



Instructions for Schedule A (Form 990)

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

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Instead, file **Form 990-PF**, Return of Private Foundation.

Period Covered

The organization's Schedule A (Form 990) should cover the same period as the Form 990 (or Form 990-EZ) with which it is filed.

Penalties

Schedule A (Form 990) is an integral part of Form 990 (or Form 990-EZ) for section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts required to file either form. Therefore, any such organization that does not submit a completed Schedule A (Form 990) with its Form 990 (or Form 990-EZ) does not satisfy its filing requirement and may be charged a \$10 a day penalty. See General Instruction K of the Form 990 (and Form 990-EZ) instructions for details on this and other penalties.

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

Specific Instructions

If you need more space for any part or line item, attach separate sheets on which you follow the same format and sequence as on the printed form. Show totals on the printed form. Be sure to put the organization's name and employer identification number on the attached separate sheets and identify the part or line that the attachments support.

You may show money items as whole dollars. To do so, drop any amount less than 50 cents and increase any amount from 50 through 99 cents to the next higher dollar.

Part I

Complete Part I for the five employees with the highest annual compensation over \$30,000. Do not include employees listed in Part V of Form 990 or in Part IV of Form 990-EZ (List of Officers, Directors, Trustees, and Key Employees). Also enter in Part I the number of other employees with annual compensation over \$30,000 who **are not** individually listed in Part I.

In columns (c) through (e), show all cash and noncash forms of compensation for each listed employee whether paid currently or deferred. The organization may also provide an attachment to explain the entire 1993 compensation package for any person listed in Part I.

Column (c)

Enter salary, fees, bonuses, and severance payments received by each listed employee. Include current year payments of amounts reported or reportable as deferred compensation in any prior year.

Column (d)

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

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

Column (e)

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

Part II

Complete Part II for the five highest paid independent contractors (whether individuals or firms) who performed

General Instructions

Purpose of Form

Schedule A (Form 990) is used by section 501(c)(3), 501(e), 501(f), and 501(k) organizations and section 4947(a)(1) nonexempt charitable trusts to furnish additional information that is not required of other types of organizations that file **Form 990**, Return of Organization Exempt From Income Tax, or **Form 990-EZ**, Short Form Return of Organization Exempt From Income Tax. This additional information is required by section 6033(b) and Rev. Proc. 75-50, 1975-2 C.B. 587.

For purposes of these instructions, the term "section 501(c)(3)" includes organizations exempt under sections 501(e), 501(f), and 501(k).

Who Must File

If you file Form 990 (or Form 990-EZ) for an organization described in section 501(c)(3), or for a nonexempt charitable trust described in section 4947(a)(1), you must complete and attach Schedule A (Form 990). If the organization is not required to file Form 990 (or Form 990-EZ), you are not required to file Schedule A (Form 990). Do not use Schedule A (Form 990) if you file for a private foundation.

personal services of a professional nature for the organization and, in return, received over \$30,000 for the year from the organization. Examples of such contractors include attorneys, accountants, and doctors. Also show the number of other independent contractors who received more than \$30,000 for the year for performing such services but who are not individually listed in Part II.

The organization may also provide an attachment to explain the entire 1993 compensation package for any person listed in Part II.

Part III

Line 1.—If you checked “Yes” on this line, you must provide the additional information requested. If you do not, it may cause the return to be considered incomplete.

In general, a section 501(c)(3) organization may not devote a “substantial part” of its activities to attempts to influence legislation. Under the “substantial part” test, if such an organization engages in substantial lobbying activities, the organization will lose both its tax-exempt status and its ability to receive tax-deductible charitable contributions. Except for churches, certain church affiliated organizations, and private foundations, an organization that loses its section 501(c)(3) status because it did not meet the “substantial part” test will owe an excise tax under section 4912 on all of its lobbying expenditures. Managers of the organization may also be jointly and severally liable for this tax.

As an alternative to the “substantial part” test, eligible public charities may elect the “expenditure test” of section 501(h). The expenditure test generally permits higher limits for lobbying expenditures than allowed under the “substantial part” test. Electing public charities are subject to the lobbying expenditure definitions of section 4911, which are generally more liberal than the definitions under the “substantial part” test. Section 4911 applies only to public charities that made a valid section 501(h) election by filing **Form 5768**, Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation.

If the organization is an electing public charity, you must complete Part VI-A of this form.

If the organization checked “Yes” but is **not** an electing public charity, you must complete Part VI-B **and** attach a statement giving a detailed description of the organization’s lobbying activities.

A nonelecting public charity will generally be regarded as lobbying if the organization either: **(1)** contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; or **(2)** advocates the adoption or rejection of legislation.

