

Instructions for Form 990-PF Return of Private Foundation or Section 4947(a)(1) Charitable Trust Treated as a Private Foundation

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

General Instructions

Changes You Should Note

In Part II, Balance Sheets, a breakdown is now required to show securities that are U.S. Government and state obligations, corporate stock, and corporate bonds.

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 this information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping 150 hrs., 11 min.

Learning about the law or the form 27 hrs., 11 min.

Preparing the form 31 hrs., 46 min.

Copying, assembling, and sending the form to IRS 16 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the Internal Revenue Service, Washington, DC 20224; Attention: IRS Reports Clearance Officer, T:FP, and the **Office of Management and Budget**, Paperwork Reduction Project (1545-0052), Washington, DC 20503. **DO NOT** send the tax form to either of these offices. Instead, see General Instruction J for information on where to file it.

Purpose of Form.—Form 990-PF is used by private foundations and by nonexempt 4947(a)(1) charitable trusts that are treated as private foundations. These organizations use this form to calculate the tax on net investment income and to report charitable distributions and activities. The form also serves as a substitute for the nonexempt section 4947(a)(1) charitable trust's income tax return, **Form 1041**, U.S. Fiduciary Income Tax Return, when the trust has no taxable income.

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General Instructions

A. Who Must File Form 990-PF.—

Form 990-PF, an annual information return, must be filed by:

1. Exempt private foundations (section 6033(a), (b), and (c)).
2. Taxable private foundations (section 6033(d)). (See instruction D8.)
3. Organizations that agree to private foundation status and whose applications for exempt status are pending on the due date for filing Form 990-PF.
4. Organizations that made an election under section 41(e)(6).
5. Organizations that are making a section 507 termination.
6. Section 4947(a)(1) nonexempt charitable trusts that are treated as private foundations (section 6033(d)). (See instruction D5.)

Note: Section 4947(a)(1) nonexempt charitable trusts that are not treated as private foundations, do not file Form 990-PF. However, they may need to file **Form 990**, Return of Organization Exempt From Income Tax, or **Form 990EZ**, Short Form Return of Organization Exempt From Income Tax. With either of these forms, the trust must also file **Schedule A** (Form 990), Organization Exempt Under 501(c)(3) (except Private Foundation), 501(e), 501(f), 501(k), or Section 4947(a)(1) Charitable Trust Supplementary Information. (See Form 990 or Form 990EZ instructions.)

B. Applicability of Parts of Form 990-PF to Certain Filers.—

Note: The parts of the form listed below do not apply to all filers. If an entire part, or a major portion of a part, does not apply, enter "N/A" where appropriate.

- **Part I, column (c)**, applies only to private operating foundations and to nonoperating private foundations that have income from charitable activities.
- **Part II, column (c)**, with the exception of line 16, applies only to organizations having at least \$5,000 in assets at some time during the year. Line 16, column (c), applies to all filers.
- **Part IV** does not apply to foreign organizations.
- **Parts V and VI** do not apply to organizations making an election under section 41(e).

- **Part X** does not apply to private operating foundations.
- **Part XV** applies only to private operating foundations.
- **Part XVI** applies only to organizations having assets of \$5,000 or more during the year. This Part does not apply to certain foreign organizations.

C. Definitions.—

(1) A *private foundation* is a domestic or foreign organization exempt from income tax under section 501(a); described in section 501(c)(3); and is other than an organization described in sections 509(a)(1) through (4).

In general, churches, hospitals, schools, and broadly publicly supported organizations are excluded from private foundation status by these sections. These organizations may be required to file Form 990 (or Form 990EZ) instead of Form 990-PF.

(2) A *nonexempt charitable* trust treated as a private foundation is a trust that is not exempt from tax under section 501(a) and all of the unexpired interests of which are devoted to religious, charitable, or other purposes described in section 170(c)(2)(B), and for which a deduction was allowed under a section of the Code listed in section 4947(a)(1).

(3) A *taxable foundation* is no longer exempt under section 501(a) as an organization described in section 501(c)(3). Though it may operate as a taxable entity, it will continue to be treated as a private foundation until its status as such is terminated under section 507.

(4) (a) A *foundation manager* is an officer, director, or trustee of a foundation, or an individual who has powers similar to those of officers, directors, or trustees. In the case of any act or failure to act, the term "foundation manager" may also include employees of the foundation who have the authority to act.

(b) A *disqualified person* is:

- (1) a substantial contributor (see page 14);
- (2) a foundation manager;
- (3) a person who owns more than 20% of a corporation, partnership, trust, or unincorporated enterprise which is itself a substantial contributor;
- (4) a member of the family of an individual in the first three categories; or
- (5) a corporation, partnership, trust, or estate in which persons described in (1), (2), (3), or (4) above own a total beneficial interest of more than 35%.

(6) For purposes of section 4941 (self-dealing), a disqualified person also includes certain government officials. (See section 4946(c) and the related regulations.)

(7) For purposes of section 4943 (excess business holdings), a disqualified person also includes:

- (a) a private foundation which is effectively controlled (directly or indirectly) by the same persons who control the private foundation in question, or
- (b) a private foundation to which substantially all of the contributions were made (directly or indirectly) by one or more of the persons described in (1), (2), and (3) above, or members

of their families, within the meaning of section 4946(d).

(5) An organization is controlled by a foundation or by one or more disqualified persons with respect to the foundation if any of these persons may, by combining their votes or positions of authority, require the organization to make an expenditure or prevent the organization from making an expenditure, regardless of the method of control. "Control" is determined without regard to the conditions imposed by a foundation on the manner in which the contribution must be used.

(6) Charitable and exempt are synonymous terms in these instructions when they relate to a tax-exempt private foundation.

D. Other Forms You May Need to File.—

1. Forms W-2 and W-3.—Wage and Tax Statement, and Transmittal of Income and Tax Statements.

2. Form W-2P.—Statement for Recipients of Annuities, Pensions, Retired Pay, or IRA Payments.

3. Form 941.—Employer's Quarterly Federal Tax Return. Used to report social security and income taxes withheld by an employer and social security tax paid by an employer.

4. Form 990-T.—Exempt Organization Business Income Tax Return. Every organization exempt from income tax under section 501(c)(3) that has total gross income of \$1,000 or more from all trades or businesses that are unrelated to the purpose on which the organization's exempt status is based must file a return on Form 990-T.

5. Form 1041.—U.S. Fiduciary Income Tax Return. Required of section 4947(a)(1) charitable trusts that also file Form 990-PF. However, if the trust does not have any taxable income under subtitle A of the Code, it may use the filing of Form 990-PF to satisfy its Form 1041 filing requirement under section 6012. If this condition is met, check the box for question 19, Part VII, of Form 990-PF and do not file Form 1041, but complete Form 990-PF in the normal manner.

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

7. Forms 1099-INT, MISC, OID, and R.—Information returns for reporting certain interest; miscellaneous income, medical and health care payments, and nonemployee compensation; original issue discount; and total distributions from profit-sharing and retirement plans.

8. Form 1120.—U.S. Corporation Income Tax Return. Filed by nonexempt taxable private foundations that have taxable income under subtitle A of the Code. The Form 990-PF annual information return is also filed by these taxable foundations.

9. Form 1120-POL.—U.S. Income Tax Return for Certain Political 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.

10. Form 1128.—Application to Adopt, Change or Retain A Tax Year.

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

12. Form 2220.—Underpayment of Estimated Tax by Corporations. Used to determine if the

foundation owes any penalty for underpayment of estimated tax. The foundation must complete and attach Form 2220 even if it does not owe the penalty if: (a) the annualized income installment method and/or the adjusted seasonal installment method is used or (b) the foundation is a "large organization," computing its first required installment based on the prior year's tax.

13. Form 4720.—Return of Certain Excise Taxes on Charities and Other Persons Under Chapters 41 and 42 of the Internal Revenue Code. Primarily used to determine the excise taxes imposed on: acts of self-dealing between private foundations and disqualified persons; failure to distribute income; excess business holdings; investments that jeopardize the foundation's charitable purposes; and making political or other, noncharitable expenditures. Certain excise taxes and penalties also apply to foundation managers, substantial contributors, and certain related persons and are reported on this form.

14. Form 5500 or 5500-C/R.—Employers who maintain pension, profit-sharing, or other funded deferred compensation plans are generally required to file one of the 5500 series of forms specified in the following paragraph. This requirement applies whether or not the plan is qualified under the Internal Revenue Code and whether or not the deduction is claimed for the current tax year.

The forms required to be filed are:

Form 5500, Annual Return/Report of Employee Benefit Plan. Used for each plan with 100 or more participants.

Form 5500-C/R, Return/Report of Employee Benefit Plan. Used for each plan with fewer than 100 participants.

15. Form 8282.—Donee Information Return. Required of the donee of "charitable deduction property" who sells, exchanges, or otherwise disposes of the property within two years after the date it received the property.

Also required of any successor donee who disposes of charitable deduction property within two 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.) For successor donees, the form must be filed only for any property that was transferred by the original donee after July 5, 1988.

16. 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).

17. Form 8718.—User Fee for Exempt Organization Determination Letter Request. Used by a private foundation that has completed a section 507 termination and seeks a determination letter that it is now a public charity.

E. Publications and Other Forms.—

Publication 525.—Taxable and Nontaxable Income.

Publication 578.—Tax Information for Private Foundations and Foundation Managers.

Publication 583.—Taxpayers Starting a Business.

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

Publication 910.—Guide to Free Tax Services.

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

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

Form 1041-ES.—Estimated Income Tax for Fiduciaries.

Form 4506-A.—Request for Public Inspection or Copy of Exempt Organization Tax Form.

Form 8109.—Federal Tax Deposit Coupon.

Form 8822.—Change of Address.

These publications and forms are available at no charge through IRS offices, or by calling **1-800-TAX-FORM** (1-800-829-3676).

F. Use of Form 990-PF To Satisfy State Reporting Requirements.—Some states and local government units will accept a copy of Form 990-PF and required attachments in place of all or part of their own financial report forms.

If you intend to use Form 990-PF to satisfy state or local filing requirements, such as those arising 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 you do 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; or (d) maintaining a checking account or owning or renting property therein.

Monetary tests may differ.—Some or all of the dollar limitations applicable to Form 990-PF when filed with IRS may not apply when using Form 990-PF in place of state or local report forms. IRS dollar limitations that may not meet some state requirements are the \$5,000 total assets minimum that necessitates completion of Part II, column (c), and Part XVI; the \$30,000 minimum for listing the highest paid employees and for listing professional fees in Part VIII.

Additional information may be required.—State and local filing requirements may require you to attach to Form 990-PF one or more of the following: (a) additional financial statements, such as a complete analysis of functional expenses or a statement of changes in financial position; (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-PF filed with IRS.

Even if the Form 990-PF you file with IRS is accepted by 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 according to the applicable Form 990-PF instructions or

supplemental state instructions. In that event, you may be asked to provide the missing information or to submit an amended return.

Amended returns.—If you submit supplemental information or file an amended Form 990-PF with IRS, you must also furnish a copy of the information or amended return to any state with which you filed a copy of Form 990-PF originally to meet that state's filing requirement.

Method of accounting.—Many states require that all amounts be reported based on the accrual method of accounting.

Time for filing may differ.—The time for filing Form 990-PF with IRS differs from the time for filing reports with some states.

State registration numbers.—Insert the applicable state or local jurisdiction registration or identification number in box B (in the heading on page 1) for each jurisdiction in which you file Form 990-PF in place of the state or local form. When filing in several jurisdictions, prepare as many copies as needed with the state registration number omitted. Then enter the applicable registration number on the copy to be filed with each jurisdiction.

G. Furnishing Copies of the Annual Return to State Officials.—The foundation

managers must furnish a copy of the annual Form 990-PF to the attorney general (or his or her designate) of (a) each state which they are required to list in Part VII, line 8a, (b) the state in which the principal office of the foundation is located, and (c) the state in which the foundation was incorporated or created: The return must be furnished at the same time it is sent to the IRS. The foundation managers must also provide a copy of the annual return to the attorney general or other appropriate state official of any other state who requests it. The foundation managers must also attach to all copies of the annual return filed with an attorney general a copy of any Form 4720 filed by the foundation with the IRS for the year. These provisions do not apply to any foreign foundation which, from the date of its creation, has received at least 85% of its support (excluding gross investment income) from sources outside the United States. (See "Exceptions" in General Instruction Q.)

If the foundation managers submit a copy of Form 990-PF (and Form 4720, if any) to a state attorney general to satisfy a state reporting requirement, they do not have to furnish a second copy to that attorney general to comply with the Internal Revenue Code requirements covered by this instruction. If there is a state reporting requirement that the copy of Form 990-PF be filed with a state official other than the attorney general (such as a secretary of state), then the foundation managers must also furnish a copy of the Form 990-PF to the attorney general of that state.

H. Accounting Period.—

(1) File the 1990 return for the calendar year 1990 and fiscal years beginning in 1990. If the return is for a fiscal year, fill in the tax year space at the top of the return.

(2) The return must be filed, on the basis of the established annual accounting period of the organization. If the organization has no established accounting period, the return should be on the calendar-year basis.

(3) In the case of a change in accounting period, the 1990 form may also be used as

the return for a short period (less than 12 months) ending November 30, 1991 or earlier.

In general, to change your accounting period you must file timely a Form 990-PF for the short period resulting from the change. At the top of this short period return, indicate that a change of accounting period is being made by writing, *Change of Accounting Period*.

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

I. Accounting Methods.—Unless the instructions specify otherwise; report the financial information requested on the basis of the accounting method the foundation regularly uses in keeping its books and records.

Note: *Complete Part I, column (d) on the cash receipts and disbursements method of accounting.*

J. When and Where To File.—This return must be filed by the 15th day of the 5th month following the close of the accounting period.

In case of a complete liquidation, dissolution, or termination, file the return by the 15th day of the 5th month following complete liquidation, dissolution or termination,

If the principal office of the organization is located in	Use the following Internal Revenue Service Center address
Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee	Atlanta, GA 39901
Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, Wyoming	Austin, TX 73301
Indiana, Kentucky, Michigan, Ohio, West Virginia	Cincinnati, OH 45999
Alaska, California, Hawaii, Idaho, Nevada, Oregon, Washington	Fresno, CA 93888
Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont	Holtsville, NY 00501
Illinois, Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin	Kansas City, MO 64999
Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, any U.S. possession, or foreign country	Philadelphia, PA 19255

K. Extension of Time To File.—A foundation may file Form 2758 to request an extension of time to file its return.

L. Amended Return.—To change your return for a prior year, write *Amended Return* at the top of the return. Generally, you must file the amended return within three years after the date the original return was due or three years after the date the organization filed it, whichever is later. Use Form 4506-A to obtain a copy of a previously filed return. You can obtain blank forms for prior years by calling the toll-free number given in instruction E.

M. Penalty for Failure To File Timely, Completely, or Correctly.—*Against the organization.*—If an organization fails to file timely, completely, or to furnish the correct

information, it will have to pay \$10 for each day during which such failure continues, unless it can be shown that the failure was due to reasonable cause. The maximum penalty with respect to any one return shall not exceed the lesser of \$5,000 or 5% of the gross receipts of the organization for the year.

Against the responsible person.—The IRS will make written demand that the delinquent return be filed or the information furnished within a reasonable time after notice of mailing of the demand. The person failing to comply with the demand on or before the date specified in the demand will have to pay \$10 for each day the failure continues, unless there is reasonable cause. The maximum penalty imposed on all persons for failures with respect to any one return shall not exceed \$5,000. If more than one person is liable for any failures, all such persons are jointly and severally liable with respect to such failures (see section 6652(c)).

To avoid filing an incomplete return or having to respond to requests for missing information, please be sure to complete all applicable line items; to answer “Yes,” “No,” or “N/A” (not applicable) to each question on the return; to make an entry (including a “-0-” when appropriate) on all total lines; and to enter “None” or “N/A” if an entire part does not apply.

Since this return also satisfies the filing requirements of a tax return under section 6011 for the tax on investment income imposed by section 4940 (or 4948 if an exempt foreign organization), the penalties imposed by section 6651 for not filing a return (without reasonable cause) also apply.

