempt status.

**4.06 Certification.** An individual authorized to take official action on behalf of a school that claims to be racially nondiscriminatory as to students is required to certify annually, under penalties of perjury, that to the best of his or her knowledge and belief the school has satisfied the applicable requirements of sections 4.01 through 4.05 of the Rev. Proc. *This certification is line 35 in Part V.*

**4.07 Faculty and staff.** The existence of a racially discriminatory policy with respect to employment of faculty and administrative staff is indicative of a racially discriminatory policy as to students. Conversely, the absence of racial discrimination in employment of faculty and administrative staff is indicative of a racially nondiscriminatory policy as to students.

**7.01 Specific records.** Except as provided in section 7.03, each exempt private school must maintain for a minimum period of three years, beginning with the year after the year of compilation or acquisition, the following records for the use of the Service on proper request:

1. Records indicating the racial composition of the student body, faculty, and administrative staff for each academic year.

2. Records sufficient to document that scholarship and other financial assistance is awarded on a racially nondiscriminatory basis.

3. Copies of all brochures, catalogues, and advertising dealing with student admissions, programs, and scholarships. Schools advertising nationally or in a large geographic segment or segments of the United States need only maintain a record sufficient to indicate when and in what publications their advertisements were placed.

4. Copies of all materials used by or on behalf of the school to solicit contributions.

#### **7.02 Limitation.**

1. For purposes of section 7.01, the racial composition of the student body, faculty, and administrative staff may be an estimate based on the best information readily available to the school, without requiring student applicants,

students, faculty, or administrative staff to submit information to the school that the school otherwise does not require. For each academic year, however, a record of the method by which racial composition is determined must be maintained. . . .

2. The Service does not require that a school release personally identifiable records or personal information contained therein except in accordance with the requirements of the "Family Educational Rights and Privacy Act of 1974," 20 U.S.C. section 1232g (1974). Similarly, the Service does not require a school to keep records the maintenance of which is prohibited under state or federal law.

**7.03 Exceptions.** The records described in section 7.01 need not be independently maintained for Internal Revenue Service use if

1. Substantially the same information that each of these records would provide has been included in a report or reports filed in accordance with law with an agency or agencies of Federal, state, or local government, and this information is current within one year, and

2. The school maintains copies of these reports from which this information is readily obtainable. Records described in section 7.01 providing information not included in reports filed with an agency or agencies must be maintained by the school for Service use.

**7.04 Failure to maintain records.** Failure to maintain or to produce upon the proper request the required records and information will create a presumption that the organization has failed to comply with these guidelines.

## Part VI-A—Lobbying Expenditures by Electing Public Charities

Complete Part VI-A only for an eligible organization that elected to be subject to the lobbying expenditure limitations of section 501(h) by filing Form 5768 and for which the election was valid and in effect for its tax year beginning in 1999.

A public charity that makes a valid section 501(h) election may spend up to a certain percentage of its "exempt purpose expenditures" to influence legislation without incurring tax or losing its tax-exempt status. Under the "expenditure test," there are limits both upon the amount of the organization's grassroots lobbying expenditures and upon the total amount of its direct lobbying and grassroots lobbying expenditures. If the electing public charity does not meet this "expenditure test," it will owe a section 4911 excise tax on its excess lobbying expenditures. Moreover, if over a 4-year averaging period the organization's average annual total lobbying or grassroots lobbying expenditures are more than 150% of its dollar limits, the organization will lose its exempt status.

The following terms are used in Part VI-A. See Regulations section 56.4911 for details.

**Exempt purpose expenditures.** The amount an electing public charity may spend on lobbying (without incurring tax) is a scaled percentage of the organization's exempt purpose expenditures. In general, an expenditure is an exempt purpose expenditure if it is paid or incurred by an electing public charity to accomplish the organization's exempt purpose.