The detailed description of lobbying activities should include **all** lobbying activities, whether expenses are incurred or not (e.g., even lobbying activities carried

out by unreimbursed volunteers). For example, the activities should be included in the attached statement if an organization (either through its employees or volunteers) attempts to influence legislation in any of the following ways: sending letters or publications to government officials or legislators, meeting with or calling government officials or legislators, sending or distributing letters or publications (including newsletters, brochures, etc.) to members or to the general public, using direct mail, placing advertisements, issuing press releases, holding news conferences, or holding rallies or demonstrations.

Note: *All charities, both electing and nonelecting, are absolutely prohibited from intervening in a political campaign for or against any candidate for an elective public office. If a charity does intervene in a political campaign, it will lose both its tax-exempt status and its eligibility to receive tax-deductible charitable contributions. Also, both the organization and its managers are subject to the tax on political expenditures under section 4955.*

Line 2.—For purposes of question 2, the term “members of their families” includes a person’s spouse, ancestors, lineal descendants and spouses of lineal descendants.

Lines 2a through 2e apply to both sides of a listed transaction. Reporting is required, for example, whether the exempt organization is a payer or payee, buyer or seller, lender or borrower.

Line 2d.—If the only compensation or repayment relates to amounts the organization reported in Part V of Form 990 (or Part IV of Form 990-EZ), check “Yes” and write “See Part V, Form 990” (or “See Part IV of Form 990-EZ”) on the dotted line to the left of the entry space.

Line 4.—The term “qualify” means that organizations or individuals will use the funds the organization provides for charitable purposes described in sections 170(c)(1) and 170(c)(2).

The term “qualify” also means that individual recipients belong to a charitable class and the payments are to aid them. Examples include helping the aged poor, training teachers and social workers from underdeveloped countries, and awarding scholarships to individuals.

Part IV

Definitions

The following terms are used in more than one item in Part IV. The definitions given below generally apply.

1. The term “support” (lines 10, 11, 12, Support Schedule), with certain exceptions described below, means all forms of support including (but not limited to) contributions, investment income (such as interest, rents, royalties, and dividends), and net income from unrelated business activities whether or not such activities are carried on regularly as a trade or business.

Support **does not** include:

a. Any amounts the organization receives from exercising or performing its charitable, educational, or other similar purpose or function. In general, these amounts include those from any activity that is substantially related to the furtherance of such charitable, etc., purpose or function (other than through the production of income). However, section 509(a)(2) organizations that check the box on line 12 **do** include these amounts as part of their support.

b. Any gain on the sale or exchange of property that would be considered under any section of the Code as gain from the sale or exchange of a capital asset.

c. Contributions of services for which a deduction is not allowable.

2. “Support from a governmental unit,” with certain exceptions described below, includes:

a. Any amounts received from a governmental unit, including donations or contributions and amounts received in connection with a contract entered into with a governmental unit for the performance of services or in connection with a government research grant, provided these amounts are not excluded from the term “support” as amounts received from exercising or performing the organization’s charitable purpose or function. An amount paid by a governmental unit to an organization is not treated as received from exercising or performing its charitable, etc., purpose or function if the payment is to enable the organization to provide a service to, or maintain a facility for, the direct benefit of the public, as for example, to maintain library facilities that are open to the public.

b. Tax revenues levied for the organization’s benefit and either paid to or expended on its behalf.

c. The value of services or facilities (exclusive of services or facilities generally furnished, without charge, to the public) furnished by a governmental unit to the organization without charge; for example, a city pays the salaries of personnel to guard a museum, art gallery, etc., or provides the use of a building rent free. However, the term does not include the value of any exemption from Federal, state, or local tax or any similar benefit.

3. “Indirect contributions from the general public” are what the organization receives from other organizations that receive a substantial part of their support from general public contributions. An example is the organization’s share of the proceeds from an annual community chest drive (such as the United Way or United Fund).

4. A “disqualified person” is:

a. A “substantial contributor,” who is any person who gave an aggregate amount of more than \$5,000, if that amount is more than 2% of the total contributions the foundation or organization received from its inception through the end of the year in which that person’s contributions were received. Gifts from the contributor’s spouse are treated as gifts from the

contributor. Gifts are generally valued at fair market value as of the date the organization received them.

In the case of a trust, the creator of the trust is considered a substantial contributor without regard to the amount of contributions received by the trust from the creator and other persons. Any person who is a substantial contributor at any time generally remains a substantial contributor for all future periods even if later contributions by others push that person's contributions below the 2% figure discussed above.

b. An officer, director, or trustee of the organization or any individual having powers or responsibilities similar to those of officers, directors, or trustees.

c. An owner of more than 20% of the voting power of a corporation, profits interest of a partnership, or beneficial interest of a trust or an unincorporated enterprise that is a substantial contributor to the organization.

d. A family member of an individual in the first three categories. A "family member" includes only a person's spouse, ancestors, lineal descendants, and spouses of lineal descendants.

e. A corporation, partnership, trust, or estate in which persons described in **a**, **b**, **c**, or **d** own more than 35% of the voting power, profits interest, or beneficial interest. See section 4946(a)(1).