There are also penalties for willful failure to file and for filing fraudulent returns and statements. See sections 7203, 7206, and 7207.

N. Penalty for Not Paying Tax on Time.—

There is a penalty for not paying tax when due (section 6651). The penalty generally is 1/2 of 1% of the unpaid tax for each month or part of a month the tax remains unpaid, not to exceed 25% of the unpaid tax. If there was reasonable cause for not paying the tax on time, the penalty can be waived. However, interest is charged on any tax not paid on time, at the rate provided by section 6621.

The section 6655 penalties for failure to pay estimated taxes apply to the taxes on net investment income of domestic private foundations and section 4947(a)(1) charitable trusts. The penalties also apply to any tax on unrelated business income of these organizations.

O. Figuring and Paying Estimated Taxes on Net Investment Income.—

A private foundation must make estimated tax payments of the excise tax on investment income if it can expect its estimated tax (section 4940 tax minus allowable credits) to be \$500 or more. The number of installment payments you must make under the depositary method is determined at the time during the year that you first meet this requirement. For calendar-year taxpayers, the first deposit of estimated taxes for a year should generally be made by April 15 of the year.

Although Form 990-W is used primarily to compute the installment payments of unrelated business income tax, it may also be used to determine the timing and amounts of

installment payments of the section 4940 tax on net investment income.

To begin your calculation of the estimated tax, multiply the estimated investment income by the tax rate (1% or 2%, whichever is applicable) and enter that amount on line 11 of Form 990-W.

The Form 990-W line items and instructions pertaining to large organizations also apply to private foundations. For purposes of paying the estimated tax on net investment income, a “large organization” is one that had net investment income of \$1 million or more for any of the three tax years immediately preceding the tax year involved.

A foundation that fails to pay the proper estimated tax when due may be subject to an underpayment penalty for the period of the underpayment. Generally, a foundation is subject to the penalty if its tax liability is \$500 or more and it did not pay on time the lesser of: (a) 90% of the total tax liability for the year, or (b) 100% of the tax liability shown on the foundation's Form 990-PF for the prior year. However, a foundation that is considered a large organization may base only its first required installment on 100% of the prior year's tax liability.

Compute separately any required deposits of section 4940 tax and unrelated business income tax. (See sections 6655(b) and (d) and Form 2220 instructions.)

Note: Section 4947(a)(1) charitable trusts and taxable foundations that have income subject to tax under section 1 or section 11 should see Form 1120 for the estimated tax rules. However, for paying any estimated tax on that income, section 4947(a)(1) charitable trusts should use Form 1041-ES. Taxable foundations should use Form 8109, and darken the 1120 box on that form.

P. Depositary Method of Tax Payment for Domestic Private Foundations.—

The foundation must pay the tax due in full when the return is filed, but no later than 4½ months after the end of the tax year.

Deposit foundation net investment income tax payments (estimated tax payments and balance of tax due as shown on line 9, Part VI) with a Federal Tax Deposit Coupon (Form 8109). Be sure to darken the 990-PF box on Form 8109. Make these tax deposits with either a financial institution qualified as a depositary for Federal taxes or the Federal Reserve bank or branch servicing the geographic area where the foundation is located. Do not submit deposits directly to an IRS office; otherwise, the foundation may be subject to a failure-to-deposit penalty. Records of deposits will be sent to IRS for crediting to the foundation's account. See the instructions contained in the coupon book (Form 8109) for more information. Form 990-W explains how to obtain these coupon books.

To ensure more accurate processing of your deposits, please write your employer identification number, type of tax paid, and the tax period to which the deposit applies on your check.

For more information concerning deposits, see Pub. 583.

Note: Foreign organizations should refer to instructions for Part VI, line 9.

Q. Public Inspection of Form 990-PF and Approved Exemption Applications.—

Through the organization.—

Information reported on or with Form 990-PF, including all attachments, will be made available for public inspection under section 6104(b). This applies both to information required by the form and to information furnished voluntarily. Therefore, the return and any attachments should be of such quality that they can be reproduced photographically.

(1) Annual returns.—Foundation managers must make the annual return available for inspection during regular business hours at the principal office of the foundation, or may furnish a free copy to any person requesting inspection, provided the request is made at the time and in the manner prescribed in section 6104(d) and the related regulations.

Notice requirements.—A notice that the private foundation's annual return is available for inspection must be published by the due date for filing the annual return, including any extensions of time for filing. The notice must be published in a newspaper with general circulation in the county in which the principal office of the private foundation is located. (A newspaper or journal that publishes real estate title transfers or other similar legal notices to satisfy state statutory requirements is also considered to have general circulation.) The notice must state that the annual return of the private foundation is available for inspection at its principal office during regular business hours by any citizen who requests inspection within 180 days after the date the notice is published. It must also show the address and telephone number of the private foundation's principal office and the name of its principal manager. A private foundation may designate, in addition to its principal office, any other location at which its annual return will be made available. Another location may also be designated if the foundation has no principal office or none other than the residence of a substantial contributor or foundation manager.

To ensure that the return is available for public inspection for the full 180-day period as required by law, do not publish the notice until the return has been completed and, in fact, is readily available for inspection upon request.

Attach a copy of the notice to the Form 990-PF filed annually with the Internal Revenue Service.

Penalties.—If a foundation does not publish the notice and attach a copy of it to a timely filed return, there is a penalty of \$10 a day, up to a maximum of \$5,000 for any one return (section 6652(c)). The penalty is imposed on the person under a duty to act, but who fails to do so without reasonable cause. The penalty is also imposed on any person who fails to make the return (including all required attachments) available for public inspection according to the section 6104(d) provisions discussed above. If more than one person is responsible for either failure to act, each person is jointly and severally liable for the full amount of the penalty. Any person who willfully fails to comply shall be subject to an additional penalty of \$1,000 (section 6685).

Exceptions.—A private foundation that has terminated its status as such under section 507(b)(1)(A), by distributing all its net assets to one or more public charities without retaining any right, title, or interest in those assets, does not have to publish notice of availability of its annual return or furnish the return to the public for the tax year in which

it terminates (Regulations section 1.507-2(a)(6)).

The notice and public inspection provisions discussed above do not apply to any foreign foundation which, from the date of its creation, has received at least 85% of its support (excluding gross investment income) from sources outside the United States. The requirement to furnish copies of annual returns to state officials also does not apply to such foreign foundations (see General Instruction G).

(2) *Exemption applications.*—Any section 501(c) organization that submitted an application for recognition of exemption to the Internal Revenue Service after July 15, 1987, must make available for public inspection a copy of its application (together with a copy of any papers submitted in support of its application) and any letter or other document issued by the IRS in response to the application. An organization that submitted its exemption application on or before July 15, 1987, must also comply with this requirement if it had a copy of its application on July 15, 1987. The copy of the application and related documents must be made available for inspection during regular business hours at the organization's principal office and at each of its regional or district offices having at least three employees.

Any person who does not comply with the public inspection of application requirement shall be assessed a penalty of \$10 for each day that inspection was not permitted. There is no limitation. No penalty will be imposed if the failure is due to reasonable cause. If more than one person is responsible for failure to comply with this requirement, each person is jointly and severally liable for the full amount of the penalty. Any person who willfully fails to comply shall be subject to an additional penalty of \$1,000.

Through the IRS.—

Both exempt organization returns and approved exemption applications may be inspected by the public at IRS district offices and at the IRS National Office in Washington, DC.

A request for inspection must be in writing and must include the name and address (city and state) of the organization that filed the return or application. A request to inspect a return should indicate the type (number) of the return and the year(s) involved. The request should be sent to the District Director (Attention: Disclosure Officer) of the district in which the requester desires to inspect the return or application. If inspection at the IRS National Office is desired, the request should be sent to the Commissioner of Internal Revenue, Attention: Freedom of Information Reading Room, 1111 Constitution Avenue, N.W., Washington, DC 20224.

Form 4506-A can be used to request a copy or to inspect an exempt organization return at an IRS office. There is a charge for photocopying.

R. 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 which lacked the required disclosure.

S. Organizations Organized or Created in a Foreign Country or U.S. Possession.—

(1) Regulations section 53.4948-1(b) provides that sections 507, 508, and Chapter 42 (other than section 4948) do not apply to a foreign private foundation which from the date of its creation has received at least 85% of its support (as defined in section 509(d)—other than section 509(d)(4)) from sources outside the United States.

(2) Section 4948(a) imposes a 4% tax on the gross investment income (i.e., income from dividends, interest, rents, payments received on securities loans (as defined in section 512(a)(5)), and royalties not reported on Form 990-T, of an exempt foreign private foundation from U.S. sources. This tax is in lieu of the section 4940 tax on the net investment income of a domestic private foundation. To pay any tax due, see instructions for Part VI, line 9.

(3) Taxable foreign private foundations and foreign section 4947(a)(1) charitable trusts are not subject to the excise taxes under sections 4948(a) and 4940, but are taxed under subtitle A of the Code.

(4) Certain foreign foundations are not required to furnish copies of annual returns to state officials, nor must they comply with the public inspection and notice requirements of annual returns. (See General Instructions G and Q.)

T. Liquidation, Dissolution, Termination, or Substantial Contraction.—

Organizations liquidating, etc., must attach a statement to the return explaining the nature of any liquidation, dissolution, termination, or substantial contraction. See General Instruction J for filing dates and locations.

The term *substantial contraction* includes any partial liquidation or any other significant disposition of assets (other than transfers for full and adequate consideration or distributions of current income).

A *significant disposition of assets* does not include any disposition for a tax year if the total of the:

- (1) dispositions for the tax year, and
- (2) related dispositions made during prior tax years (if a disposition is part of a series of related dispositions made during these prior tax years)

is less than 25% of the fair market value of the net assets of the organization at the beginning of the tax year (in the case of (1) above) or at the beginning of the tax year in which any of the series of related dispositions was made (in the case of (2) above).

Whether a significant disposition has occurred through a series of related dispositions will be determined from all the facts and circumstances of the particular case. Ordinarily, a distribution described in section 1.70(b)(1)(E)(ii) (relating to private foundations making qualifying distributions out of corpus equal to 100% of contributions received during the foundation's tax year)

will not be taken into account as a significant disposition of assets. See Regulations section 1.170A-9(g)(2).

In the case of a complete liquidation of a corporation or termination of a trust, state whether a final distribution of assets was made and the date made. Also attach a certified copy of the resolution or plan, if any, of liquidation, etc., and all amendments or supplements not previously filed, as well as a schedule listing the names and addresses of all recipients of assets distributed in liquidation, dissolution, or substantial contraction, and an explanation of the nature and fair market value of assets distributed to each recipient.

Organizations that have terminated their private foundation status under section 507(b)(1)(A) are excepted from the notice and public inspection requirements of their annual return for the year of termination (see "Exceptions" in General Instruction Q).

If the organization has ceased to exist, write *Final Return* at the top of page 1 of the return.

If the organization is terminating its private foundation status under section 507(b)(1)(B), see General Instructions U and V below.

U. Filing Requirements During Section 507(b)(1)(B) Termination.—

Although an organization terminating its private foundation status under section 507(b)(1)(B) may be regarded as a public charity for certain purposes, it is still considered a private foundation for purposes of the filing requirements and must file an annual return on Form 990-PF. The return must be filed for each year in the 60-month termination period, if that period has not expired before the due date of the return.

The regulations under section 507(b)(1)(B)(iii) specify that within 90 days after the end of the termination period the organization must furnish information to its key district director establishing that it has terminated its private foundation status and, therefore, qualifies as a public charity. If information is furnished establishing a successful termination, then for the final year of the termination period the organization should comply with the filing requirements for the type of public charity it has become. See the instructions for Form 990 and Schedule A (Form 990) for specific information on filing requirements. This applies even if the key district has not affirmed that the organization has terminated its private foundation status by the time the return for the final year of the termination is due (or would be due if a return were required).

The organization will be allowed a reasonable period of time to file any private foundation returns required (for the last year of the termination period) but not previously filed if it is later determined that the organization did not terminate its private foundation status. Interest on any tax due will be charged from the original due date of the Form 990-PF, but penalties under sections 6651 and 6652 will not be assessed if the Form 990-PF is filed within the period allowed by the key district.

V. Special Rules for Section 507(b)(1)(B) Terminations.—

If you are terminating your private foundation status under the 60-month provisions of section 507(b)(1)(B), special rules apply. (See General Instructions T and U.) Under these rules you may file Form 990-PF without paying the tax on net

investment income if the foundation filed a consent under section 6501(c)(4) with its notification to the district director of its intention to begin a section 507(b)(1)(B) termination. The consent states that the period of limitation on the assessment of excise tax under section 4940 or 4948 on investment income of any tax year in the 60-month period will not expire until at least one year after the period for assessing a deficiency for the last tax year in the 60-month period would normally expire. Any foundation not paying the tax with the filing of Form 990-PF must attach a copy of the signed consent.

If the foundation did not file the consent, the tax must be paid in the normal manner as explained in General Instructions O and P. You may file a claim for refund after completing termination or during the termination period. The claim for refund must be filed timely and the organization must furnish information establishing that it qualified as a public charity for the period for which it paid the tax.

Specific Instructions

Name and Address.—If you received a Form 990-PF Package from the IRS with a preaddressed label, please attach the label to the name and address area of the return you file. If the name or address on the label is wrong, draw a line through the incorrect portion and enter the correct information. The address used must be that of the principal office of the foundation.

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 P.O. box number instead of the street address.

Employer Identification Number.—You should have only one employer identification number. If you have more than one number, notify the Internal Revenue Service Center, at the appropriate address shown under General Instruction J above. Inform them what numbers you have, the name and address to which each number was assigned, and the address of your principal office. The IRS will then advise you which number to use.

Section 507(b)(1)(A) Terminations.—A private foundation that has terminated its status as such under section 507(b)(1)(A), by distributing all its net assets to one or more public charities without retaining any right, title, or interest in those assets, should check the box in E on page 1 of Form 990-PF to indicate termination. See General Instructions T and Q.

60-Month Termination Under Section 507(b)(1)(B).—Check the box in F on page 1 of Form 990-PF if you are terminating your private foundation status under the 60-month provisions of section 507(b)(1)(B) during the period covered by this return. To begin such a termination, a private foundation must have given advance notice to its key district director and provided the information outlined in Regulations section 1.507-2(b)(3).

See General Instruction V for information regarding payment of the tax on investment income (computed in Part VI) during a section 507(b)(1)(B) termination.

See General Instruction U for information regarding filing requirements during a section 507(b)(1)(B) termination.

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Type of Organization.—Check the block for “Exempt private foundation” if the foundation has a ruling or determination letter from IRS in effect that recognizes its exemption from Federal income tax as an organization described in section 501(c)(3) or if the organization's exemption application is pending with IRS. Check the “4947(a)(1) trust” block if the trust is a nonexempt charitable trust treated as a private foundation. All other filers should check the “Other taxable private foundation” block.

Fair Market Value of Assets.—In block I on page 1 of Form 990-PF, enter the fair market value of all assets the foundation held at the end of the tax year. **Note:** *This amount should be the same as the figure reported in Part II, column (c), line 16.*

Rounding Off to Whole-Dollar Amounts.—You may show the money items on the return and accompanying schedules as whole-dollar amounts. To do so, drop any amount less than 50 cents and increase any amount from 50 cents through 99 cents to the next higher dollar.

Currency and Language Requirements.—Report all amounts in U.S. dollars (state conversion rate used). Report all items in total, including amounts from both U.S. and non-U.S. sources. Furnish all information in the English language.

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

- (1) State “Form 990-PF” and the tax year,
- (2) Show the organization's name and employer identification number,
- (3) Include the information required by the form,
- (4) Follow the format and line sequence of the form, and
- (5) Be on the same size paper as the form.

Part I—Analysis of Revenue and Expenses

Note: *The amounts in column (a) are the revenue and expenses as shown in the books and records of the foundation. The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a). In Part XVIII-A, you are to analyze amounts you entered in column (a) and on line 5b.*

Column (a)—Revenue and Expenses per Books

Revenue.—

Enter in column (a) all items of revenue shown in the books and records that increased the net assets of the organization. Do not include, however, the value of services donated to the foundation, or items such as the free use of equipment or facilities, in the contributions received.