In general, exempt purpose expenditures are:

1. The total amount paid or incurred for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or to foster

national or international amateur sports competition (not including providing athletic facilities or equipment, other than by qualified amateur sports organizations described in section 501(j)(2)),

2. The allocable portion of administrative expenses paid or incurred for the above purposes,

3. Amounts paid or incurred to try to influence legislation, whether or not for the purposes described in 1 above,

4. Allowance for depreciation or amortization, and

5. Fundraising expenditures, except that exempt purpose expenditures do not include amounts paid to or incurred for either the organization's separate fundraising unit or other organizations, if the amounts are primarily for fundraising.

See also Regulations section 56.4911-4(c) for a discussion of excluded expenditures.

**Lobbying expenditures.** The term "lobbying expenditures" means expenditures paid or incurred for the purpose of **attempting to influence legislation:**

- Through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of the legislation, and

- By attempting to affect the opinions of the general public.

To determine if an organization has spent excessive amounts on lobbying, you must know which expenditures are lobbying expenditures and which are not lobbying expenditures. An electing public charity's lobbying expenditures for a year are the sum of its expenditures during that year for (1) direct lobbying communications ("direct lobbying expenditures") plus (2) grassroots lobbying communications ("grassroots expenditures").

**Direct lobbying communications ("direct lobbying expenditures").** A direct lobbying communication is any attempt to influence any legislation through communication with:

- Any member or employee of a legislative body, or
- Any government official or employee (other than a member or employee of a legislative body) who may participate in the formulation of the legislation, but only if the principal purpose of the communication is to influence legislation.

A communication with a legislator or government official will be treated as a direct lobbying communication, if, but only if, the communication:

- Refers to specific legislation, and
- Reflects a view on such legislation.

**Grassroots lobbying communications ("grassroots expenditures").** A grassroots lobbying communication is any attempt to influence any legislation through an attempt to affect the opinions of the general public or any part of the general public.

A communication is generally not a grassroots lobbying communication unless (in addition to referring to specific legislation and reflecting a view on that legislation) it encourages recipients to take action about the specific legislation.

A communication encourages a recipient to take action when it: (1) states that the recipient should contact legislators; (2) states a legislator's address, phone number, etc.; (3) provides a petition, tear-off postcard, or similar material for the recipient to send to a legislator; or (4) specifically identifies one or more legislators who will vote on legislation as opposing the communication's view on the legislation, being undecided about the

legislation, being the recipient's representative in the legislature, or being a member of the legislative committee that will consider the legislation.

Also, a communication described in (4) above generally is grassroots lobbying only if, in addition to referring to and reflecting a view on specific legislation, it is a communication that cannot meet the "full and fair exposition" test as nonpartisan analysis, study, or research.

**Communication with members.** For purposes of section 4911, expenditures for certain communications between an organization and its members are treated more leniently than are communications to nonmembers. Expenditures for a communication that refers to, and reflects a view on, specific legislation are not lobbying expenditures if the communication satisfies the following requirements:

1. The communication is directed only to members of the organization,

2. The specific legislation the communication refers to, and reflects a view on, is of direct interest to the organization and its members,

3. The communication does not directly encourage the member to engage in direct lobbying (whether individually or through the organization), and

4. The communication does not directly encourage the member to engage in grassroots lobbying (whether individually or through the organization).

Expenditures for a communication directed only to members that refers to, and reflects a view on, specific legislation and that satisfies the requirements of paragraphs 1, 2, and 4, but does not satisfy the requirements of paragraph 3, are treated as expenditures for direct lobbying.

Expenditures for a communication directed only to members that refers to, and reflects a view on, specific legislation and satisfies the requirements of paragraphs 1 and 2, but does not satisfy the requirements of paragraph 4, are treated as grassroots expenditures, whether or not the communication satisfies the requirements of paragraph 3.

See Regulations section 56.4911-5 for details.

There are special rules regarding certain paid mass media advertisements about highly publicized legislation; allocation of mixed purpose expenditures; certain transfers treated as lobbying expenditures and special rules regarding lobbying on referenda, ballot initiatives, and similar procedures (see Regulations sections 56.4911-2 and -3).