5. An organization is considered "normally" to satisfy the public support test (lines 10, 11, and 12) for its current tax year and the tax year immediately following its current tax year if the organization satisfies the applicable support test for the 4 tax years immediately before the current tax year. If the organization has a material change (other than from unusual grants—see instructions for line 28) in its sources of support during the current tax year, the data ordinarily required in the Support Schedule covering the years 1989 through 1992 must be submitted for the years 1989 through 1993. You must prepare and attach a 5-year schedule using the same format as provided in the Support Schedule for lines 15 through 28.

Lines 5 through 14.—Check one of the boxes on these lines to indicate why the organization is not a private foundation. The organization's exemption letter states the reason, or the local IRS office can tell you.

Line 6.—Check the box on line 6 for a school whose primary function is the presentation of formal instruction, and regularly has a faculty, a curriculum, an enrolled body of students, and a place where educational activities are regularly conducted.

A private school, in addition, must have a racially nondiscriminatory policy toward its students. For details about these requirements, see the instructions for Part V.

Line 7.—Check the box on line 7 for an organization whose main purpose is to provide hospital or medical care. A rehabilitation institution or an outpatient

clinic may qualify as a hospital, but the term does not include medical schools, medical research organizations, convalescent homes, homes for the aged, or vocational training institutions for the handicapped. Also check the box on line 7 for a cooperative hospital service organization described in section 501(e).

Line 9.—Check the box on line 9 for a medical research organization operated in connection with or in conjunction with a hospital. The hospital must be described in section 501(c)(3) or operated by the Federal government, a state or its political subdivision, a U.S. possession or its political subdivision, or the District of Columbia.

"Medical research" means studies and experiments done to increase or verify information about physical or mental diseases and disabilities and their causes, diagnosis, prevention, treatment, or control. The organization must conduct the research directly and continuously. If it primarily gives funds to other organizations (or grants and scholarships to individuals) for them to do the research, the organization is not a medical research organization.

The organization is not required to be an affiliate of the hospital, but there must be an understanding that they will cooperate closely and continuously in doing medical research as a joint effort.

An organization qualifies as a medical research organization if its principal purpose is medical research and it devotes more than half its assets, or spends at least 3.5% of the fair market value of its endowment, in directly conducting medical research. Either test may be met based on a computation period consisting of the immediately preceding tax year or the immediately preceding 4 tax years. If an organization does not satisfy either the assets test or the expenditure test, it may still qualify as a medical research organization based on the circumstances involved. These tests are discussed in Regulations sections 1.170A-9(c)(2)(v) and (vi). Value the organization's assets as of any day in its tax year but use the same day every year. Value the endowment at fair market value, using commonly accepted valuation methods. (See Regulations section 20.2031.)

Line 10.—Check the box on line 10 and complete the Support Schedule (lines 15 through 28) if the organization receives and manages property for and expends funds to benefit a college or university that is owned or operated by one or more states or their political subdivisions. The school must be as described in the first paragraph of the instructions for line 6.

Expending funds to benefit a college or university includes acquiring and maintaining the campus, its buildings, and its equipment, granting scholarships and student loans, and making any other payments in connection with the normal functions of colleges and universities.

The organization must meet essentially the same public support test described

below for line 11. See Rev. Rul. 82-132, 1982-2 C.B. 107.

Line 11.—Check either box on line 11a or 11b and complete the Support Schedule to determine whether the organization meets the public support test described below. The Support Schedule is completed for an organization that "normally" receives at least 33⅓% of its support (excluding income received in exercising its charitable, etc., function) from a governmental unit; from direct or indirect contributions from the general public; or from other publicly supported (section 170(b)(1)(A)(vi)) organizations.

To determine whether the 33⅓%-of-support test is met, donor contributions are considered support from direct or indirect contributions from the general public only to the extent that the total amount received from any one donor during the 4-tax-year period is 2% or less of the organization's total support for those 4 tax years as described below:

• Any contribution by one individual will be included **in full** in the total support **denominator** of the fraction determining the 33⅓%-of-support or the 10%-of-support limitation.

• **Only** the portion of each donor's contribution that is 2% or less of the total support denominator will be included in the **numerator**. In applying the 2% limitation, all contributions by any person(s) related to the donor as described in section 4946(a)(1)(C) through (G) (and related regulations) will be treated as if made by the donor. The 2% limitation does not apply to support from governmental units referred to in section 170(c)(1), or to contributions from publicly supported organizations (section 170(b)(1)(A)(vi)), that check the box on line 11a or b.