Line 1.—Contributions, gifts, grants, etc., received.—Enter the total of gross contributions, gifts, grants, and similar amounts received. Attach an itemized schedule if money, securities, or other property valued at \$5,000 or more was received directly or indirectly from one person during the year. The schedule should show the name, address, the total amount received from each such person, and the date received.

In determining whether a person has contributed \$5,000 or more, total only gifts of \$1,000 or more from each person. Separate and independent gifts need not be totaled if

less than \$1,000. If a contribution is in the form of property, furnish a description and the fair market value of the property.

The term person includes individuals, fiduciaries, partnerships, corporations, associations, trusts, and exempt organizations.

Contributions from split-interest trusts should be entered on **both** line 1 of column (a) and line 2 of column (b). They are a part of the amount on line 1. Report contributions on lines 1 and 2 only.

Line 3.—Interest on savings and temporary cash investments.—Enter the total amount of interest income from savings or other interest-bearing accounts and temporary cash investments, such as money market funds, commercial paper, certificates of deposit, and U.S. Treasury bills or other government obligations that mature in less than one year.

Line 4.—Dividends and interest from securities.—Enter the amount of dividend and interest income from debt and equity securities (stocks and bonds) of the type reportable in Balance Sheets, Part II, line 10. Include amounts received from payments on securities loans, as defined in section 512(a)(5). Do not include any capital gain dividends reportable on line 6. See the instructions for line 11 for reporting income from program-related investments.

Line 5a.—Gross rents.—Enter the gross rental income for the year from investment property reportable on line 11 of Part II.

Line 5b.—Net rental income or (loss).—Figure the net rental income or (loss) for the year and enter that amount on line 5b. Do not carry this amount into columns (a) through (d).

Report rents from other sources on line 11, Other income. Enter, on lines 13 through 23, any expenses, such as interest and depreciation, attributable to the rental income reported on line 5.

Line 6.—Net gain or (loss) from sale of assets.—Enter the net gain or (loss) per books from the sale of all assets not included on line 10. Since any gain is per the books and may include gain on the sale of assets used for charitable purposes, the gain entered here will not necessarily agree with that shown in the other columns.

For assets sold and not included in Part IV, attach a schedule showing: (a) date acquired, manner of acquisition, date sold, and to whom sold; (b) gross sales price; (c) cost, other basis or value at time of acquisition if donated (state which basis); (d) expense of sale and cost of improvements made subsequent to acquisition; and (e) depreciation since acquisition, if depreciable property.

Lines 10a, b, c.—Gross profit on sales of inventory.—Enter the gross sales (minus returns and allowances), cost of goods sold, and gross profit or (loss) from the sale of all inventory items, including those sold in the course of special fundraising events and activities. These inventory items are the ones the organization either makes to sell to others or buys for resale.

Do not report any sales or exchanges of investments on line 10.

Do not include the profit or (loss) from the sale of items of a capital nature such as securities, land, buildings, or equipment. Include such amounts on line 6.

Do not include any expenses incurred in the business activities such as salaries, taxes, rent, etc. Include them instead on lines 13 through 23.

Line 11.—Other income.—Enter the total of all other income of the foundation for the year. Include royalty income, income from program-related investments (defined in the instructions for Part XIII, line 1b), and from other assets used for charitable purposes (such as interest earned on scholarship loans and rents from low-income tenants), imputed interest on certain deferred payments figured under section 483, and any investment income not reportable on lines 3 through 5. However, do not include unrealized gains and losses on investments carried at market value. Report those as fund balance or net asset adjustments in Part III. Attach a schedule showing the description and amount of the income.

Operating and Administrative Expenses.—Enter in column (a) all items of expense, shown in the books and records, that decreased the net assets of the organization. However, do not include on lines 13 through 26 any expenses used to compute capital gains and losses on lines 6, 7, and 8 or expenses included in cost of goods sold on line 10b.

Line 13.—Compensation of officers, directors, trustees, etc.—Enter the total compensation for the year of all officers, directors, and trustees. If none was paid, enter "-0-." Complete subpart 1 of Part VIII to show the compensation of officers, directors, foundation managers, and trustees.

Line 14.—Other employee salaries and wages.—Enter the total salaries and wages of all employees other than those included on line 13.

Line 15.—Contributions to employee pension plans and other benefits.—Enter 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 return/report of the Form 5500 series that is appropriate for your plan. (See the instructions for Form 5500 for information about employee welfare benefit plans required to file that form.)

Also include in the total the amount of Federal, state, and local payroll taxes for the year, but only those that are imposed on the organization as an employer. This would include the employer's share of FICA tax, FUTA tax, state unemployment compensation tax, and other state and local payroll taxes. Do not include taxes withheld from employees' salaries and paid over to the various governmental units (such as Federal and state income taxes and the employee's share of FICA taxes).

Lines 16a, b, and c.—Legal, accounting, and other professional fees.—On the appropriate line(s), enter the total amount of legal, accounting, auditing, and other professional fees (such as fees for fundraising or investment services) charged by outside firms and individuals who are not employees of the foundation.

Attach a schedule for lines 16a, b, and c. Show the type of service and amount of expense for each. If the same person provided more than one of these services,

provide an allocation of those expenses. (See the instructions for Part VIII, line 3.) Report any fines, penalties, or judgments imposed against the foundation as a result of legal proceedings on line 23, Other expenses.

Line 18.—Taxes.—Enter the total taxes paid (or accrued) during the year. The total should include all types of taxes recorded on the books, including real estate tax not reported on line 20; the tax on investment income; and any income tax. Do not enter any taxes included on line 15. Attach a schedule listing the type and amount of each tax reported on line 18.

Line 19.—Depreciation and depletion.—Enter the total expense recorded in the books for the year.

For depreciation, attach a schedule showing: (a) description of the property; (b) date acquired; (c) cost or other basis (exclude any land); (d) depreciation allowed or allowable in prior years; (e) method of computation; (f) rate (%) or life (years); and (g) depreciation this year. On a separate line in the schedule, show the amount of depreciation included in cost of goods sold and not included on line 19.

Line 20.—Occupancy.—Enter the total amount paid or incurred for the use of office space or other facilities. If the space is rented or leased, enter the amount of rent. If space is owned, enter the amount of mortgage interest, real estate taxes, and similar expenses, but not depreciation (reportable on line 19). In either case, include the amount for utilities and related expenses, e.g., heat, lights, water, power, telephone, sewer, trash removal, outside janitorial services, and similar services. Do not include any salaries of your own employees which are reportable on line 14.

Line 21.—Travel, conferences, and meetings.—Enter the total expenses for officers, employees or others during the year for travel, attending conferences, meetings, etc. The amount should include transportation (including fares, mileage allowance, or automobile expenses), meals and lodging, and related costs whether paid on the basis of a per diem allowance or actual expenses incurred. Do not include any compensation paid to those who participate.

Line 22.—Printing and publications.—Enter the total amount of expenses for printing or publishing and distributing any newsletters, magazines, etc. Also include the cost of subscriptions to, or purchases of, magazines, newspapers, etc.

Line 23.—Other expenses.—Enter the total of all other expenses for the year. If a separate line is provided for an expense, use that line. Attach a schedule showing the type and amount of each expense.

If a deduction is claimed for amortization, attach a schedule showing:

- Description of the amortized expenses;
- Date acquired, completed, or expended;
- Amount amortized;
- Deduction for prior years;
- Amortization period (number of months);
- Current-year amortization; and
- Total amount of amortization.

Line 25.—Contributions, gifts, grants paid.—Enter the total of all contributions, gifts, grants, and similar amounts paid (or accrued) for the year. List each contribution, gift, grant, etc., in Part XVI, or attach a schedule of the items included on line 25

and list: (a) each class of activity; (b) separate total for each activity; (c) name and address of donee; (d) relationship of donee, if related by blood, marriage, adoption, or employment (including children of employees) to any disqualified person (see definitions); and (e) the organizational status of donee (for example, public charity—an organization described in section 509(a)(1), (2), or (3)). You do not have to give the name of any indigent person who received one or more gifts or grants from the foundation unless that person is a disqualified person or one who received a total of more than \$1,000 from the foundation during the year.

Activities should be classified according to purpose and in greater detail than by merely classifying them as charitable, educational, religious, or scientific activities. For example, use such identification as: payments for nursing service, for fellowships, or for assistance to indigent families.

Foundations may include, as a single entry on the schedule, the total of amounts paid as grants for which the foundation exercised expenditure responsibility. Attach a separate report for each grant.

When the fair market value of the property at the time of disbursement is the measure of a contribution, the schedule must also show: (a) description of the contributed property; (b) book value of the contributed property; (c) the method used to determine the book value; (d) the method used to determine the fair market value; and (e) the date of the gift. The difference between fair market value and book value should be shown in the books of account.

Net Amounts.—

Line 27a.—Excess of revenue over expenses.—Subtract line 26, column (a), from line 12, column (a). Enter the difference. Generally, the amount shown in column (a) on this line would also be the amount by which net assets (or fund balances) have increased or decreased for the year. See the instructions for Part III, Analysis of Changes in Net Assets or Fund Balances.

Column (b)—Net Investment Income Revenue.—

All domestic private foundations (including section 4947(a)(1) charitable trusts) are required to pay an excise tax each tax year on their net investment income.

Exempt foreign foundations are subject to an excise tax on their gross investment income from U.S. sources. These foreign organizations should complete lines 3, 4, 5, 11, 12, and 27b of column (b) and report ONLY income derived from U.S. sources. No other income is to be included. No expenses are allowed as deductions.

Gross investment income means the total amount of investment income that was received by a private foundation from all sources. However, it does not include any income included in figuring the tax on unrelated business income. It includes interest, dividends, rents, payments with respect to securities loans (as defined in section 512(a)(5)), and royalties received from assets devoted to charitable activities. Therefore, interest received on a student loan would be includable in the gross investment income of a private foundation making the loan.

Net investment income is the amount by which the sum of gross investment income

and the capital gain net income exceeds the allowable deductions discussed later. Tax-exempt interest on governmental obligations and related expenses are excluded.

Include in column (b), all or part of any amount from column (a) that applies to investment income. However, see the exception given below, and the additional rules for specific line items.

Do not include in column (b) any interest, dividends, rents or royalties (and related expenses) that were reported on Form 990-T because you had gross income of \$1,000 or more from a trade or business unrelated to your charitable purpose.

For example: Investment income derived from debt-financed property unrelated to your charitable purpose and certain rents (and related expenses) treated as unrelated trade or business income should be reported on Form 990-T. Income from debt-financed property that is not taxed under section 511 is taxed under section 4940. Thus, if the debt/basis percentage of a debt-financed property is 80%, only 80% of the gross income (and expenses) for that property is used to figure the section 511 tax on Form 990-T. The remaining 20% of the gross income (and expenses) of that property is used to figure the section 4940 tax on net investment income on Form 990-PF. (See Form 990-T and instructions for more information.)

Line 2.—Certain contributions from "split-interest" trusts described in section 4947(a) (2).—The income portion of distributions from split-interest trusts is treated as investment income to the extent that it was earned on amounts placed in trust after May 26, 1969. Include only that income portion of such distributions on line 2. That same figure is a part of line 1.

Line 3.—Interest on savings and temporary cash investments.—Enter the amount of interest income shown in column (a). Do not include interest on tax-exempt government obligations.

Line 4.—Dividends and interest from securities.—Enter the amount of dividend and interest income, and payments on securities loans from column (a). Do not include interest on tax-exempt government obligations.

Line 5.—Gross rents.—Enter the gross rental income from column (a).

Line 7.—Capital gain net income.—Enter the capital gain net income from Part IV, line 2. See Part IV instructions.

Line 11.—Other income.—Enter the amount of investment income included in line 11, column (a). Include dividends, interest, rents, and royalties derived from assets devoted to charitable activities, such as interest on student loans.

Line 12.—Total.—Domestic organizations enter the total of lines 1 through 11. Exempt foreign organizations enter the total of lines 3, 4, 5, and 11 only.

Operating and Administrative Expenses.—

Include in column (b), all ordinary and necessary expenses paid or incurred to produce or collect investment income from: interest, dividends, rents, amounts received from payments on securities loans (as defined in section 512(a)(5)), and royalties, or for the management, conservation, or maintenance of property held for the production of income that is taxable under section 4940.

If any of the expenses listed in column (a) are paid or incurred for both investment and charitable purposes, they must be allocated on a reasonable basis between the investment activities and the charitable activities so that only expenses from investment activities will appear in column (b). Examples of allocation methods are given in the general instructions of Part XVII-A.

Note: *The deduction for expenses paid or incurred in any tax year for producing gross investment income earned incident to a charitable function cannot be more than the amount of income earned from the function which is includible as gross investment income for the year.* For example, if rental income is incidentally realized in 1990 from historic buildings held open to the public, deductions for amounts paid or incurred in 1990 for the production of such income may not be more than the amount of rental income includible as gross investment income in column (b) for 1990.

Do not include on lines 13 through 23 of column (b) any expenses paid or incurred that are allocable to tax-exempt interest that is excluded from lines 3 and 4.

Line 18.—Taxes.—Enter only those taxes included in column (a) that are related to investment income taxable under section 4940. DO NOT, however, include the tax paid or incurred on net investment income or the section 511 tax on unrelated business income. Sales taxes may not be deducted separately, but must be treated as a part of the cost of acquired property, or as a reduction of the amount realized on disposition of the property.

Line 19.—Depreciation and depletion.—For column (b), a deduction for depreciation is allowed only for property used in connection with the production of investment income, and ONLY on the straight-line method of computing depreciation.

A deduction for depletion is allowed, but must be computed ONLY on the cost depletion method.

The basis used in computing depreciation and depletion is the basis determined under normal basis rules, without regard to the fair market value on December 31, 1969, that may be used in determining gain or loss when the asset is sold.

Line 21.—Only 80% of the expense for business meals, etc., paid or incurred in connection with travel, meetings, etc., relating to the production of investment income, may be deducted in computing net investment income (section 274 (n)).

Line 23.—Other expenses.—Enter the part of other expenses included in column (a) that applies to investment income.

A deduction for amortization is allowed, but only for an asset used for the production of investment income.

Net Amounts.—

Line 27b.—Net investment income.—Domestic organizations subtract line 26 from line 12. Enter the difference. Exempt foreign organizations enter the amount shown on line 12.

The amount entered is subject to the excise tax imposed on private foundations (domestic organizations—1% (4940(e)), 2% (4940(a) or (b)); exempt foreign organizations—4% (4948)) as computed in Part VI. However, if you are a domestic organization and line 26 is more than line 12

(i.e., expenses exceed income), enter "–0–" and not a negative amount.

Column (c)—Adjusted Net Income Revenue.—

The amounts included in column (c) are used to figure the private foundation's adjusted net income. In general, adjusted net income is the amount by which a private foundation's gross income is more than the expenses of earning the income. The modifications and exclusions explained below are applied to gross income and expenses in figuring adjusted net income.

For column (c), include income from: charitable functions; investment activities; short-term capital gains from investments; amounts set aside; and unrelated trade or business activities. Do not include gifts, grants or contributions, or long-term capital gains or losses. Nonoperating private foundations should follow the special rules that apply to them.

Note: *In completing column (c) include in each line only that portion of the amount from column (a) that is applicable to the adjusted net income computation.*

Private Operating Foundations.—All organizations that claim status as private operating foundations under section 4942(j)(3) or 4942(j)(5) must complete all lines of column (c) that apply, according to the general rules for income and expenses that apply to this column, the specific line instructions in lines 3 through 27c and Examples (i) and (ii) given below.

Nonoperating Private Foundations.—The following special rules and examples apply to nonoperating private foundations.

- (1) If a nonoperating private foundation has no income from charitable activities that would be reportable on line 10 or line 11 of Part I, it does not have to make any entries in column (c).
- (2) If a nonoperating private foundation has income from charitable activities, it must report that income only on lines 10 and/or 11 in column (c). These foundations do not need to report other kinds of income and expenses (such as investment income and expenses) in column (c).
- (3) The expenses attributable to each specific charitable activity, limited by the amount of income derived from the activity, must be reported in column (c) on lines 13 through 26. If the expenses of any charitable activity exceed the income generated by that activity, the excess of these expenses over the income, **and only that excess**, should be reported in column (d). Note the examples given below.