**Legislation.** In general, the term "legislation" includes Acts, bills, resolutions, or similar items. "Specific legislation" includes both legislation that has already been introduced in a legislative body and a specific legislative proposal that the organization either supports or opposes.

**Exceptions to the definitions of direct lobbying communication and/or grassroots lobbying communication.** In general, engaging in nonpartisan analysis, study, or research and making its results available to the general public or segment or members thereof, or to governmental bodies, officials, or employees is not considered either a direct lobbying communication or a grassroots lobbying communication. Nonpartisan analysis, study, or research may advocate a particular position or viewpoint as long as there is a sufficiently full and fair exposition of the pertinent facts to enable the public or an individual to form an independent opinion or conclusion.

A communication that responds to a governmental body's or committee's written request for technical advice is not a direct lobbying communication.

A communication is not a direct lobbying communication if the communication is an appearance before, or communication with, any legislative body whose action might affect the organization's existence, its powers and duties, its tax-exempt status, or the deductibility of contributions to the organization, as opposed to affecting merely the scope of the organization's future activities.

**Affiliated groups.** Treat members of an affiliated group as a single organization to measure lobbying expenditures and permitted lobbying expenditures.

Two organizations are affiliated if one is bound by the other organization's decisions on legislative issues (control) or if enough representatives of one belong to the other organization's governing board to cause or prevent action on legislative issues (interlocking directorate).

If you are not sure whether your group is affiliated, you may ask the IRS for a ruling letter. Send the request to: Assistant Commissioner (Employee Plans and Exempt Organizations), Exempt Organizations Technical Division, CP:E:EO, 1111 Constitution Ave., NW, Washington, DC 20224. There is a fee for this ruling.

Members of an affiliated group measure both lobbying expenditures and permitted lobbying expenditures on the basis of the affiliated group's tax year. If all members of the affiliated group have the same tax year, that year is the tax year of the affiliated group.

However, if the affiliated group's members have different tax years, the tax year of the affiliated group is the calendar year, unless all the members of the group elect otherwise. See Regulations section 56.4911-7(e)(3).

If the electing organization belongs to an affiliated group, complete in Part VI-A, lines 36 through 44:

- Column (a) for the affiliated group as a whole, and
- Column (b) for the electing member of the group.

If there are no excess lobbying expenditures on either line 43 or 44 of column (a), treat each electing member as having no excess lobbying expenditures.

However, if there are excess lobbying expenditures on either line 43 or 44 of column (a), treat each electing member as having excess lobbying expenditures. In such case, each electing member must file **Form 4720**, Return of Certain Excise Taxes on Charities and Other Persons Under Chapters 41 and 42 of the Internal Revenue Code and must pay the tax on its proportionate share of the affiliated group's excess lobbying expenditures.

To find a member's proportionate share, see Regulations section 56.4911-8(d). Enter the proportionate share in column (b) on line 43 or line 44, or on both lines.

**Attached schedule.** Attach a schedule showing each affiliated group member's name, address, EIN, and expenses. Use the format of Part VI-A for this schedule. Show which members elected and which did not.

Include each electing member's share of the excess lobbying expenditures on the attached schedule. Nonelecting members do not owe tax, but remain subject to the general rule, which provides that no substantial part of their activities may consist of carrying on propaganda or otherwise trying to influence legislation.

**Limited control.** If two organizations are affiliated because their governing instruments provide that the decisions of one will control the other only on national legislation, apply expenditures as follows:

1. Charge the controlling organization with its own lobbying expenditures and the national legislation expenditures of the affiliated organizations.

2. Do not charge the controlling organization with other lobbying expenditures (or other exempt-purpose expenditures) of the affiliated organizations.

3. Treat each local organization as though it were not a member of an affiliated group; i.e., the local organization should account for its own expenditures only and not any of the national legislation expenditures deemed as incurred by the controlling organization in 1 above.