Example. For the 4-year period 1989 through 1992, the X organization received \$600,000 in support from the following sources:

Investment income	\$300,000
Y City (government source)	40,000
United Fund (indirect contributions from general public)	40,000
Direct contributions	<u>220,000</u>
Total support	\$600,000

Six donors each gave more than 2% of the total support (2% × \$600,000 = \$12,000). While the donors' full contributions are counted in X organization's total support, only \$12,000 from each of these six donors is included in the organization's public support. The public support is figured as follows:

Government support (Y City)	\$40,000
Indirect contributions from the general public (United Fund)	40,000
Contributions from various donors, none of whom gave over 2% of the organization's total support	50,000
6 contributions limited to 2% of the organization's total support (6 × \$12,000)	<u>72,000</u>
Public support	\$202,000

One-third of X organization's total support is \$200,000 for years 1989 through 1992 (33⅓% × \$600,000). Since the organization received more than 33⅓% of

its total support for the period from public sources, it qualifies as a publicly supported organization (\$202,000/\$600,000 = 33.67%).

An organization that does not qualify as publicly supported under the test described above may be publicly supported on the basis of the facts in its case if it receives at least 10% of its support from the general public. If you believe your organization is publicly supported according to applicable regulations, attach a detailed statement of the facts upon which you base your conclusion.

Line 12.—Check the box on line 12 and complete the Support Schedule (lines 15 through 28) to determine whether an organization meets **both** of the following support tests (section 509(a)(2)):

1. The organization normally receives **more than one-third** of its support for each tax year from:

- Persons other than disqualified persons (see **Part IV, Definitions**) with respect to the organization,
- Governmental units (described in section 170(c)(1)), or
- Organizations described in section 170(b)(1)(A) (other than in clauses (vii) and (viii)), and

Such support is received by the organization from any combination of:

- Gifts, grants, contributions, or membership fees, and
- Gross receipts from admissions, sales of merchandise, performance of services, or furnishing of facilities, in an activity that is not an unrelated trade or business (within the meaning of section 513).

Such receipts, in any tax year, do not include receipts from any person, bureau, or similar agency of a government unit (described in section 170(c)(1)) to the extent such receipts exceed the greater of \$5,000 or 1% of the organization's support in such tax year.

2. The organization normally receives **not more than one-third** of its support each tax year from the sum of:

- Gross investment income (as defined in section 509(e)), and
- The excess (if any) of the amount of the unrelated business taxable income (as defined in section 512) over the amount of the tax imposed by section 511.

For purposes of section 509(a)(2), determine support solely on the cash receipts and disbursements method of accounting. For example, if a grantor makes a grant to an organization payable over a term of years, such grant will be includible in the support fraction of the grantee organization only when and to the extent amounts payable under the grant are received by the grantee.

When determining whether an organization meets the gross investment income test of section 509(a)(2)(B), amounts received from the following organizations retain the character of gross investment income (rather than gifts or contributions) to the extent that these

organizations characterize the amounts as gross investment income:

- An organization that claims to be described in section 509(a)(3) because it supports a section 509(a)(2) organization; or
- A charitable trust, corporation, fund, or association described in section 501(c)(3) (including a nonexempt charitable trust described in section 4947(a)(1)), that is required to distribute, or normally distributes, at least 25% of its adjusted net income (within the meaning of section 4942(f)) to a section 509(a)(2) organization, if the distribution normally comprises at least 5% of the distributee organization's adjusted net income.

If an organization receives an amount from a split-interest trust described in section 4947(a)(2) that is required to distribute, or normally distributes, at least 25% of its adjusted net income to a section 509(a)(2) organization, and the distribution normally comprises at least 5% of the distributee organization's adjusted net income, the amount retains the character of gross investment income if it would be characterized as gross investment income attributable to transfers in trust after May 26, 1969, if the trust were a private foundation.

All income characterized as gross investment income in the possession of the distributing organization is considered to be distributed first by the organization and keeps its character as such in the possession of the recipient.

For more details see Regulations section 1.509(a)-5 that covers special rules of attribution.

If the organization received any amounts from either kind of organization above, attach a statement. Show the amounts received from each organization, including amounts, such as gifts, that are not investment income.

Line 13.—Check the box on line 13 and complete columns (a) and (b) for a supporting organization operated only for the benefit of and in connection with organizations listed above in lines 5 through 12, or with organizations described in section 501(c)(4), (5), or (6) that meet the tests of section 509(a)(2) (described in line 12). General principles governing supporting organizations are described in Regulations section 1.509(a)-4.

Under column (b), "Line number from above," identify the organization supported if it is included in lines 5 through 12. For example, if your organization supported a hospital, enter "7" in column (b).