Examples: (i) *A charitable activity generated \$5,000 of income and \$4,000 of expenses. Report all of the income and expenses in column (c) and none in column (d).*

(ii) *A charitable activity generated \$5,000 of income and \$6,000 of expenses. Report \$5,000 of income and \$5,000 of expenses in column (c) and the excess expenses of \$1,000 in column (d).*

Line 3.—Interest on savings and temporary cash investments.—Enter the amount of interest income shown in column (a). Include interest on tax-exempt government obligations.

Line 4.—Dividends and interest from securities.—Enter the amount of dividends and interest income and payments on

securities loans from column (a). Include interest on tax-exempt government obligations.

Line 5.—Gross rents.—Enter the gross rental income from column (a).

Line 8.—Net short-term capital gain.—

Note: Only private operating foundations should compute their short-term capital gains and report them on line 8. (Nonoperating Private Foundations should see the above instructions.)

Include only net short-term capital gain for the year (assets sold or exchanged that were held not more than one year). Do not include a net long-term capital gain and loss or a net short-term capital loss in column (c).

The net gain from the sale or exchange of depreciable property, or land used in a trade or business (section 1231) and held for more than one year is not included in the computation of adjusted net income. The net loss from such property, however, should be included on line 23, Other expenses.

In general, organizations may use the net short-term capital gain reported in Part IV, line 3. However, since Part IV does not take into account capital gains and losses related to debt-financed property, any short-term capital gain on debt-financed property would have to be taken into account in figuring the net short-term capital gain reported on line 8. See the instructions for Form 990-T for definition of "debt-financed property."

Line 9.—Income modifications.—Include on this line:

- (a) Amounts received or accrued as repayments of amounts taken into account as qualifying distributions (see the instructions for Part XIII for an explanation of qualifying distributions) for any year.
- (b) Amounts received or accrued from the sale or other disposition of property to the extent that the acquisition of the property was considered a qualifying distribution for any tax year.
- (c) Any amount set aside for a specific project (see explanation in the instructions, for Part XIII) that was not necessary for the purposes for which it was set aside.
- (d) Income received from an estate but only if the estate was considered terminated for income tax purposes due to a prolonged administration period.
- (e) Amounts treated in a preceding tax year as qualifying distributions to:
 - (i) a private foundation, which is not a private operating foundation, if the amounts were not redistributed by the grantee organization by the close of its tax year following the year in which it received the funds, or
 - (ii) an organization controlled by the distributing foundation or a disqualified person if the amounts were not redistributed by the grantee organization by the close of its tax year following the year in which it received the funds.

Line 10.—Gross profit on sales of inventory.—Enter the gross profit from sales of inventory as shown in column (a), line 10c.

Line 11.—Other income.—Include all other items includible in adjusted net income not covered elsewhere in column (c).

Operating and Administrative Expenses.—

Deductible expenses include that part of a private foundation's operating expenses that is paid or incurred to produce or collect gross income reported on lines 3-11 of column (c). If only a part of the property produces income includible in column (c), deductions such as interest, taxes, and rent must be divided between the charitable and noncharitable uses of the property. If the deductions for property used for a charitable, educational, or other similar purpose are more than the income derived from the property, the excess will not be allowed as a deduction, but may be treated as a qualifying distribution in Part I, column (d). (See Examples (i) and (ii) given on page 8.)

Line 13.—Compensation of officers, etc.—Enter the portion of the compensation included in column (a) that was paid or incurred to produce or collect income included in column (c).

Line 18.—Taxes.—Enter only those taxes included in column (a) that relate to income included in column (c). DO NOT include any excise tax paid or incurred on the net investment income (as shown in Part VI), or any income tax paid or incurred on income reported on Form 990-T.

Line 19.—Depreciation and depletion.—A deduction for depreciation is allowed only for property used in connection with the production of income reported in column (c) and ONLY on the straight-line method of computing depreciation.

A deduction for depletion is allowed, but must be figured ONLY on the cost depletion method.

In figuring depreciation and depletion, determine the basis under normal basis rules, without regard to the special rules for using the fair market value on December 31, 1969, that relate only to gain or loss on dispositions for purposes of the tax on net investment income.

Line 21.—Travel, conferences, and meetings.—Enter the total amount of expenses paid or incurred by officers, employees, or others for travel, conferences, meetings, etc., related to income included in column (c).

Line 22.—Printing and publications.—Enter the total amount paid or incurred for printing and distributing newsletters, magazines, directories, etc., published by the organization, and subscription costs for magazines or newspapers that relate to income included in column (c).

Line 23.—Other expenses.—In addition to the applicable portion of expenses from column (a), also include any net loss from the sale or exchange of land or depreciable property that was held for more than one year and used in a trade or business.

A deduction for amortization is allowed, but only for assets used for the production of income reported in column (c).

Net Amounts.—

Line 27c.—Adjusted net income.—Subtract line 26, column (c) from line 12, column (c) and enter the difference.

Column (d)—Disbursements for Charitable Purposes

Operating and Administrative Expenses.—

Note: For amounts entered in column (d), use the cash receipts and disbursements method of accounting, regardless of the method of

accounting used in keeping the books of the foundation.

Expenses entered in column (d) relate to activities that constitute the charitable purpose of the foundation. Include on lines 13 through 25 all expenses, including necessary and reasonable administrative expenses, paid by the foundation for religious, charitable, scientific, literary, educational, or other public purposes, or for the prevention of cruelty to children or animals.

Do not include in column (d) any amount or part of an amount that is included in column (b) or (c).

For any expense amount entered in column (a), enter only the part allocable to the charitable purposes of the foundation in column (d).

Example: An educational seminar produced \$1,000 in income which was reportable in columns (a) and (c). Expenses attributable to this charitable activity were \$1,900. Only \$1,000 of expense would be reported in column (c) and the remaining \$900 in expense would be reported in column (d).

The total of the expenses and disbursements on line 26 is used in Part XIII to figure total qualifying distributions.

Generally, gifts and grants to organizations described in section 501(c)(3), that have been determined to be publicly supported charities (i.e., organizations not private foundations as defined in section 509(a)), are qualifying distributions, provided that the granting foundation does not control the public charity.

For purposes of column (d), include a distribution of property at the fair market value on the date the distribution was made.

If you want to provide an analysis of disbursements that is more detailed than column (d), you may attach a schedule instead of completing lines 13 through 25. The schedule must include all the specific items of lines 13 through 25, and the total from the schedule must be entered in column (d), line 26.

Line 18.—Taxes.—Do not include any excise tax paid on investment income (as reported in Part VI of this return or the equivalent part of a return for prior years) unless the organization is claiming status as a private operating foundation and completes Part XV.

Line 25.—Contributions, gifts, grants paid.—Enter on line 25 all contributions, gifts, and grants the foundation paid during the year.

● Do not include contributions to organizations controlled by the foundation or by a disqualified person (see General Instruction C for definitions). Do not include contributions to nonoperating foundations, unless the donees are exempt from tax under section 501(c)(3); they redistribute the contributions; and they maintain sufficient evidence of redistributions according to the regulations under section 4942(g).

● Do not reduce the amount of grants paid in the current year by the amount of grants paid in a prior year that was returned or recovered in the current year. Report those repayments in column (c), line 9, and in Part X, line 4a.

● Do not include any payments of set-asides (see instructions for Part XIII, line 3) taken into account as qualifying distributions in the current year or any prior year. All set-asides

are included in qualifying distributions (Part XIII, line 3) in the year of the set-aside regardless of when paid.

- Do not include any payments that are not qualifying distributions as defined in section 4942(g)(1).

Part II—Balance Sheets

For column (b), show the book value at the end of the year. For column (c) show the fair market value at the end of the year. Attached schedules must show the end-of-year value for each asset listed in columns (b) and (c).

When space is provided to the left of column (a) for reporting receivables and the related allowance for doubtful accounts or depreciation assets and accumulated depreciation, enter the end-of-year figures.

- Foundations that had assets of \$5,000 or more at any time during the year must complete all of columns (a), (b), and (c).
- Foundations with less than \$5,000 of total assets at all times during the year must complete all of columns (a) and (b), and only line 16 of column (c).

Line 1.—Cash—non-interest-bearing.—

Enter the amount of cash on deposit in 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 2.—Savings and temporary cash investments.—

Enter the total of cash in savings or other interest-bearing accounts 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 one year.

Line 3.—Accounts receivable.—

Enter the total accounts receivable (reduced by the corresponding allowance for doubtful accounts) that arose from the sale of goods and/or the performance of services. Claims against vendors or refundable deposits with suppliers or others may be reported here if not significant in amount. (Otherwise, report them on line 15, Other assets.) Any receivables due from officers, directors, trustees, foundation managers, or other disqualified persons must be reported on line 6. Receivables (including loans and advances) due from other employees should be reported on line 15.

Line 4.—Pledges receivable.—Enter the total pledges receivable recorded as of the beginning and end of the year, reduced by the amount of pledges estimated to be uncollectible.

Line 5.—Grants receivable.—Enter the total grants receivable from governmental agencies, foundations, and other organizations as of the beginning and end of the year.

Line 6.—Receivables due from officers, directors, trustees, and other disqualified persons.—Enter here (and in an attached schedule described below) all receivables due from officers, directors, trustees, foundation managers, and other disqualified persons and all secured and unsecured loans (including advances) to such persons.

Attached schedules.—(a) In the required schedule, report each loan separately, even if more than one loan was made to 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 transactions not functionally related to the foundation's charitable purposes must be reported as separate loans for each officer, director, etc.

(b) Receivables that are subject to the same terms and conditions (including credit limits and rate of interest) as receivables due from the general public and that arose in connection with an activity functionally related to the foundation's charitable purposes may be reported as a single total for all the officers, directors, etc. Travel advances made in connection with official business of the organization may also be reported as a single total.

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 (for example, 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 (see instruction (b) above); however, report and identify those totals separately in the attachment.

Line 7.—Other notes and loans

receivable.—Enter the combined total of notes receivable and net loans receivable.

*Notes receivable.—*Enter the amount of all notes receivable not listed on line 6 and not acquired as investments. Attach a schedule similar to that called for in the instructions for line 6. The schedule should also identify the relationship of the borrower to any officer, director, trustee, foundation manager, or other disqualified person.

For a note receivable from any section 501(c)(3) organization, list only the name of the borrower and the balance due on the required schedule.

*Loans receivable.—*Enter the gross amount of loans receivable, less the allowance for doubtful accounts, arising from the normal activities of the filing organization (such as scholarship loans). An itemized list of these loans is not required, but attach a schedule indicating the total amount of each type of loan outstanding. Report loans to officers, directors, trustees, foundation managers, or other disqualified persons on line 6 and loans to other employees on line 15.

Line 8.—Inventories for sale or use.—

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

Line 9.—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 in connection with a solicitation campaign to be conducted in a future accounting period.

Lines 10a, b, and c.—Investments—government obligations, corporate stocks and bonds.—Enter the book value (which may be market value) of these investments.

Attach a schedule that lists each security held at the end of the year and shows whether the security is listed at cost (including the value recorded at the time of receipt in the case of donated securities) or end-of-year market value. Do not include amounts shown on line 2. Debt securities of the U.S. Government may be reported as a single total rather than itemized. Obligations of state and municipal governments may also be reported as a lump-sum total. Do not combine U.S. Government obligations with state and municipal obligations on this schedule.

Line 11.—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 investment 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 12.—Investments—mortgage

loans.—Enter the amount of mortgage loans receivable held as investments but do not include program-related investments (see instructions for line 15).

Line 13.—Investments—other.—Enter the amount of all other investment holdings not reported on lines 10 through 12. 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. Do not include program-related investments (see instructions for line 15).

Line 14.—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 would include any property, plant, and equipment owned and used by the organization in conducting its charitable 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 15.—Other assets.—List and show the book value of each category of assets not reportable on lines 1 through 14. Attach a separate schedule if more space is needed.

One type of asset reportable on line 15 is program-related investments, which are investments made primarily to accomplish a charitable purpose of the filing organization rather than to produce income.

Line 16.—Total assets.—All filers are to complete line 16 of columns (a), (b), and (c). These entries represent the totals of lines 1 through 15 of each column. However, organizations that have assets of less than \$5,000 at all times during the year need not complete lines 1 through 15 of column (c).

Line 17.—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 18.—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 19.—Support and revenue designated for future periods.—Enter the amount of contributions, governmental fees or grants, grants from foundations or other organizations, and other fees and support that contributors or grantors have designated as payable for or applicable to one or more future years, either by the terms of the gift or by the terms of the contract or other arrangement. Do not include any amounts restricted for future use by the filing organization's own governing body. Attach a schedule that describes each contribution or grant designated for one or more future periods and indicates the total amount of each item and the amount applicable to each future period.

Line 20.—Loans from officers, directors, trustees, and other disqualified persons.—Enter the unpaid balance of loans received from officers, directors, trustees, and other disqualified persons. For loans outstanding at the end of the year, attach a schedule that provides (for each loan) the name and title of the lender and the information listed in items (b) through (j) of the instructions for line 6.

Line 21.—Mortgages and other notes payable.—Enter the amount of mortgages and other notes payable at the beginning and end of year. Attach a schedule showing, as of the end of the year the total amount of all mortgages payable and, for each non-mortgage note payable, the name of the lender and the other information specified in items (b) through (j) of the instructions for line 6. The schedule should also identify the relationship of the lender to any officer, director, trustee, foundation manager, or other disqualified person.

Line 22.—Other liabilities.—List and show the amount of each liability not reportable on lines 17 through 21. Attach a separate schedule if more space is needed.

Lines 24 through 31—Fund balances or net assets.—

Organizations using fund accounting.—If the organization uses fund accounting, check the box above line 24 and complete lines 24 through 27 to report the various fund balances. Report on line 31 the sum of the fund balances and report on line 32 the sum of the total liabilities and fund balances. Organizations not using fund accounting, should see the instructions under that heading (given below) for completing lines 28 through 31.

Under fund accounting, an organization segregates its assets, liabilities, and net assets into separate funds according to externally imposed restrictions on the use of certain assets, similar designations by the organization's governing board, and other amounts that are unrestricted as to use. Each fund is like a separate entity in that it has a self-balancing set of accounts showing assets, liabilities, equity (fund balance), income, and expenses. Since these funds are actually part of a single entity, they are all included in that organization's own financial statements. Similar accounts in the various funds may or

may not be consolidated in those statements according to the organization's preference and practice. Form 990-PF, however, requires such consolidation. Separate funds, and the net changes within the various funds during the year, are shown in the fund balances section (lines 24 through 27) of the balance sheet.

Some states that accept Form 990-PF as their basic report form may require a separate statement of changes in fund balances.

Line 24a and 24b.—Current funds.—Enter the sum of the fund balances per books of the current unrestricted fund and the current restricted fund.

Line 25.—Land, buildings, and equipment fund.—Enter the fund balance per books for the land, buildings, and equipment fund (plant fund).

Line 26.—Endowment fund.—Enter the total of the fund balances for the permanent endowment fund and any term endowment funds. Annuity and life income fund balances may be reported here, if not significant in amount, or on line 27. Do not include the fund balances of any quasi-endowment funds (funds functioning as endowment) or other internally designated funds.

Line 27.—Other funds.—Enter the total of the fund balances for all funds not reported on lines 24 through 26. Indicate the type of fund in the space provided or on an attachment if more than one fund is involved. On the attachment, show the beginning and end-of-year fund balance for each fund listed.

Organizations not using fund accounting.—If the organization does not use fund accounting, check the box above line 28 and report account balances on lines 28 through 30. Report the total of net assets on line 31. Report the sum of the total liabilities and net assets on line 32.

Line 28.—Capital stock or trust principal.—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.

Line 29.—Paid-in capital or capital surplus.—Enter the balance per books for all paid-in capital in excess of par or stated value for all stock issued and, as yet, uncanceled. If stockholders or others made donations that the organization records as paid-in capital, include them here. Any current year donations you include on line 29 must also be reported in Part I, line 1.

Line 30.—Retained earnings or accumulated income.—For a corporation, 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.