When this type of limited control is present, each member of the affiliated group should complete column (b) only.

**Group returns.** Although membership in a group affiliated for lobbying does not establish eligibility to file a group return, a group return can sometimes meet the filing requirements of more than one member of an affiliated group. (General Instruction R of the Instructions for Form 990 and Form 990-EZ explains who may file a group return.)

If a central or parent organization files a group return on behalf of two or more members of the group, complete column (a), Part VI-A, for the affiliated group as a whole. Include the central, electing, and nonelecting members.

In column (b), except on lines 43 and 44, include the amounts that apply to all electing members of the group if they are included in the group return.

Attach the schedule described above under **Affiliated groups**. Show what amounts apply to each group member.

If the group return includes organizations that belong to more than one affiliated group, show in column (a) the totals for all such groups. On the attached schedule, show the amounts that apply to each affiliated group and to each group member.

If the parent organization has made the lobbying expenditure election, its separate return must also show in column (a) the amounts that apply to the affiliated group as a whole and, in column (b), the amounts that apply to the parent organization only.

A subordinate organization not included in the group return would also complete column (a) for the affiliated group as a whole and column (b) for itself only.

However, if "limited control" (defined above) exists, complete only column (b) in Part VI-A of the group return for the electing members in the group.

Attach a schedule to show the amounts that apply to each electing member.

In the separate returns filed by the parent and by any subordinate organizations not included in the group return, complete only column (b).

**Lines 36 through 44.** Complete column (b) for any organization using Part VI-A but complete column (a) only for affiliated groups.

Use lines 36 through 44 to determine whether any of the organization's current year lobbying expenditures are subject to tax. File Form 4720 if you need to report and pay the excise tax.

**Lines 45 through 50.** Lines 45 through 50 are used to determine if the organization exceeded lobbying expenditure limits during the 4-year averaging period.

Any organization for which a lobbying expenditure election under section 501(h) was in effect for its tax year beginning in 1999 must complete columns (a) through (e) of lines 45 through 50 **except** in the following situations:

1. An organization first treated as a section 501(c)(3) organization in its tax year beginning in 1999 does not have to complete any part of lines 45 through 50.

2. An organization does not have to complete lines 45 through 50 for any period before it is first treated as a section 501(c)(3) organization.

3. If 1999 is the first year for which an organization's first section 501(h) election is effective, that organization must complete line 45, columns (a) and (e).

4. The organization must then complete all of column (e) to determine whether the amount on line 47, column (e), is equal to or less than the lobbying ceiling amount calculated on line 46 and whether the amount on line 50 is equal to or less than the grassroots ceiling amount calculated on line 49.

5. The organization does not satisfy both tests if either its total lobbying expenditures or grassroots lobbying expenditures exceed the applicable ceiling amounts. When this occurs, all five columns must be completed and a recomputation made unless exception 1 or 2 above applies.

6. If 1999 is the second or third tax year for which the organization's first section 501(h) election is in effect, that organization is required to complete only the columns for the years in which the election has been in effect, entering the totals for those years in column (e).

7. The organization must determine, for those 2 or 3 years, whether the amount entered in column (e), line 47, is equal to or less than the lobbying ceiling amount reported on line 46, and whether the amount entered in column (e), line 50, is equal to or less than the grassroots ceiling amount calculated on line 49.

8. The organization does not satisfy both tests if either its total lobbying expenditures or grassroots lobbying expenditures exceed applicable ceiling amounts. When that occurs, all five columns must be completed and a recomputation made, unless exception 1 or 2 above applies.

If the organization is not required to complete all five columns, attach a statement explaining why. In the statement, show the ending date of the tax year in which the organization made its first section 501(h) election and state whether or not that first election was revoked before the start of the organization's tax year that began in 1999.

**Note:** If the organization belongs to an affiliated group, enter the appropriate affiliated group totals from column (a), lines 36 through 44, when completing lines 45, 47, 48, and 50.