Line 14.—Check the box on line 14 only if the organization has received a ruling from the IRS that it is organized and operated primarily to test for public safety.

Support Schedule (for Organizations Described in Section 170(b)(1)(A)(iv) or (vi) and Section 509(a)(2))

Complete the Support Schedule if the boxes on lines 10, 11, or 12 were checked.

The Support Schedule must be completed on the cash method of accounting. If the organization uses the accrual method of accounting, a worksheet like the one that follows may be used to convert any revenue account from an accrual basis to a cash basis.

1. Revenue per books (accrual basis)	_____
2. Add:	
a. Beginning-of-year entry (if any) reversing accrual of income at the end of the prior year; and	_____
b. Any amounts collected during the year that were not credited to the revenue account in the current year	_____
3. Subtotal	_____
4. Less:	
Income accrued during the current year but not collected as of the end of the year	_____
5. Revenue on a cash basis	=====

If the organization has not existed during the whole period the Support Schedule covers, fill in the information for the years that apply. If the organization's status is based on years not shown in the Support Schedule, attach an additional schedule for the other years.

Lines 15, 16, 17, 26, and 27.—See Regulations section 1.509(a)-3:

1. To distinguish gross receipts from gifts and contributions, grants, and gross investment income, and

2. For the definition of membership fees and a bureau or similar agency of a governmental unit.

Line 17.—In addition to income the organization receives from performing its charitable, etc., functions, include on line 17 gross receipts from section 513(a)(1), (2), or (3) activities. These are activities in which substantially all the work is performed without compensation, or carried on by the organization primarily for the convenience of its members, or which consists of the selling of merchandise, substantially all of which has been received by the organization as gifts or contributions.

Line 28.—Unusual grants generally are substantial contributions and bequests from disinterested persons and:

1. Are attracted because of the organization's publicly supported nature,

2. Are unusual and unexpected because of the amount, and

3. Are large enough to endanger the organization's status as normally meeting the support test described in the instructions for lines 10, 11, and 12.

A grant that meets these terms may be treated as an unusual grant (that is disregarded entirely in the public support computation) even if the organization receives the funds over a period of years. In the list of unusual grants, show only what the organization received during the year.

Do not treat gross investment income items as unusual grants. Instead, include all investment income in support.

See Regulations sections 1.170A-9(e)(6)(ii) and 1.509(a)-3(c)(3) and (4) for details about unusual grants.

Part V

All schools that checked the box on line 6, Part IV, must complete Part V. Rev. Proc. 75-50, 1975-2 C.B. 587, gives guidelines and recordkeeping requirements for determining whether private schools that are recognized as exempt from tax have racially nondiscriminatory policies toward their students.

Section 4.01 of the Rev. Proc. requires a school to include a statement in its charter, bylaws, or other governing instrument, or in a resolution of its governing body, that it has a racially nondiscriminatory policy toward its students.

Section 4.02 requires every school to include a statement of its racially nondiscriminatory policy toward its students in all its brochures and catalogues dealing with student admissions, programs, and scholarships. Also, every school must include a reference to its racially nondiscriminatory policy in other written advertising that it uses as a means of informing prospective students of its programs.

Section 4.03 requires a school to publicize its racially nondiscriminatory policy at least once annually during the period of its solicitation for students, or, in the absence of a solicitation program, during its registration period unless it meets the criteria in section 4.03-2 of the Rev. Proc. See section 4.03-1 for examples of acceptable methods of publicizing the policy, including the use of newspapers and broadcast media. Whatever method is used, it must make the school's policy known to all segments of the general community it serves.

Section 4.03 further requires a school to be prepared to demonstrate that it has publicly denied or withdrawn any statements claimed to have been made on its behalf that are contrary to its publicity of a racially nondiscriminatory policy toward its students, to the extent that the school or its principal officials were aware of such statements.

Section 4.04 requires a school to be able to show that all of its programs and facilities are operated in a racially nondiscriminatory manner.

Section 4.05 generally requires that all scholarships or other comparable benefits at any school be offered on a racially nondiscriminatory basis. However, a financial assistance program favoring members of one or more racial groups will not adversely affect exempt status if it does not significantly detract from a racially nondiscriminatory policy toward its students.

Section 4.06 requires an individual authorized to take official action on behalf of a school that claims to be racially nondiscriminatory toward its students to certify annually, under penalties of perjury, that to the best of his or her knowledge and belief the school has satisfied the

applicable requirements of sections 4.01 through 4.05 of the Rev. Proc. This certification is line 35 in Part V.

Part VI-A

Complete Part VI-A only for an eligible organization that elected to be subject to the lobbying expenditure limitations of section 501(h) by filing Form 5768 and for which the election was valid and in effect for its tax year beginning in 1993.