Line 31.—Total fund balances or net assets.—For organizations that use fund accounting, enter the total of lines 24 through 27. For all other organizations; enter the total of lines 28 through 30. The beginning-of-the-year figure in column (a) should be carried over to Part III, line 1. The end-of-year figure in column (b) should agree with the figure in Part III, line 6.

Line 32.—Total liabilities and fund balances/net assets.—Enter the total of lines

23 and 31. That figure must equal the figure for total assets reported on line 16 for both the beginning and end of year.

Part III—Analysis of Changes in Net Assets or Fund Balances

Generally, the excess of revenue over expenses accounts for the difference between the net assets at the beginning and end of the year. On line 2, Part III, re-enter the figure from Part I, line 27(a), column (a). On lines 3 and 5, list any changes in net assets that were not caused by the receipts or expenses shown in Part I, column (a). For example, if an asset is shown in the ending balance sheet at a higher value than in the beginning balance sheet because of an increased market value, include the increase in Part III, line 3. Also, if you use a stepped-up basis to determine gains on sales of assets included in Part I, column (a), then include the amount of step-up in basis in Part III.

Part IV—Capital Gains and Losses for Tax on Investment Income

Use Part IV to figure the amount of net capital gain to report on lines 7 and 8 of Part I.

- Part IV does not apply to foreign organizations.
- Nonoperating private foundations do not have to figure their short-term capital gains on line 3. See the special rules for "Nonoperating Private Foundations" under Part I, column (c).

Private foundations must report gains and losses from the sale or other disposition of property used to produce interest, dividends, rents, royalties, or unrelated income. If the foundation disposes of property that is used to produce income subject to the unrelated business income tax, include any gain or loss from the sale of that property in net investment income, but only the part that is not included in the computation of unrelated business taxable income.

Property is treated as held for investment purposes, even if the foundation disposes of the property as soon as it receives it, if the property is of a type that generally produces interest, dividends, rents or royalties.

Do not include any gain or loss from disposing of property used for the foundation's charitable purposes in the computation of tax on net investment income. If the foundation uses property for its charitable purposes, but also incidentally derives income from the property that is subject to the net investment income tax, any gain or loss from the sale or other disposition of the property is not subject to the tax.

However, if the foundation uses property both for charitable purposes and (other than incidentally) for investment purposes, include in the computation of tax on net investment income the part of the gain or loss from the sale or disposition of the property that is allocable to the investment use of the property.

Do not include gains or losses from the sale or exchange of program-related investments as defined in the instructions for Part XIII, line 1b.

All of the capital gains reported on line 2, both short-term and long-term, are taxed at the same rate.

For further information, see section 4940(c)(4).

Losses.—If the disposition of investment property results in a loss, that loss may be subtracted from capital gains realized from the disposition of property during the same tax year, but only to the extent of the gains. If losses are more than gains, the excess may not be subtracted from gross investment income, nor may the losses be carried back or forward to other tax years.

Basis.—The basis for determining gain from the sale or other disposition of property is the larger of:

- (1) The fair market value of the property on December 31, 1969, plus or minus all adjustments after December 31, 1969, and before the date of disposition, provided the foundation held the property on that date and continuously after that date until disposition; or
- (2) The basis of the property on the date of disposition under normal basis rules (actual basis). The normal (actual) basis rules are contained in Code sections 1011-1021.

The rules that usually apply to property dispositions reported in this part are:

Section 1011, Adjusted basis for determining gain or loss;

Section 1012, Basis of property-cost;

Section 1014, Basis of property acquired from a decedent;

Section 1015, Basis of property acquired by gifts and transfers in trust; and

Section 1016, Adjustments to basis.

For determining a loss, basis is determined on the date of disposition under normal basis rules.

See Chapter IV of Pub. 578 for examples on how to determine gain or loss.

Part V—Qualification Under Section 4940(e) for Reduced Tax on Net Investment Income

This part is used by exempt domestic private foundations to determine whether they qualify for the reduced 1% tax under section 4940(e) on net investment income rather than the 2% tax on net investment income under section 4940(a).

- A private foundation cannot qualify under section 4940(e) for its first year of existence, nor can a former public charity qualify for the first year it is treated as a private foundation. Do not complete Part V if this is the organization's first year.
- A separate computation must be made for each year in which the foundation wants to qualify for the reduced tax.

Line 1, column (b).—Enter the amount of qualifying distributions made for each year shown. The amounts in column (b) for tax years 1985-89 are taken from Part XIII, line 8, of the 1985-89 Forms 990-PF.

Line 1, column (c).—Enter the net value of noncharitable-use assets for each year. The amounts in column (c) for tax years 1985-89 are taken from Part IX, line 5, of the 1985-89 Forms 990-PF.

Part VI—Excise Tax on Investment Income (Section 4940(a), 4940(b), 4940(e) or 4948)

General rules for tax on investment income.—Domestic exempt private foundations generally are subject to a 2% tax on net investment income under section 4940(a). However, certain domestic exempt private foundations may not owe any tax

under section 4940(d)(2) or may qualify for a reduced tax of 1% under section 4940(e) (see Part V instructions).

To qualify as an exempt operating foundation for a tax year, an organization must meet all these requirements of section 4940(d)(2):

- (1) It is a private foundation.
- (2) It has been publicly supported for at least 10 tax years or was a private operating foundation on January 1, 1983, or for its last tax year ending before January 1, 1983.
- (3) Its governing body, at all times during the tax year, consists of individuals less than 25% of whom are disqualified individuals, and is broadly representative of the general public, and
- (4) It has no officer who is a disqualified individual at any time during the tax year.

A domestic exempt private foundation that qualifies as an exempt operating foundation under section 4940(d)(2) is not liable for any tax on net investment income on this return.

Domestic section 4947(a)(1) charitable trusts and taxable private foundations are subject to a modified 2% tax on the net investment income under section 4940(b). However, they must first compute the tax under section 4940(a) as if that tax applied to them.

The section 4940 tax does not apply to an organization making an election under section 41(e)(6). Enter "N/A" in Part VI.

Exempt foreign private foundations are subject, under section 4948, to a 4% tax on their gross investment income derived from U.S. sources.

Other foreign organizations that filed **Form 1040NR**, U.S. Nonresident Alien Income Tax Return, or **Form 1120F**, U.S. Income Tax Return of a Foreign Corporation, enter "N/A" in Part VI.

Note: A private foundation must pay estimated taxes on its net investment income. See *General Instruction 0* for more information.

Tax Computation.—

Line 1a.—Domestic exempt operating foundations defined in section 4940(d)(2) (see above) should check the box; enter "N/A" on line 1; give the date of their ruling letter on line 1a (see below); and leave the rest of Part VI blank. For the first year, you must attach a copy of the ruling letter establishing exempt operating foundation status. As long as you retain this status, write the date of the ruling letter in the space on line 1a. If you cease to qualify under section 4940(d)(2), do not enter anything on the date line and compute your section 4940 tax in the normal manner.

Line 2.—Section 511 tax.—Under section 4940(b), a domestic section 4947(a)(1) charitable trust or taxable private foundation must add to the tax figured under section 4940(a) (on line 1) the tax which would have been imposed under section 511 for the tax year if it had been exempt from tax under section 501(a). If the domestic section 4947(a)(1) charitable trust or taxable private foundation has unrelated business taxable income that would have been subject to the tax imposed by section 511, the computation of tax must be shown in an attachment. Form 990-T may be used as the attachment. All other filers enter "-0-."

Line 4.—Subtitle A tax.—Domestic section 4947(a)(1) charitable trusts and taxable private foundations enter the amount of subtitle A tax for the year reported on Form 1041 or Form 1120. All other filers enter "-0-."

Line 5.—Tax on investment income.—Subtract line 4 from line 3 and enter the difference (but not less than "-0-") on line 5. Unless you are a domestic section 4947(a)(1) charitable trust or taxable private foundation, the amount is the same as for line 1. The tax shown on line 5 may not be less than zero. Any overpayment entered on line 10 that is the result of a negative amount shown on line 5 will not be refunded.

Line 6.—Credits/Payments.—(Note: Line 6a applies only to domestic organizations.)

Line 6a.—Enter the amount of 1990 estimated tax payments, and any 1989 overpayment of taxes that you wrote in on your 1989 return to be credited toward payment of your estimated taxes for 1990.

Note: A trust may treat any part of estimated taxes it paid as taxes paid by the beneficiary. If you received such a payment from a trust, include the amount on line 6a of Part VI, and write on that line, "includes section 643(g) payment." See section 643(g) for more information about estimated tax payments treated as paid by a beneficiary.

Line 6b.—Exempt foreign foundations must enter the amount of tax withheld at source.

Line 6d.—Enter the amount of any backup withholding erroneously withheld. Recipients of dividend or interest payments must generally certify their correct tax 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 your organization files Form 990-PF and was subject to erroneous backup withholding because the payer did not realize you were an exempt organization and not subject to this withholding, you can claim credit for the amount withheld.

Line 8.—Penalty.—Enter any penalty for underpayment of estimated tax shown on Form 2220.

Line 9.—Tax Due.—Domestic foundations should see General Instruction P for depositary method of payment. Foreign organizations should attach a check or money order (in U.S. funds) at the place indicated at the side of page 1 of the return.

Part VII—Statements Regarding Activities

In General.—

Every question in this section must be answered "Yes," "No," or "N/A" (not applicable).

The purpose of most of the questions in Part VII is to determine whether there is any initial excise tax due under sections 4941 through 4945, and section 4955. If you answer "No" to question 10b, 11b, or 14b; OR "Yes" to question 10c, 12b, 13a, 13b, or 14a(2), complete and attach Form 4720, unless an exception applies.

Line 1.—Political purposes include, but are not limited to: directly or indirectly accepting

contributions or making payments to influence the selection, nomination, election, or appointment of any individual to any Federal, state, or local public office or office in a political organization, or the election of Presidential or Vice Presidential electors, whether or not the individual or electors are actually selected, nominated, elected, or appointed.

Line 3.—A conformed copy of an organizational document is one that agrees with the original document and all its amendments. If copies are not signed, attach 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.

Line 6.—For a private foundation to be exempt from income tax, its governing instrument must include provisions that require it to act or refrain from acting so as not to engage in an act of self-dealing (section 4941), or subject the foundation to the taxes imposed by sections 4942 (failure to distribute income), 4943 (excess business holdings), 4944 (investments which jeopardize charitable purpose), and 4945 (taxable expenditures). A private foundation may satisfy these section 508(e) requirements either by express language in its governing instrument or by application of state law which imposes the above requirements on the foundation or treats these requirements as being contained in the governing instrument. If an organization claims it satisfies the requirements of section 508(e) by operation of state law, the provisions of state law must effectively impose the section 508(e) requirements on the organization. See Rev. Rul. 75-38, 1975-1 C.B. 161, for a list of states with legislation that satisfies the requirements of section 508(e).

If, however, the state law does not apply to a governing instrument which contains mandatory directions conflicting with any of its requirements and the organization has such mandatory directions in its governing instrument, then the organization has not satisfied the requirements of section 508(e) by the passing of that legislation.

Line 8.—In the space provided list all states:

- (1) to which the organization reports in any way about its organization, assets, or activities; and
- (2) with which the organization has registered (or which it has otherwise notified in any manner) that it intends to be, or is, a charitable organization or that it is, or intends to be, a holder of property devoted to a charitable purpose.

Attach a separate list if you need more space.

Line 9.—If you claim status as an operating foundation for 1990 and, in fact, meet the operating foundation requirements for that year (as reflected in Part XV), any excess distributions carryover from 1989 or prior years may not be carried over to any year after 1990 in which you do not meet the operating foundation requirements. See the instructions for Part XIV.

Line 10.—Self-dealing.—The activities listed in 10a(1) through (6) are considered self-dealing under section 4941 unless one of the exceptions applies. See Chapter VIII of Pub. 578.

The terms *disqualified person* and *foundation manager* are defined in General Instruction C.

Line 11.—Taxes on failure to distribute income.—If you answer “Yes” to question 11b, attach a statement explaining:

- (a) all the facts regarding the incorrect valuation of assets, and
- (b) the actions taken (or planned) to comply with section 4942(a)(2)(B), (C), and (D) and the related regulations.

Line 12.—Taxes on excess business holdings.—In general, the excess business holdings are the amount of stock or other interest in a business enterprise which the foundation must dispose of to a person, other than a disqualified person, in order for the foundation's remaining holdings in the enterprise to be permitted holdings. Business holdings do not include program-related investments as defined in section 4944(c) and related regulations.

In general, the combined permitted holdings of a private foundation and all disqualified persons are limited to 20% of the voting power (or beneficial or profits interest, in the case of a trust or a partnership) in any business enterprise.

There were initial grace periods of 10, 15 or 20 years (first phase) for certain excess business holdings of the foundation that were held on May 26, 1969. These holdings were considered held by disqualified persons rather than the foundation during the grace period. The 15-year initial grace period expired on May 25, 1984. This period applied when a private foundation and all disqualified persons together held more than 75% interest, but not more than 95% interest in a business enterprise. The 20-year initial grace period, which expired May 25, 1989, applied if the combined holdings were more than 95%. The 10-year initial grace period, which expired on May 26, 1979, applied if the combined holdings were at least 20% but not more than 75%.

During the second phase, which is the 15-year period immediately following the 10, 15, or 20-year initial grace period, the foundation's ownership of business interests that it held on May 26, 1969, must be reduced so that by the end of the phase the combined holdings of the foundation and its disqualified persons are not greater than 35% of the voting stock of a corporation (or 35% of the value of all outstanding shares of all classes of stock, or 35% of comparable interests in an unincorporated enterprise).

If, at any time during the second phase, the holdings of all disqualified persons together are greater than 2% of the voting stock, the holdings of the foundation itself may not be more than 25% of the voting stock or 25% of the value of all outstanding shares of all classes of stock.

The third phase is the entire period following the second phase. If a foundation enters the third phase with not more than 2% of the voting stock held by all disqualified parties, and any time after the beginning of the third phase these holdings exceed 2%, then the 25% rule in the preceding paragraph applies.

The term *business enterprise*, in general, includes the active conduct of a trade or business. It includes any activity that is carried on to produce income from the sale of goods or the performance of services and that is

considered an unrelated trade or business under section 513.

The term *business enterprise* does not include:

- (1) A functionally related business, which is defined in section 4942(j)(4); or
- (2) A trade or business if at least 95% of its gross income is derived from passive sources. See section 4943(d)(3)(B) for additional items that are included in gross income from passive sources.

Line 12b.—A private foundation is not treated as having excess business holdings in any enterprise if, together with related foundations, it owns 2% or less of the voting stock and 2% or less in value of all outstanding shares of all classes of stock. (See General Instructions C(4)(b)(7), Definitions.) A similar exception applies to a beneficial or profits interest in any business enterprise that is a trust or partnership.

For more information about excess business holdings, see Pub. 578 and the instructions for Form 4720.

Line 13.—Taxes on investments which jeopardize charitable purposes.—In general, an investment which jeopardizes any of the charitable purposes of a private foundation is one for which a foundation manager did not exercise ordinary business care to provide for the long- and short-term financial needs of the foundation in carrying out its charitable purposes.

For more information on investments which jeopardize charitable purposes, refer to Pub. 578 and the regulations under section 4944.

Line 14.—Taxes on taxable expenditures and political expenditures.—(See the regulations under section 4945 for more information:

In general, payments made for the activities described on lines 14a(1) through 14a(5) are taxable expenditures. See Chapter VI of Pub. 578 for exceptions to taxable expenditures.

A grant by a private foundation to a public charity is not a taxable expenditure if the private foundation does not earmark the grant for any of the activities described in lines 14a(1) through 14a(5), and there is no oral or written agreement by which the grantor foundation may cause the grantee to engage in any such prohibited activity or to select the recipient to which the grant is given.

Grants made to exempt operating foundations (as defined in section 4940(d)(2) and Part VI) are not subject to the expenditure responsibility provisions of section 4945.

Under section 4955, a section 501(c)(3) organization must pay an 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 an 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.

A section 501(c)(3) organization will lose its exempt status if it engages in political activity.

A political expenditure that is treated as an expenditure under section 4955 is not

treated as a taxable expenditure under section 4945.