**Line 45. Lobbying nontaxable amount.**

For 1996 through 1999, enter the amount from line 41 of the Schedule A (Form 990) filed for each year.

**Line 47. Total lobbying expenditures.** For 1996 through 1999, enter the amount from line 38 of the Schedule A (Form 990) filed for each year.

**Line 48. Grassroots nontaxable amount.** For 1996 through 1999, enter the amount from line 42 of the Schedule A (Form 990) filed for each year.

**Line 50. Grassroots lobbying expenditures.** For 1996 through 1999, enter the amount from line 36 of the Schedule A (Form 990) filed for each year.

## Part VI-B—Lobbying Activity by Nonelecting Public Charities

The Part VI-A instructions defining direct and grassroots lobbying activities by organizations that made the section 501(h) election do not apply to nonelecting organizations that complete Part VI-B.

Part VI-B provides a reporting format for any organization that engaged in lobbying activities in its 1999 tax year but did not make a section 501(h) lobbying expenditure election for that year by filing Form 5768.

A nonelecting public charity will generally be regarded as lobbying if the organization either: (1) contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation or the government's budget process; or (2) advocates the adoption or rejection of legislation.

Nonelecting organizations must complete Part VI-B to show lobbying expenditures paid or incurred.

**Note:** *In item g, "direct contact" means a personal telephone call or visit with legislators, their staffs, or government officials.*

These nonelecting organizations must also attach a statement giving a detailed description of their lobbying activities. The detailed description of lobbying activities should include all lobbying activities, whether expenses are incurred or not (e.g., even lobbying activities carried out by unreimbursed volunteers).

For example, the activities should be included in the attached statement if an organization (either through its employees or volunteers) attempts to influence legislation in any of the following ways:

Sending letters or publications to government officials or legislators; meeting with or calling government officials or legislators; sending or distributing letters or publications (including newsletters, brochures, etc.) to members or to the general public; using direct mail, placing advertisements, issuing press releases, holding news conferences; or holding rallies or demonstrations.

## Part VII—Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations

Part VII is used to report on:

- Direct and indirect transfers to (line 51a),
- Direct and indirect transactions with (line 51b),
- Relationships with (line 52) any other noncharitable exempt organization (section 6033(b)(9)).

A "noncharitable exempt organization" is an organization exempt under section 501(c) (that is not exempt under section 501(c)(3)), or a political organization described in section 527.

For purposes of these instructions, the section 501(c)(3) organization completing this Schedule A (Form 990) is referred to as the "reporting organization."

A noncharitable exempt organization is **related to or affiliated with** the reporting organization if:

1. The two organizations share some element of common control **or**
2. A historic and continuing relationship exists between the two organizations.

A noncharitable exempt organization is **unrelated** to the reporting organization if:

1. The two organizations share no element of common control **and**

2. A historic and continuing relationship does not exist between the two organizations.

An "element of common control" is present when one or more of the officers, directors, or trustees of one organization are elected or appointed by the officers, directors, trustees, or members of the other. An element of common control is also present when more than 25% of the officers, directors, or trustees of one organization serve as officers, directors, or trustees of the other organization.

A "historic and continuing relationship" exists when two organizations participate in a joint effort to work in concert toward the attainment of one or more common purposes on a continuous or recurring basis rather than on the basis of one or several isolated transactions or activities. Such a relationship also exists when two organizations share facilities, equipment, or paid personnel during the year, regardless of the length of time the arrangement is in effect.

**Line 51. Reporting of certain transfers and transactions.** Except as provided below, report on line 51 any transfer to or transaction with a noncharitable exempt organization even if the transfer or transaction constitutes the only connection with the noncharitable exempt organization.

**Related organizations.** If the noncharitable exempt organization is related to or affiliated with the reporting organization, report all direct and indirect transfers and transactions except for contributions and grants received by the reporting organization.

**Unrelated organizations.** All transfers from the reporting organization to an unrelated noncharitable exempt organization must be reported on line 51a. All transactions between the reporting organization and an unrelated noncharitable exempt organization must be shown on line 51b unless they meet the exception in the specific instructions for that line.