A public charity that makes a valid section 501(h) election may spend up to a certain percentage of its "exempt purpose expenditures" to influence legislation without incurring tax or losing its tax-exempt status. Under the "expenditure test," there are limits both upon the amount of the organization's grassroots lobbying expenditures and upon the total amount of its direct lobbying and grassroots lobbying expenditures. If the electing public charity does not meet this "expenditure test," it will owe a section 4911 excise tax on its excess lobbying expenditures. Moreover, if over a 4-year averaging period the organization's average annual total lobbying or grassroots lobbying expenditures are more than 150% of its dollar limits, the organization will lose its exempt status.

The following terms are used in Part VI-A. See Regulations section 56.4911 for details.

Exempt purpose expenditures.—The amount an electing public charity may spend on lobbying (without incurring tax) is a scaled percentage of the organization's exempt purpose expenditures. In general, an expenditure is an exempt purpose expenditure if it is paid or incurred by an electing public charity to accomplish the organization's exempt purpose.

In general, exempt purpose expenditures are:

1. The total amount paid or incurred for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or to foster national or international amateur sports competition (not including providing athletic facilities or equipment, other than by qualified amateur sports organizations described in section 501(j)(2)),
2. The allocable portion of administrative expenses paid or incurred for the above purposes,
3. Amounts paid or incurred to try to influence legislation, whether or not for the purposes described in 1 above,
4. Allowance for depreciation or amortization, and
5. Fundraising expenditures, except that exempt purpose expenditures do not include amounts paid to or incurred for either the organization's separate fundraising unit or other organizations, if the amounts are primarily for fundraising.

See also Regulations section 56.4911-4(c) for a discussion of excluded expenditures.

Lobbying expenditures.—The term "lobbying expenditures" means

expenditures paid or incurred for the purpose of **attempting to influence legislation**:

- Through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of the legislation, and
- By attempting to affect the opinions of the general public.

To determine if an organization has spent excessive amounts on lobbying, you must know which expenditures are lobbying expenditures and which are not lobbying expenditures. An electing public charity's lobbying expenditures for a year are the sum of its expenditures during that year for (1) direct lobbying communications ("direct lobbying expenditures") plus (2) grassroots lobbying communications ("grassroots expenditures").

Direct lobbying communications ("direct lobbying expenditures").—A direct lobbying communication is any attempt to influence any legislation through communication with:

- Any member or employee of a legislative body, or
- Any government official or employee (other than a member or employee of a legislative body) who may participate in the formulation of the legislation, but only if the principal purpose of the communication is to influence legislation.

A communication with a legislator or government official will be treated as a direct lobbying communication, if, but only if, the communication:

- Refers to specific legislation, and
- Reflects a view on such legislation.

Grassroots lobbying communications ("grassroots expenditures").—A

grassroots lobbying communication is any attempt to influence any legislation through an attempt to affect the opinions of the general public or any part of the general public.

A communication is generally not a grassroots lobbying communication unless (in addition to referring to specific legislation and reflecting a view on that legislation) it encourages recipients to take action about the specific legislation.

A communication encourages a recipient to take action when it: (1) states that the recipient should contact legislators; (2) states a legislator's address, phone number, etc.; (3) provides a petition, tear-off postcard, or similar material for the recipient to send to a legislator; or (4) specifically identifies one or more legislators who will vote on legislation as: opposing the communication's view on the legislation, being undecided about the legislation, being the recipient's representative in the legislature, or being a member of the legislative committee that will consider the legislation.

Also, a communication described in (4) above generally is grassroots lobbying only if, in addition to referring to and reflecting a view on specific legislation, it is a communication that cannot meet the "full

and fair exposition" test as nonpartisan analysis, study, or research.

Communication with members.—For purposes of section 4911, expenditures for certain communications between an organization and its members are treated more leniently than are communications to nonmembers. Expenditures for a communication that refers to, and reflects a view on, specific legislation are not lobbying expenditures if the communication satisfies the following requirements:

1. The communication is directed only to members of the organization,
2. The specific legislation the communication refers to, and reflects a view on, is of direct interest to the organization and its members,
3. The communication does not directly encourage the member to engage in direct lobbying (whether individually or through the organization), and
4. The communication does not directly encourage the member to engage in grassroots lobbying (whether individually or through the organization).

Expenditures for a communication directed only to members that refers to, and reflects a view on, specific legislation and that satisfies the requirements of paragraphs 1, 2, and 4, but does not satisfy the requirements of paragraph 3, are treated as expenditures for direct lobbying.

Expenditures for a communication directed only to members that refers to, and reflects a view on, specific legislation and satisfies the requirements of paragraphs 1 and 2, but does not satisfy the requirements of paragraph 4, are treated as grassroots expenditures, whether or not the communication satisfies the requirements of paragraph 3.