For purposes of the section 4955 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:

- (1) Remuneration to the individual (or candidate or prospective candidate) for speeches or other services;
- (2) Travel expenses of the individual;
- (3) Expenses of conducting polls, surveys, or other studies, or preparing papers or other material for use by the individual;
- (4) Expenses of advertising, publicity, and fundraising for such individual; and
- (5) Any other expense which has the primary effect of promoting public recognition or otherwise primarily accruing to the benefit of the individual.

Line 15.—Substantial contributors.—If you answered "Yes," attach a schedule listing the names and addresses of all persons who became substantial contributors during the year.

The term *substantial contributor* to a private foundation means any person whose contributions or bequests during the current tax year and prior tax years total more than \$5,000 and are more than 2% of the total contributions and bequests received by the foundation from its creation through the close of its tax year. In the case of a trust, the term "substantial contributor" also means the creator of the trust (section 501(d)(2)).

The term *person* includes individuals, trusts, estates, partnerships, associations, corporations, and other exempt organizations.

Each contribution or bequest must be valued at fair market value on the date it was received.

Any person who is a substantial contributor on any date will remain a substantial contributor for all later periods.

However, a person will cease to be a substantial contributor with respect to any private foundation if:

- (1) Such person, and all related persons, made no contributions to such foundation during the 10-year period ending with the close of the taxable year;
- (2) Such person, or any related person, was never the foundation's manager during this 10-year period; and
- (3) The aggregate contributions made by such person, and related persons, are determined by IRS to be insignificant when compared to the aggregate amount of contributions to the foundation by any other person and the appreciated value of contributions held by the foundation.

The term *related person* includes any other person who would be a disqualified person because of a relationship with the substantial contributor (section 4946). When the substantial contributor is a corporation, the term also includes any officer or director of a corporation.

For purposes of the preceding paragraphs, the term "substantial contributor" does not include public charities (organizations described in section 509(a)(1), (2), or (3)).

Line 19.—Section 4947(a)(1) Trusts.—Section 4947(a)(1) charitable trusts that file

Form 990-PF 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 VIII—Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors

Line 1.—List of officers, directors, trustees, etc.—List the names, addresses, and other information requested for the officers, directors, and trustees (or any person who has responsibilities or powers similar to those of officers, directors, or trustees) of the foundation. *All such persons must be listed whether or not they receive any compensation from the foundation.* Enter "0" in columns (c), (d), and (e) if none was paid. Attach a schedule if more space is needed.

Show all forms of compensation received by each listed officer, etc.

Column (c).—Include all forms of deferred compensation (whether or not funded and whether or not the deferred compensation plan is a qualified plan under section 401(a)) and payments to welfare benefit plans on behalf of the officers, etc.

Column (d).—Enter 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 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. Refer to Pub. 525 for more information.

Column (e).—Enter salary, fees, bonuses, and severance payments received by each person listed.

Line 2.—Compensation of five highest paid employees.—Fill in the information requested for the five employees (if any) who received the greatest amount of annual compensation over \$30,000. Do not include employees listed under line 1. Also enter the total number of other employees who received more than \$30,000 in annual compensation.

Show each listed employee's entire compensation package for the period covered by the return. Include all forms of compensation that each listed employee received in return for his or her services. See the instructions for line 1 for additional information on includible compensation.

Line 3.—Five highest paid persons for professional services.—Fill in the information requested for the five highest paid independent contractors (if any) whom you paid more than \$30,000 for the year to perform personal services of a professional nature for the organization (such as attorneys, accountants, and doctors, whether they performed the services in their individual capacity or as employees of a professional service corporation). Also show the total number of all other independent contractors who received more than \$30,000 for the year for performing professional services.

Part IX—Minimum Investment Return

All organizations must complete Part IX.

Operating foundations, described in sections 4942(j)(3) or 4942(j)(5) must complete Part IX in order to complete Part XV.

A private foundation that is not a private operating foundation must pay out, as qualifying distributions, its minimum investment return, generally 5% of the total fair market value of its noncharitable assets, subject to further adjustments as explained in the instructions for Part X. The amount of this minimum investment return is figured in Part IX and is used in Part X to figure the amount that is required to be paid out (the distributable amount).

In figuring the minimum investment return, include only those assets that are not used or held for use for charitable purposes. These assets are not actually used or held for use by the organization for a charitable, educational, or other similar function that contributed to the charitable status of the foundation. Cash on hand and on deposit is considered used or held for use for charitable purposes ONLY to the extent of the reasonable cash balances reported in Part IX, line 4. See the instructions for lines 1b and 4 below. Assets that are held for the production of income or for investment are not considered to be used directly for charitable functions even though the income from the assets is used for the charitable functions.

It is a factual question as to whether an asset is held for the production of income or for investment rather than used or held for use directly by the foundation for charitable purposes. For example, an office building, that is used to provide offices for employees engaged in managing endowment funds for the foundation, is not considered an asset used for charitable purposes. However, when property is used both for charitable and other purposes, the property is considered to be used entirely for charitable purposes if 95% or more of its total use is for that purpose. If less than 95% of its total use is for charitable purposes, a reasonable allocation must be made between charitable and noncharitable use.

Certain assets are considered to be held neither for the production of income nor for investment. See Chapter VII of Pub. 578 for a listing of such assets.

Line 1a.—Average monthly fair market value of securities.—If market quotations are readily available, a foundation may use any reasonable method to determine the average monthly fair market value of securities such as common and preferred stock, bonds, and mutual fund shares, as long as that method is consistently used. For example, a value for a particular month might be determined by the closing price on the first or last trading days of the month or an average of the closing prices on the first and last trading days of the month. Market quotations are considered readily available if a security is:

- Listed on the New York or American stock exchange or any city or regional exchange in which quotations appear on a daily basis, including foreign securities listed on a recognized foreign national or regional exchange;
- Regularly traded in the national or regional over-the-counter market for which published quotations are available; or

● Locally traded, for which quotations can readily be obtained from established brokerage firms.

If securities are held in trust for, or on behalf of, a foundation by a bank or other financial institution which values those securities periodically using a computer pricing system, a foundation may use that system to determine the value of the securities. The system must be acceptable to the IRS for Federal estate tax purposes.

You may reduce the fair market value of securities only to the extent that you can establish that the securities could only be liquidated in a reasonable period of time at a price less than the fair market value because of:

- The size of the block of the securities;
- The fact that the securities held are securities in a closely held corporation; or
- The fact that the sale of the securities would result in a forced or distress sale.

Any reduction in value allowed under these provisions may not be more than 10% of the fair market value (determined without regard to any reduction in value).

Also, see Regulations sections

53.4942(a)-2(c)(4)(i)(b),
53.4942(a)-2(c)(4)(iv)(a), and
53.4942(a)-2(c)(4)(i)(c).

Line 1b.—Average of monthly cash

balances.—Compute cash balances on a monthly basis by averaging the amount of cash on hand on the first and last days of each month. Include all cash balances and amounts that may be used for charitable purposes (see line 4 below) or set aside and taken as a qualifying distribution (see, Part XIII):

Line 1c.—Fair market value of all other

assets.—The fair market value of assets other than securities, is determined annually except as described below. The valuation may be made by private foundation employees or by any other person, whether or not that person is a disqualified person in relation to the foundation. If the IRS accepts the valuation, it is valid only for the tax year for which it is made. A new valuation is required for the next tax year.

A written, certified, and independent appraisal of the fair market value of any real estate, including any improvements, may be determined, on a five-year basis, by a qualified person.

The person may not be a disqualified person with respect to the private foundation or an employee of the foundation.

Commonly accepted valuation methods must be used in making the appraisal. A valuation based on acceptable methods of valuing property for Federal estate tax purposes will be considered acceptable. An appraisal means a determination of fair market value and should not be construed in a technical sense peculiar to particular property or interests in property, such as mineral interests in real property.

The appraisal must contain a closing statement that, in the appraiser's opinion, the appraised assets were valued according to valuation principles regularly employed in making appraisals of such property, using all reasonable, valuation methods. The foundation must keep a copy of the independent appraisal for its records. If a valuation is reasonable, the foundation may use it for the tax year for which the valuation is made and for each of the four following tax years.

Any valuation of real estate by a certified independent appraisal may be replaced during the five-year period by a subsequent five-year valuation by a certified independent appraisal or by an annual valuation as described above. The most recent valuation should be used to compute the foundation's minimum investment return.

If the valuation is made according to the above rules, the IRS will continue to accept it during the five-year period for which it applies even if the actual fair market value of the property changes during the period.

Valuation date.—An asset required to be valued annually may be valued as of any day in the private foundation's tax year, provided the foundation values the asset as of that date in all tax years. However, a valuation of real estate determined on a five-year basis by a certified, independent appraisal may be made as of any day in the first tax year of the foundation to which the valuation applies.

Assets held for less than a tax year.—To determine the value of an asset held for less than one tax year, divide the number of days the foundation held the asset by the number of days in the tax year. Multiply the result by the fair market value of the asset.

Line 1e.—Reduction claimed for blockage or other factors.—If the fair market value of any securities, real estate holdings, or other assets reported on lines 1a and 1c reflects a blockage discount, marketability discount, or other reduction from full fair market value because of the size of the asset holding or because of any other factor, enter on line 1e the aggregate amount of the discounts claimed and attach an explanation that provides the following information for each asset or group of assets involved:

- (1) A description of the asset or asset group (for example, 20,000 shares, of XYZ, Inc, common stock);
- (2) In the case of securities, the percentage of the total issued and outstanding securities of the same class that is represented by the foundation's holding;
- (3) The fair market value of the asset or asset group before any claimed blockage discount or other reduction;
- (4) The amount of the discount claimed; and
- (5) A statement that explains why the claimed discount is appropriate in valuing the asset or group of assets for section 4942 purposes.

Line 2.—Acquisition indebtedness.—

Enter the total acquisition indebtedness that applies to assets included on line 1 above. For details, see section 514(c) and Regulations section 53.4942(a)-2(c)(1).

Line 4.—Cash deemed held for charitable

activities.—Foundations may exclude from the assets used in the minimum investment return computation the reasonable cash balances necessary to cover current administrative expenses and other normal and current disbursements directly connected with the charitable, educational, or other similar activities. The amount of cash that may be excluded is generally deemed to be 1½% of the fair market value of all assets (minus any acquisition indebtedness) as computed in Part IX, line 3. However, if the facts and circumstances indicate that an amount larger than the deemed amount is necessary to pay expenses and disbursements, then you may enter the larger

amount instead of 1½% of the fair market value on line 4. If you use a larger amount, attach an explanation.

Line 6.—Short tax periods.—If the foundation's tax period is less than 12 months, determine the applicable percentage by dividing the number of days in the short tax period by 365 (or 366 in a leap year). Multiply the result times 5%. Then multiply the modified percentage by the amount on line 5 and enter the result on line 6.

Part X—Distributable Amount

If you are claiming status as a private operating foundation described in section 4942(j)(3) or (j)(5), check the box in the heading for Part X. You do not need to complete this part. See the Part XV instructions for definitions of these two types of private operating foundations.

Section 4942(j)(5) organizations are classified as private operating foundations for purposes of section 4942 only, provided they meet the requirements of Regulations section 53.4942(b)-1(a)(2).

The distributable amount for 1990 is the amount that the foundation must distribute by the end of 1991 as qualifying distributions to avoid the 15% tax on the undistributed portion.

Line 4a.—Enter the total of recoveries of amounts treated as qualifying distributions for any year under the provisions of sections 4942(d)(i) and 4942(f)(2)(C). Include recoveries of part or all (as applicable) of grants previously made; proceeds from the sale or other disposition of property whose cost was treated as a qualifying distribution when the property was acquired; and any amount set aside under section 4942(g) to the extent it is determined that such amount is not necessary for the purposes of the set-aside.

Line 4b.—Income distributions from section 4947(a)(2), trusts.—The income portion of distributions from split-interest trusts on amounts placed in trust after May 26, 1969, must be ADDED to the distributable amount, subject to the limitation of Regulations section 53.4942(a)-2(b)(2)(iii).

A *split-interest trust* is defined in section 4947(a)(2) as a trust that is not exempt from tax under section 501(a), not all of the unexpired interests of which are devoted to charitable, religious, educational, and like purposes, and that has amounts in trust for which a charitable contributions deduction has been allowed.

If the foundation receives distributions of amounts placed in trust both on or before and after May 26, 1969, these distributions must be allocated between those amounts to determine the extent to which the distributions are included in the foundation's distributable amount.

Line 6.—Deduction from distributable amount.—If the foundation was organized before May 27, 1969, and its governing instrument or any other instrument continues to require the accumulation of income after a judicial proceeding to reform the instrument has terminated, then the amount of the income required to be accumulated must be SUBTRACTED from the distributable amount beginning with the first tax year after the tax year in which the judicial proceeding was terminated. (See the instructions for Part VII, line 6.)

Enter the amount from Part X, line 7, in Part XIV, line 1.

Part XII—Limitation on Grant Administrative Expenses

Line 1.—In columns (a), (b), and (c), enter the net value of noncharitable-use assets from each appropriate year from Part IX, line 5. In column (d), enter the total of columns (a), (b), and (c).

Part XII—Schedule of Grant Administrative Expenses

In this part, each line item shows the grant administrative expense share of the expense item reported in the Operating and Administrative Expenses section of Part I, column (d).

See the "In General" instructions for Part XVII-A for guidance in determining the share of expenses for this part.

Part XIII—Qualifying Distributions

Qualifying distributions are amounts spent or set aside for religious, educational, or similar charitable purposes. The total amount of qualifying distributions for any year is used to reduce the distributable amount for specified years to arrive at the undistributed income (if any) for those years.

Line 1a.—Borrowed funds.—If the foundation borrowed money in a tax year beginning before January 1, 1970, or later borrows money under a written commitment binding on December 31, 1969, the foundation may elect to treat any repayments of the loan principal after December 31, 1969, as qualifying distributions at the time of repayment, rather than at the earlier time that the borrowed funds were actually distributed provided that:

- (1) The money is used to make expenditures for a charitable or similar purpose; and
- (2) Repayment on the loan did not start until a year beginning after 1969.

On these loans, deduct any interest payment from gross income to compute adjusted net income in the year paid.

To make this election, attach a statement to Form 990-PF for the first tax year beginning after 1969 in which a repayment of loan principal is made and for each tax year after that in which any repayment of loan principal is made. The statement should show:

- (1) The lender's name and address;
- (2) The amount borrowed;
- (3) The specific use of the borrowed funds; and
- (4) The private foundation's election to treat repayments of loan principal as qualifying distributions.

If this provision applies, add the total of the repayments during the year to the amount from Part I, column (d), line 26. Enter this total in Part XIII, line 1a. If it does not apply, enter the total from Part I, column (d), line 26.

Line 1b.—A *program-related investment* is an investment that meets all of the following tests:

- (a) Its primary purpose is to accomplish one or more religious, charitable, educational, etc., purposes;
- (b) The production of income or the appreciation of property is not a significant purpose of the investment; and

- (c) Its purpose is NOT to carry on propaganda, or otherwise influence legislation, or to participate or intervene in any political campaign for or against any candidate for public office.

See Regulations section 53.4944-3 for examples of program-related investments.

Line 3.—Amounts set aside.—Amounts set aside may be treated as qualifying distributions only if the private foundation establishes to the satisfaction of the IRS that the amount will be paid for the specific project within 60 months from the date of the first set-aside and meets (a) or (b) given below.

- (a) The project can better be accomplished by a set-aside than by the immediate payment of funds (suitability test), or
- (b) The foundation meets the requirements of section 4942(g)(2)(B)(ii) (cash distribution test).

For a set-aside under alternative (a), you must apply for IRS approval by the end of the tax year in which the amount is set aside. Write to Internal Revenue Service, Assistant Commissioner Employee Plans/Exempt Organizations, E:EO, 1111 Constitution Avenue, NW, Washington, DC 20224.