**Line 51a. Transfers.** Answer "Yes" to lines 51a(i) and 51a(ii) if the reporting organization made any direct or indirect transfers of any value to a noncharitable exempt organization.

A "transfer" is any transaction or arrangement whereby one organization transfers something of value (cash, other assets, services, use of property, etc.) to another organization without receiving something of more than nominal value in return. Contributions, gifts, and grants are examples of transfers.

If the only transfers between the two organizations were contributions and grants made by the noncharitable exempt organization to the reporting organization, answer "No."

**Line 51b. Other transactions.** Answer "Yes" for any transaction described in lines 51b(i) through (vi), regardless of its amount, if it is with a related or affiliated organization.

**Unrelated organizations.** Answer "Yes" for any transaction between the reporting organization and an unrelated noncharitable exempt organization, regardless of its amount, if the reporting organization received less than adequate consideration. There is adequate consideration where the fair market value of the goods, other assets or services furnished by the reporting organization is not more than the fair market value of the goods, other assets or services received from the unrelated noncharitable exempt organization. The "exception" described below does not apply to transactions for less than adequate consideration.

Answer "Yes" for any transaction, including transfers for adequate consideration, between the reporting organization and an unrelated noncharitable exempt organization if the amount involved is more than \$500. The "amount involved" is the fair market value of the goods, services, or other assets furnished by the reporting organization.

**Exception.** If a transaction with an unrelated noncharitable exempt organization was for adequate consideration **and** the amount involved was \$500 or less, it is not necessary to answer "Yes" for that transaction.

**Line 51b(iii).** Answer "Yes" for transactions in which the reporting organization was either the lessor or the lessee.

**Line 51b(iv).** Answer "Yes" if either organization reimbursed expenses incurred by the other.

**Line 51b(v).** Answer "Yes" if either organization made loans to the other or if the reporting organization guaranteed the other's loans.

**Line 51b(vi).** Answer "Yes" if either organization performed services or membership or fundraising solicitations for the other.

**Line 51c.** Complete line 51c regardless of whether the noncharitable exempt organization is related to or closely affiliated with the reporting organization. For the purposes of this line, "facilities" includes office space and any other land, building, or structure whether owned or leased by, or provided free of charge to, the reporting organization or the noncharitable exempt organization.

**Line 51d.** Use this schedule to describe the transfers and transactions for which you entered "Yes" on lines 51a through 51c above. You must describe each transfer or transaction for which you answered "Yes." You may combine all of the cash transfers (line 51a(i)) to each organization into a single entry. Otherwise, make a separate entry for each transfer or transaction.

**Column (a).** For each entry, enter the line number from lines 51a through 51c. For example, if you answered "Yes" to line 51b(iii), enter "b(iii)" in column (a).

**Column (d).** If you need more space, write "see attached" in column (d) and use an attached sheet for your description. If you are making more than one entry on line 51d, specify, on the attached sheet, which transfer or transaction you are describing.

**Line 52. Reporting of certain relationships.** Enter on line 52 each noncharitable exempt organization to or with which the reporting organization is related, or affiliated, as defined above. If the control factor or the historic and continuing relationship factor (or both) is present at any time during the year, you must identify the organization on line 52 even if neither factor is present at the end of the year.

Do not enter unrelated noncharitable exempt organizations on line 52 even if you report transfers to or transactions with those organizations on line 51. For example, if you reported a one-time transfer to an unrelated noncharitable exempt organization on line 51a(ii), you should not list the organization on line 52.

**Column (b).** Enter the exempt category of the organization; for example, "501(c)(4)."

**Column (c).** In most cases, a simple description, such as "common directors" or "auxiliary of reporting organization" will be sufficient. If you need more space, write "see attached" in column (c) and use a separate sheet to describe the relationship. If you list more than one organization on line 52, identify which organization you are describing on the attached sheet.