See Regulations section 56.4911-5 for details.

There are special rules regarding certain paid mass media advertisements about highly publicized legislation; allocation of mixed purpose expenditures; certain transfers treated as lobbying expenditures and special rules regarding lobbying on referenda, ballot initiatives, and similar procedures (see Regulations sections 56.4911-2 and -3).

Legislation.—In general, the term "legislation" includes Acts, bills, resolutions, or similar items. "Specific legislation" includes both legislation that has already been introduced in a legislative body and a specific legislative proposal that the organization either supports or opposes.

Exceptions to the definitions of direct lobbying communication and/or grassroots lobbying communication.—In general, engaging in nonpartisan analysis, study, or research and making its results available to the general public or segment or members thereof, or to governmental bodies, officials, or employees is not considered either a direct lobbying communication or a grassroots lobbying communication. Nonpartisan analysis,

study, or research may advocate a particular position or viewpoint as long as there is a sufficiently full and fair exposition of the pertinent facts to enable the public or an individual to form an independent opinion or conclusion.

A communication that responds to a governmental body's or committee's written request for technical advice is not a direct lobbying communication.

A communication is not a direct lobbying communication if the communication is an appearance before, or communication with, any legislative body whose action might affect the organization's existence, its powers and duties, its tax-exempt status, or the deductibility of contributions to the organization, as opposed to affecting merely the scope of the organization's future activities.

Affiliated Groups

Members of an affiliated group are treated as a single organization for purposes of measuring both lobbying expenditures and permitted lobbying expenditures.

Two organizations are affiliated if one is bound by the other's decisions on legislative issues (control) or if enough representatives of one belong to the other's governing board to cause or prevent action on legislative issues (interlocking directorate). If you are not sure whether your group is affiliated, you may ask the IRS for a ruling letter. Send the request to: Assistant Commissioner (Employee Plans and Exempt Organizations), Exempt Organizations Technical Division, CP:E:EO, 1111 Constitution Ave., NW, Washington, DC 20224. There is a fee for this ruling.

Members of an affiliated group measure both lobbying expenditures and permitted lobbying expenditures on the basis of the affiliated group's tax year. If all members of the affiliated group have the same tax year, that year is the tax year of the affiliated group. However, if the affiliated group's members have different tax years, the tax year of the affiliated group is the calendar year unless all the members of the group elect otherwise. See Regulations section 56.4911-7(e)(3).

If the electing organization belongs to an affiliated group, complete lines 36 through 44 of column (a), Part VI-A, for the affiliated group as a whole, and complete column (b) for the electing member of the group.

The electing member must also attach a schedule showing each group member's name, address, employer identification number, and expenses. Use the format of Part VI-A and show which members elected and which did not.

If the group has no excess amounts on either line 43 or 44, column (a), each electing member will be treated as not having excess amounts. If the group has excess amounts on line 43 or 44, column (a), each electing member will be treated as having excess amounts, and each must file **Form 4720**, Return of Certain Excise Taxes on Charities and Other Persons Under Chapters 41 and 42 of the Internal

Revenue Code, and pay the tax on its proportionate share of the group's excess lobbying expenditures. To find a member's proportionate share, see Regulations section 56.4911-8(d). Enter the proportionate share in column (b) on line 43 or line 44, or both. Include each electing member's share of the excess lobbying expenditures on the schedule you attach. Any nonelecting members do not owe tax, but remain subject to the general rule, which provides that no substantial part of their activities may consist of carrying on propaganda or otherwise trying to influence legislation.

Limited control.—If two organizations are affiliated because their governing instruments provide that the decisions of one will control the other only on national legislation, apply expenditures as follows:

1. Charge the controlling organization with its own lobbying expenditures and with the national legislation expenditures of the affiliated organizations. Do not charge the controlling organization with other lobbying expenditures (or other exempt-purpose expenditures) that the affiliated organizations may have.

2. Treat each local organization as though it were not a member of an affiliated group; that is, the local organization should account for its own expenditures only. It does not include any national legislation expenditures deemed to have been incurred by the controlling organization under 1 above.

When this type of limited control is present, each member of the affiliated group should complete column (b) only.

Group returns.—Although membership in a group affiliated for lobbying does not establish eligibility to file a group return, a group return can sometimes meet the filing requirements of more than one member of an affiliated group. (See General Instruction Q of Form 990 to see who may file a group return.) If a central or parent organization files a group return on behalf of two or more members of the group, complete lines 36 through 44 of column (a), Part VI-A, for the affiliated group as a whole. Include the central, electing, and nonelecting members. In column (b), except on lines 43 and 44, include the amounts that apply to all electing members of the group if they are included in the group return. Also attach the schedule described above under **Affiliated Groups** and show what amounts apply to each group member.