The application for approval must give:

- (1) The nature and purposes of the specific project and the amount of the set-aside for which approval is requested;
- (2) The amounts and approximate dates of any planned additions to the set-aside after its initial establishment;
- (3) The reasons why the project can be better accomplished by the set-aside than by the immediate payment of funds;
- (4) A detailed description of the project, including estimated costs, sources of any future funds expected to be used for completion of the project, and the location or locations (general or specific) of any physical facilities to be acquired or constructed as part of the project; and
- (5) A statement of an appropriate foundation manager that the amounts set aside will actually be paid for the specific project within a specified period of time ending within 60 months after the date of the first set-aside; or a statement explaining why the period for paying the amount set aside should be extended and indicating the extension of time requested. (Include in this statement the reason why the proposed project could not be divided into two or more projects covering periods of no more than 60 months each.)

For any set-aside under alternative (b), you must attach a schedule to your annual information return showing how the requirements are met. A schedule is required for the year of the set-aside and for each subsequent year until the set-aside amount has been distributed. See Regulations section 53.4942(a)-3(b)(7)(ii) for specific requirements.

Line 7.—Reduced tax on investment income under section 4940(e).—If you do not qualify for the 1% tax under section 4940(e), enter "-0-." See Part V and VI instructions.

Part XIV—Undistributed Income

If the organization is a private operating foundation for any of the years shown in Part XIV, do not complete the portions of Part XIV that apply to those years. If there are excess qualifying distributions for any tax year, do not carry them over to a year in which the organization is a private operating foundation or to any later year. For example, if a foundation made excess qualifying distributions in 1988 and became a private operating foundation in 1990, the excess qualifying distributions from 1988 could be applied against the distributable amount for 1989 but not to any year after 1989.

The purpose of this part is to enable the foundation to comply with the rules for applying its qualifying distributions for the year 1990. In applying the qualifying distributions, there are three basic steps.

1. First, reduce any undistributed income for 1989 to an amount not less than zero.

2. You may use any part or all remaining qualifying distributions for 1990 to satisfy elections. For example, if undistributed income remained for any year before 1989, it could be reduced to zero or, if the foundation wished, the distributions could be treated as distributions out of corpus.

3. If no elections are involved, apply remaining qualifying distributions to the 1990 distributable amount on line 4d. If the remaining qualifying distributions are greater than the 1990 distributable amount, the excess is treated as a distribution out of corpus on line 4e.

If for any reason the 1990 qualifying distributions do not reduce any 1989 undistributed income to zero, the amount not distributed is subject to a 15% tax. If the 1989 income remains undistributed at the end of 1991, it could be subject again to the 15% tax. See section 4942(b) for the circumstances under which the second-tier tax could be imposed.

Line 1.—Distributable amount.—Enter the distributable amount for 1990 from Part X, line 7.

Line 2.—Undistributed income.—Enter the distributable amount for 1989 and amounts for earlier years that remained undistributed at the beginning of the 1990 tax year.

Line 2b.—Enter the amount of undistributed income for years before 1989.

Line 3.—Excess distributions carryover to 1990.—If the foundation has made excess distributions out of corpus in prior years, which have not been applied in any year, enter the amount for each year. Do not enter an amount for a particular year if the organization was a private operating foundation for any later year.

Lines 3a through 3e.—Enter the amount of any excess distribution made on the line for each year listed. Do not include any amount that was applied against the distributable amount of an earlier year or that was already used to meet pass-through distribution requirements. (See the instructions for line 7.)

Line 3f.—This amount can be applied in 1990.

Line 4.—Qualifying distributions.—Enter the total amount of qualifying distributions made in 1990 from Part XIII, line 6.

Line 4a.—The qualifying distributions for 1990 are first used to reduce any undistributed income remaining from 1989. Enter only enough of the 1990 qualifying

distributions to reduce the 1989 undistributed income to zero.

Lines 4b and 4c.—If there are any 1990 qualifying distributions remaining after reducing the 1989 undistributed income to zero, one or more elections can be made under Regulations section 53.4942(A)-3(d)(2) to apply all or part of the remaining qualifying distributions to any undistributed income remaining from years before 1989 or to apply to corpus. To make these elections you must file a statement with the IRS or attach a statement, as described in the above regulations section, to Form 990-PF. An election made by filing a statement with the IRS must be made within the year for which the election is made. An election made by attaching a statement to the Form 990-PF must be made by attaching the statement to the return filed for the year the election was made. If you elected to apply all or part of the remaining amount to the undistributed income remaining from years before 1989, enter the amount on line 4b. If you elected to treat those qualifying distributions as a distribution out of corpus, enter the amount on line 4c. **Entering an amount on line 4b or 4c without submitting the required statement does not constitute a valid election.**

Line 4d.—Treat as a distribution of the distributable amount for 1990 any qualifying distributions for 1990 that remain after reducing the 1989 undistributed income to zero and after electing to treat any part of the remaining distributions as a distribution out of corpus or as a distribution of a prior year's undistributed income. Enter only enough of the remaining 1990 qualifying distributions to reduce the 1990 distributable amount to zero.

Line 4e.—Any 1990 qualifying distributions remaining after reducing the 1990 distributable amount to zero should be treated as an excess distribution out of corpus. This amount may be carried over and applied to later years. The total of the amounts applied on lines 4a through 4e is equal to the qualifying distributions made in 1990.

Line 5.—Excess qualifying distributions carryover applied in 1990.—Enter any excess qualifying distributions from line 3, which were applied to 1990, in both the Corpus column and the 1990 column. Apply the oldest excess qualifying distributions first. Thus, you will apply any excess qualifying distributions carried forward from 1985 before those from later years.

Line 6a.—Add lines 3f, 4c, and 4e. Subtract line 5 from the total. Enter the net total in the Corpus column.

Line 6c.—Enter only the undistributed income from 1988 and prior years for which either a notice of deficiency under section 6212(a) has been mailed for the section 4942(a) first-tier tax, or on which the first-tier tax has been assessed because you filed a Form 4720 for 1989 or an earlier year.

Lines 6d and 6e.—These amounts are taxable under the provisions of section 4942(a), except for any part that is due solely to misvaluation of assets to which the provisions of section 4942(a)(2) are being applied (see Part VII, line 11). Report the taxable amount on Form 4720. If the exception applies, attach an explanation.

Line 6f.—In the 1990 column, enter the amount by which line 1 is more than the

total of lines 4d and 5. This is the undistributed income for 1990. You must distribute the amount shown by the end of your 1991 tax year so that the foundation will not be liable for the tax on undistributed income.

Line 7.—Distributions out of corpus for 1990 pass-through distributions.—

(a) If the foundation, as a donee, receives a contribution from another private foundation, the donor foundation may treat the contribution as a qualifying distribution only if the donee foundation makes a distribution equal to the full amount of the contribution and the distribution is a qualifying distribution that is treated as a distribution of corpus. The donee foundation must, not later than the close of the first tax year after the tax year in which it receives the contributions, distribute an amount equal in value to the contributions received in the prior tax year and have no remaining undistributed income for the prior year. For example, if private foundation X received \$1,000 in tax year 1989 from foundation Y, foundation X would have to distribute the \$1,000 as a qualifying distribution out of corpus by the end of 1990 and have no remaining undistributed income for 1989.

(b) If a private foundation receives a contribution from an individual or a corporation and the individual is seeking the 50% contribution base limit on deductions for the tax year (or the individual or corporation is not applying the limit imposed on deductions for contributions to the foundation of capital gain property), the foundation must comply with certain distribution requirements.

By the 15th day of the third month after the end of the tax year in which the foundation received the contributions, the donee foundation must distribute as qualifying distributions out of corpus:

- (i) An amount equal to 100% of ALL contributions received during the year in order for the individual contributor to receive the benefit of the 50% limit on deductions, and
- (ii) Distribute ALL contributions of property only so that the individual or corporation making the contribution is not subject to the section 170(e)(1)(B)(ii) limitations.

If you are applying excess distributions from prior years (i.e., any part of the amount in Part XIV, line 3f) to satisfy the distribution requirements of section 170(b)(1)(E) or 4942(g)(3), you must make the election under Regulations section 53.4942(a)-3(e). Also see Regulations section 1.170A-9(g)(2).

Enter on line 7 the total distributions out of corpus you made to satisfy the restrictions on amounts received from donors described above.

Line 8.—Outdated excess distributions carryover.—Because of the five-year carryover limitation under section 4942(i)(2), you must reduce any excess distributions carryover by any amounts from 1985 that were not applied in 1990.

Line 9.—Excess distributions carryover to 1991.—Enter on this line the amount by which line 6a is more than the total of lines 7 and 8. This is the amount you may apply to 1991 and following years.

Line 10.—Analysis of line 9.—In the space provided for each year, enter the amount of excess distributions carryover from that year

that has not been applied as of the end of the 1990 tax year. If there is an amount on the line for 1986, it must be applied by the end of the 1991 tax year since the five-year carryover period for 1986 ends in 1991.

Part XV—Private Operating Foundations

All organizations that claim status as private operating foundations under section 4942(j)(3) or (5) for 1990 must complete Part XV.

For purposes of section 4942 only, certain elderly care facilities may be classified as "private operating foundations." To be so classified, they must be operated and maintained for the principal purpose set out in section 4942(j)(5) and, in addition, meet the endowment test described below. If you are a section 4942(j)(5) organization, complete only lines 1a, 1b, 2c, 2d, 2e, and 3b. Enter "N/A" on all other lines in Part XV.

The term *private* operating foundation means any private foundation that spends at least 85% of the lesser of its adjusted net income or its minimum investment return directly for the active conduct of the exempt purpose or functions for which the foundation is organized and operated (the "Income Test") and that also meets one of the three tests below.

(1) **Assets test.**—65% or more of the foundation's assets are devoted directly to those activities or to functionally related businesses, or to both. Or 65% or more of the foundation's assets are stock of a corporation that is controlled by the foundation, and substantially all of the assets of the corporation are devoted to those activities or to functionally related businesses.

(2) **Endowment test.**—The foundation normally makes qualifying distributions directly for the active conduct of the exempt purpose or functions for which it is organized and operated in an amount that is two-thirds or more of its minimum investment return.

(3) **Support test.**—The foundation normally receives 85% or more of its support (other than gross investment income under section 509(e)) from the public and from five or more exempt organizations that are not described in section 4946(a)(1)(H) with respect to each other or the recipient foundation. Not more than 25% of the support (other than gross investment income) normally may be received from any one of the exempt organizations and not more than one-half of the support normally may be received from gross investment income.

See the regulations under section 4942 for the meaning of "directly for the active conduct" of exempt activities for purposes of these tests.

A foundation may meet the income test and either the assets, endowment, or support test by satisfying the tests for any three years during a four-year period consisting of the tax year in question and the three immediately preceding tax years. It may also meet the tests based on the total of all related amounts of income or assets held, received, or distributed during that four-year period. A foundation may not use one method for satisfying the income test and another for satisfying one of the three alternative tests. Thus, if a foundation meets the income test on the three-out-of-four-year basis for a particular tax year, it may not use the four-year aggregation method for meeting one of the three alternative tests for that same year.

In completing line 3c(3) of Part XV under the aggregation method, the largest amount of support from an exempt organization will be based on the total amount received for the four-year period from any one exempt organization.

A new private foundation must use the aggregation method to satisfy the tests for its first tax year in order to be treated as an operating foundation from the beginning of that year. It must continue to use the aggregation method for its second and third tax years to maintain its status for those years.

Part XVI—Supplementary Information

- Complete this part of the form only if the foundation had assets of \$5,000 or more at any time during the year.
- This part does not apply to a foreign foundation which during its entire period of existence received substantially all of its support (other than gross investment income) from sources outside the United States.

Line 2.—In the space provided (or in an attachment, if necessary), furnish the required information about your grant, scholarship, fellowship, loan, etc., programs. In addition to restrictions or limitations on awards by geographical areas, charitable fields, and kinds of recipients, indicate any specific dollar limitations or other restrictions applicable to each type of award you make. This information benefits the grant seeker and the foundation. The grant seekers will be aware of the grant eligibility requirements and the foundation should receive only applications that adhere to these grant application requirements.

If the foundation only makes contributions to preselected charitable organizations and does not accept unsolicited applications for funds, check the box on line 2.

Line 3.—If necessary, attach a schedule for 3a and 3b that lists separately amounts given to individuals and amounts given to organizations.

Line 3a.—Paid during year.—List all contributions, grants, etc., actually paid during the year, including grants or contributions that are not qualifying distributions under section 4942(g). Include current year payments of set-asides treated as qualifying distributions in the current tax year or any prior year.

Line 3b.—Approved for future payment.—List all contributions, grants, etc., approved during the year but not paid by the end of the year, including the unpaid portion of any current year set-aside.

Part XVII-A—Summary of Grant Programs and Other Activities

In general.—

Foundations whose charitable programs consist solely of grant-making activities or solely of non-grant-making activities should refer to the “Special Rules” which follow the instructions for line 5 below.

Regardless whether you use the regular instructions or one of the “Special Rules,” you are required to complete Part XVII-B.

Part XVII-A requires foundations to allocate their direct and indirect expenses to the various activities they conduct.

Direct expenses are those that can be specifically identified with a particular

activity. These include, among others, compensation and travel expenses of employees and officers directly engaged in an activity; the cost of materials and supplies utilized in conducting the activity; and fees paid to outside firms and individuals in connection with a specific activity.

Indirect (overhead) expenses are those that are not specifically identifiable with a particular activity but that relate to the direct costs incurred in conducting the activity. Examples of indirect expenses include: occupancy expenses; supervisory and clerical compensation; repair, rental and maintenance of equipment; expenses of other departments or cost centers (such as accounting, personnel, and payroll departments or units) that service the department or function that incurs the direct expenses of conducting an activity; and other applicable general and administrative expenses, including the compensation of top management, to the extent reasonably allocable to a particular activity.

No specific method of allocation is required. The method used, however, must be reasonable and must be used consistently.

Examples of allocation methods:

- (1) Compensation is allocated on a time basis.
- (2) Employee benefits are allocated on the basis of direct salary expenses.
- (3) Travel, conference, and meeting expenses are charged directly to the activity which incurred the expense.
- (4) Occupancy expenses are allocated on a space-utilized basis.
- (5) Other indirect expenses are allocated on the basis of direct salary expenses or total direct expenses.

To allocate administrative expenses on a reasonable and consistent basis and to provide a breakdown of the administrative expenses (reported in column (b), line 1), the foundation must maintain records according to sound accounting practices. The breakdown of the administrative expenses should be similar to the itemization of Operating and Administrative Expenses in Part I.

Line 1.—Gifts, contributions, scholarships, and other grants.—Except for significant involvement grants discussed below, enter in column (a) the total of all gifts, contributions, scholarships, and other grants paid by the foundation during the year (the amount reported in Part I, column (d), line 25) and the amounts set aside by the foundation in 1990 to fund future gifts, contributions, etc., (included in the total set-asides reported in Part XIII, line 3). This total should include only gifts, set-asides, etc., that are qualifying distributions as defined in section 4942(g). Any current year payment of a set-aside that was treated as a qualifying distribution in a prior year should not be reported on line 1 or elsewhere in Part XVII-A.

Significant Involvement.—If the foundation awards scholarships, grants, or other payments to individuals as a part of an active program in which the foundation maintains some significant involvement, then such scholarships, grants, or other payments and related administrative expenses should be reported on line 2 rather than line 1. Examples of active programs and a definition of the term “significant involvement” are contained in Regulations section 53.4942(b)-1(b)(2).

Additional examples are contained in Regulations section 53.4942(b)-1(d). Merely reviewing grant applications, interviewing or testing applicants, selecting grantees, and performing other related administrative actions do not constitute a significant involvement in an individual grant program.

In column (b), enter the total amount of the administrative expenses paid to respond to grant seekers; solicit and review grant applications; and award, supervise and monitor the grants, etc., included in line 1 of column (a). Also include any current year administrative expenses attributable to grants, etc., treated as qualifying distributions in any prior year, such as those that would arise when a foundation pays a portion of a set-aside made before 1990 or monitors a pre-1990 grant that the grantee had not fully expended or accounted for prior to 1990. Include both expenses that relate directly to the conduct of the grant program (such as the allocable part of the salary of a foundation employee who reviews grant applications and prepares grant agreements) and an allocable share of the foundation's general and administrative (indirect) expenses (such as occupancy expenses, clerical compensation, compensation of top management, etc.).

In column (c) enter the total of columns (a) and (b).

Line 2.—Direct charitable activities.—Whether any expenditure is for the direct active conduct of a charitable activity, reportable on lines 2a-d, is determined, generally, by the definitions and special rules of section 4942(j)(3) (and the related regulations which define a private operating foundation).

However, except for expenses related to “significant involvement” grants, grant administrative expenses do not constitute expenditures directly for the active conduct of charitable activities for purposes of line 2, even though they are treated as such for purposes of section 4942(j)(3). If a foundation maintains some significant involvement in an individual grant program, as described in the instructions for line 1 above, both the grants and the related grant administrative expenses (and qualified set-asides for such purposes included in Part XIII, line 3) should be reported on line 2 as expenses of a direct charitable activity.

Except for program-related investments, reportable on line 3, line 2 should also include all qualifying distributions that consist of amounts paid or set aside to acquire assets used in the conduct of the foundation's charitable activities, including its grant, etc., programs whether or not the foundation maintained a significant involvement in such programs. The expenses of operating and maintaining these assets are reportable on lines 1-4, depending upon the activity or activities in which they are used.

Expenditures for direct charitable activities include, among others, amounts paid or set aside to:

- (1) Acquire or maintain the operating assets of a museum, library, or historic site or to operate any such facility;
- (2) Provide goods, shelter, or clothing to indigents or disaster victims if the foundation maintains some significant involvement in the activity rather than merely making grants to the recipients;

- (3) Conduct educational conferences and seminars;
- (4) Operate a home for the aged or disabled;
- (5) Conduct scientific, historic, public policy research, or other research with significance beyond the foundation's grant-program that does not constitute a proscribed attempt to influence legislation;
- (6) Publish and disseminate the results of such research, reports of educational conferences, or similar educational material;
- (7) Support the service of foundation staff on boards or advisory committees of other charitable organizations or on public commissions or task forces;
- (8) Provide technical advice or assistance to a governmental body, a governmental committee, or subdivision of either, in response to a written request by the governmental body, committee, or subdivision; and
- (9) Conduct performances in the performing arts.

See the paragraph below, relating to line 2c, concerning the provision of direct technical assistance to grantees and others.

List the two major activities that constitute the direct active conduct of a charitable activity on lines 2a and 2b and indicate in column (c) the total of the direct and indirect expenses paid by the foundation in connection with each of them. If you need to combine activities on line 2d, attach a schedule that lists each significant activity included on line 2d and shows the total expenses of each one.

Use line 2c to report the expenses paid for providing direct technical assistance to grantees. Such assistance must have significance beyond the purposes of the grants made to those grantees and must not consist merely of monitoring or advising the grantees in their use of the grant funds. (Report expenses for monitoring or advising the grantees as grant administrative expenses on line 1.)

For any expense reported on line 2c, the foundation must maintain records documenting the nature and amount of such expense and demonstrating its significance beyond the mere monitoring or supervision of a grant to the organization receiving the technical assistance. Expenses for providing technical assistance to other charitable organizations (and individuals constituting a charitable class) that are not grantees should be reported on lines 2a, b, and d. Technical assistance involves the furnishing of expert advice and related assistance regarding, for example;

- (1) compliance with governmental regulations;
- (2) reducing operating costs or increasing program accomplishments; fundraising methods; and,
- (3) maintaining complete and accurate financial records.

Line 3.—Program-related investments.—

Section 4944(c), and corresponding regulations, define a program-related investment as one which is made primarily to accomplish a charitable purpose of the foundation and no substantial purpose of which is to produce investment income or a capital gain from the sale of the investment. Examples of program-related investments include educational loans to individuals and

low-interest loans to other section 501(c)(3) organizations.

On lines 3a-c, list the three largest program-related investments made, or for which a qualifying set-aside was made, by the foundation in 1990, whether or not the investments were still held by the foundation at the end of the year. Combine all other program-related investments on line 3d and attach a schedule that lists the individual investments or groups of investments in a manner similar to that described here. Include only those investments that were reported in Part XIII, lines 1b and 3, for the current year. Do not include any investments or set-asides made in any prior year. Enter the total of the investments in column (a) and the total of the direct and the indirect administrative expenses allocable to the investments on line 3e of column (b). The administrative expenses in column (b) should also include amounts attributable to investments made in prior years and held by the foundation at the beginning of the year.

Investments consisting of loans to individuals (such as educational loans) do not have to be listed separately on lines 3a-d but may be grouped with other program-related investments of the same type. Loans to other section 501(c)(3) organizations and all other types of program-related investments must be listed separately on lines 3a-d or on an attachment.

Lines 4.—Other qualifying distributions.—

Enter the total of the foundation's other qualifying distributions not reported on lines 1-3. Include on line 4, for example, expenses attributable to:

- (1) soliciting grants or contributions to the foundation;
- (2) preparing Form 990-PF;
- (3) publishing the required newspaper notice to inform the public that the return is available for inspection upon request;
- (4) making the return available for public inspection or providing copies; and
- (5) publishing an annual report that is available to the public.

Operating foundations should also include the section 4940 tax on net investment income (or section 4948 tax on gross investment income in the case of a foreign operating foundation).

Line 5.—Other expenses.—Enter the total of the foundation's other expenses not reported on lines 1-4 but exclude any expenses attributable to net investment income reported in Part I, column (b). Include on line 5, for example, unrelated trade or business expenses; taxes under section 4942 for failure to distribute income; and taxes under section 4945 for making taxable expenditures. Do not include the section 4940 tax for domestic foundations, or section 4948 tax in the case of foreign foundations. Do not include any expenditure that is a qualifying distribution under section 4942(g).

Special Rules:

- (1) **For Certain Small Organizations and Other Foundations Solely Engaged in Grant-Making Activities.** A foundation that accomplishes its charitable purposes solely through a program of making charitable gifts and grants and does not conduct any direct charitable activities, or make program-related investments, does not need to allocate any of its administrative expenses

beyond those already shown in Part I, column (d). Such a grant-making foundation may complete Part XVII-A, column (a), line 1, simply by entering the amount reported on Part I, column (d), line 25, for total contributions; and entering on Part XVII-A, column (c), line 1, the amount from Part I, column (d), line 26, for total expenses and disbursements. The difference in those two amounts is presumed to be the grant-making administrative expenses to be reported in Part XVII-A, column (b), line 1, and no further allocation or reporting on lines 2-4 is required unless the foundation chooses to report separately the amounts reportable on line 4 according to the instructions for that line. In any event, report other expenses on line 5.

(2) For Certain Small Organizations and Other Non-Grant-Making Foundations.

Similarly, a simplified reporting procedure is available to foundations that do not make gifts or grants but accomplish their charitable purposes solely by engaging in the direct active conduct of charitable activities or solely by making program-related investments, or by doing both. In such an event, the miscellaneous qualifying distributions included in Part I, column (d), which would be reportable in Part XVII-A, line 4, may be included instead in the expenses reported in column (c), line 2; or, in the case of organizations that make program-related investments, on line 3, in columns (b) and (c).

Part XVII-B—Supporting Data

Line 1.—In the schedule required by line 1, provide the information for the direct charitable activities listed on lines 2a-c of Part XVII-A and for the program-related investments listed on lines 3a-c. You may furnish reasonable estimates for the statistical information (number of individuals or organizations served, etc.) if exact figures are not readily available from the records you normally maintain. In that event, please indicate that the information provided is an estimate.

Line 2.—In an attached schedule, indicate the amount of income (without reduction for cost of goods sold or any other expenses) produced by the direct charitable activities listed in Part XVII-A, lines 2a-d, and by the program-related investments listed in Part XVII-A, lines 3a-d. Also indicate the amount of income produced by program-related investments held at the beginning of the year.

Part XVIII-A—Analysis of Income-Producing Activities

In Part XVIII-A, analyze revenue items that are also entered in Part I, on lines 3-11 of column (a) and on line 5b of the description column. Contributions reported on lines 1 and 2 of Part I are not entered in Part XVIII-A. For information on unrelated business income, see the instructions for Form 990-T and Pub. 598.

Columns (b), (d), and (e).—For amounts reported in Part XVIII-A on lines 1-11, enter in column (b) any income earned that is unrelated business income (see section 512). In column (d), enter any income earned that is excluded from the computation of unrelated business taxable income by Code section 512, 513, or 514. In column (e), enter any related or exempt

function income; that is, any income earned that is related to the organization's purpose or function which constitutes the basis for the organization's exemption.

Also enter in column (e) any income specifically excluded 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. You must explain in Part XVIII-B any amount shown in column (e).

Columns (a) and (c).—In column (a), enter a business code, from the list in the Instructions for Form 990-T, to identify any income reported in column (b). In column (c), enter an exclusion code, from the list on page 22, to identify any income reported in column (d). If more than one exclusion code is applicable to a particular revenue item, select the lowest numbered exclusion code that applies. Also, 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.

Comparing Part XVIII-A with Part I.—The sum of the amounts entered on each line of lines 1-11 of columns (b), (d) and (e) of Part XVIII-A should equal corresponding amounts entered on lines 3-11 of Part I, column (a) and on line 5b as shown below:

Amounts in Part XVIII-A on Line	Correspond to Amounts in Part I, (column (a)) on Line
1(a)-(g)	11
2	11
3	3
4	4
5 and 6	5b (description column)
7	11
8	6
9	11 minus any fund-raising event expenses included on lines 13 through 23 of Part I, column (a).
10	10c
11(a)-(e)	11

Line 1.—Program service revenue.—On lines 1(a)-(g), list each revenue-producing program service activity of the organization. For each program service activity listed, enter the gross revenue earned for each activity, as well as identifying business and exclusion codes, in the appropriate columns. For line 1(g), enter amounts that are payments for services rendered to governmental units. Do not include governmental grants that are reportable on line 1 of Part I. Report the total of lines 1(a)-(g) on line 11 of Part I, along with any other income reportable on line 11.

Program services are mainly those activities that the reporting organization was created to conduct and that, along with any activities commenced subsequently, form the basis of the organization's current exemption from tax.

Program services can also include the organization's unrelated trade or business activities. Program service revenue, also includes income from program-related investments as defined in Part XIII, line 1(b).

Line 11.—On lines 11(a)-(e), list each "Other revenue" activity as described in the instructions for line 11, Other income, Part I. Report the sum of the amounts entered for lines 11(a)-(e), columns (b), (d), and (e), on line 11, Part I.

Line 13.—On line 13, enter the total of columns (b), (d), and (e) of line 12.

You may use the following worksheet to verify your calculations.

Line 13, Part XVIII-A	_____
Minus: Line 5b, Part I	_____
Note: If line 5b, Part 1, reflects a loss, add that amount here instead of subtracting.	
Plus: Line 1, Part I	_____
Plus: Line 5a, Part I	_____
Plus: Expenses of special fundraising events deducted in computing line 9 of Part XVIII-A	_____
Equal: Line 12, column (a), of Part I	_____

Part XVIII-B—Relationship of Activities to the Accomplishment of Exempt Purposes

To explain how each amount in column (e) of Part XVIII-A was related or exempt function income, show the line number of the amount in column (e) and give a brief description of how each activity reported in column (e) contributed importantly to the accomplishment of your 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 explain any income you entered in column (e) that is specifically excluded from gross income other than by Code section 512, 513, or 514. If you did not enter an amount in column (e), do not complete Part XVIII-B.

Example: M, a performing arts association, is primarily supported by endowment funds. It raises revenue by charging admissions to its performances. These performances are the primary means by which the organization accomplishes its cultural and educational purposes.

M reported admissions income in column (e) of Part XVIII-A and explained in Part XVIII-B that these performances are the primary means by which it accomplishes its cultural and educational purposes.

Because M also reported interest from state bonds in column (e) of Part XVIII-A, M explained in Part XVIII-B that such interest was excluded from gross income by Code section 103.

Part XIX—Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations

Part XIX is used to report direct and indirect transfers to (line 1a) and direct and indirect transactions with (line 1b) and relationships with (line 2) any other noncharitable exempt organization. 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 Part XIX is referred to as the "reporting organization."

A noncharitable exempt organization is related to or affiliated with the reporting organization if either: the two organizations

share some element of common control; **OR** a historic and continuing relationship exists between the two organizations. A noncharitable exempt organization is unrelated to the reporting organization if the two organizations share no element of common control **AND** 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 1.—Reporting of certain transfers and transactions.—Except as provided, you must report on line 1 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, you must 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 nonexempt charitable organization must be reported on line 1a. All transactions between the reporting organization and an unrelated nonexempt charitable organization must be shown on line 1b, unless they meet the exception in the specific instructions for that line.

Line 1a.—Transfers.—Answer "Yes" to lines 1a(i) and 1a(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 1b.—Other Transactions.—Answer "Yes" for any transaction described in line 1b(i)-(vi), regardless of its amount, if it is with a related or affiliated organization.

Unrelated organizations.—You must 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, and other assets or services furnished by the reporting organization, is not more than the fair market value of the goods, and 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.

You must answer "Yes" for any transaction 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, you need not answer "Yes" for that transaction.

Line 1b(iii).—Answer "Yes" for transactions in which the reporting organization was either the lessor or the lessee.

Line 1b(iv).—Answer "Yes" if either organization reimbursed expenses incurred by the other.

Line 1b(v).—Answer "Yes" if either organization made loans to the other or if the reporting organization guaranteed the other's loans.

Line 1b(vi).—Answer "Yes" if either organization performed services or membership or fundraising solicitations for the other.

Line 1c.—Complete line 1c 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 1d.—Use this schedule to describe the transfers and transactions for which you entered "Yes" on lines 1a-c above. You must describe each transfer or transaction for which you answered "Yes." You may combine all of the cash transfers (line 1a(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 line 1a-c, above. For example, if you answered "Yes" to line 1b(iii), enter "b(iii)" in column (a).

Column (d).—If you need more space than that provided, write "see attached" in column (d) and use an attached sheet for your description. If you are making more than one entry on line 1d, be sure to specify on the attached sheet which transfer or transaction you are describing.

Line 2.—Reporting of certain relationships.—Enter on line 2 each noncharitable exempt organization which the reporting organization is related to or affiliated with, 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 2 even if neither factor is present at the end of the year.

Do not enter unrelated noncharitable exempt organizations on line 2 even if you entered transfers to or transactions with those organizations on line 1. For example, if you entered a one-time transfer to an unrelated noncharitable exempt organization on line 1a(ii), you should not enter the organization on line 2.

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 an attached

sheet to describe the relationship. If you are entering more than one organization on line 2, be sure to identify which organization you are describing on the attached sheet.

Part XX—Public Inspection

See General Instruction Q for information on making the foundation's annual return available for public inspection and publishing a notice in a newspaper stating that the return is available for public inspection. All domestic private foundations (including section 4947(a)(1) charitable trusts treated as private foundations) are subject to the public inspection and notice provisions.

Signature.—The return must be signed either by the president, vice president, treasurer, assistant treasurer, chief accounting officer, or other corporate officer (such as tax officer) who is authorized to sign. A receiver, trustee, or assignee, must sign any return which he or she is required to file for a corporation. If the return is filed for a trust, it must be signed by the authorized trustee or trustees.

If you fill in your own return, the Paid Preparer's space should remain blank. If someone prepares your return and does not charge you, that person should not sign your return.

Generally, anyone who is paid to prepare your tax return must sign your return and fill in the other blanks in the Paid Preparer's Use Only area of your return.

If you have questions about whether a preparer is required to sign your return, please contact an IRS office.

The person required to sign your return must complete the required preparer information and:

- Sign it, by hand, in the space provided for the preparer's signature. (Signature stamps and labels are not acceptable.)
- Give you a copy of Your return in addition to the copy to be filed with IRS.

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, or payments with respect to securities loans, and annuities 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**— Proceeds from the sale of investments and other non-inventory property (capital gains excluded by section 512(b)(5))
- 19**— Income (gains) from the lapse or termination of options to buy or sell securities (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), (17), or (20) 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), (17), or (20) 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), (17), or (20) 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) (Regs, 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 ten years (section 514(b)(3))
- 34**— Income from mortgaged property acquired by bequest or devise (applies to income received within ten 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 five years previously and the property was held by the donor for more than five years (applies to income received within ten 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)

Trade or Business

- 40**— 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)