If the group return includes organizations that belong to more than one affiliated group, show the totals for all such groups in column (a). On the schedule you attach, show the amounts that apply to each affiliated group and to each group member.

If the parent organization has made the lobbying expenditure election, its separate return must also show in column (a) the amounts that apply to the affiliated group as a whole and, in column (b), the amounts that apply to the parent organization only. Similarly, a subordinate organization not included in the group return would also

complete column (a) for the affiliated group as a whole, and column (b) for itself only.

However, if "limited control" (defined above) exists, complete only column (b) in Part VI-A of the group return for the electing members in the group. Attach a schedule to show the amounts that apply to each electing member. In the separate returns filed by the parent and by any subordinate organizations not included in the group return, complete only column (b).

Lines 36 through 44.—Complete column (b) for any organization using Part VI-A but complete column (a) only for affiliated groups.

Lines 36 through 44 are used to determine whether any of the organization's current year lobbying expenditures are subject to tax. File Form 4720 if you need to report and pay the excise tax.

Lines 45 through 50.—Lines 45 through 50 are used to determine if the organization exceeded lobbying expenditure limits during the 4-year averaging period. Any organization for which a lobbying expenditure election under section 501(h) was in effect for its tax year beginning in 1993 must complete columns (a) through (e) of lines 45 through 50 **except** in the following situations:

1. An organization first treated as a section 501(c)(3) organization in its tax year beginning in 1993 does not have to complete any part of lines 45 through 50.

2. An organization does not have to complete lines 45 through 50 for any period before it is first treated as a section 501(c)(3) organization.

3. If 1993 is the first year for which an organization's first section 501(h) election is effective, that organization must complete line 45, columns (a) and (e). The organization must then complete all of column (e) to determine whether, in column (e), the amount on line 47 is equal to or less than the lobbying ceiling amount calculated for line 46 and whether the amount on line 50 is equal to or less than the grassroots ceiling amount calculated for line 49. The organization does not satisfy both tests if either its total lobbying expenditures or grassroots lobbying expenditures exceed the applicable ceiling amounts. When this occurs, all five columns must be completed and a recomputation made unless exception 1 or 2 above applies.

4. If 1993 is the second or third tax year for which the organization's first section 501(h) election is in effect, that organization is required to complete only the columns for the years in which the election has been in effect, entering the totals for those years in column (e). The organization must determine, for those 2 or 3 years, whether the amount entered in column (e), line 47, is equal to or less than the lobbying ceiling amount reported on line 46, and whether the amount entered in column (e), line 50, is equal to or less than the grassroots ceiling amount calculated for line 49. The organization does not satisfy both tests if either its total lobbying expenditures or grassroots lobbying

expenditures exceed applicable ceiling amounts. When that occurs, all five columns must be completed and a recomputation made, unless exception 1 or 2 above applies.

If the organization is not required to complete all five columns, attach a statement explaining why. In the statement, show the ending date of the tax year in which the organization made its first section 501(h) election and state whether or not that first election was revoked before the start of the organization's tax year that began in 1993.

Note: *If the organization belongs to an affiliated group, enter the appropriate affiliated group totals from column (a), lines 36 through 44, when completing lines 45, 47, 48, and 50.*

Line 45—Lobbying nontaxable amount.—For 1990 through 1993, enter the amount from line 41 of the Schedule A (Form 990) filed for each year.

Line 47—Total lobbying expenditures.—For 1990 through 1993, enter the amount from line 38 of the Schedule A (Form 990) filed for each year.

Line 48—Grassroots nontaxable amount.—For 1990 through 1993, enter the amount from line 42 of the Schedule A (Form 990) filed for each year.

Line 50—Grassroots lobbying expenditures.—For 1990 through 1993, enter the amount from line 36 of the Schedule A (Form 990) filed for each year.

Part VI-B

Part VI-B provides a reporting format for any organization that engaged in lobbying activities in its 1993 tax year but did not make a section 501(h) lobbying expenditure election for that year by filing Form 5768. (See the instructions for line 1, Part III, for information about the section 501(h) election.)

These nonelecting organizations must complete Part VI-B to show lobbying expenditures paid or incurred. These organizations must also attach a statement giving a detailed description of their lobbying activities. (See the line 1 instructions.)

The Part VI-A instructions defining direct and grassroots lobbying activities by organizations that made the section 501(h) election do not apply to nonelecting organizations that complete Part VI-B. Instead, the definitions in Regulations section 1.162-20(c) generally apply, but without regard to the rules concerning deductibility and direct interest to the organization.

Part VII

Part VII is used to report direct and indirect transfers to (line 51a) and direct and indirect transactions with (line 51b) and relationships with (line 52) 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 this Schedule A (Form 990) is referred to as the "reporting organization."

A noncharitable exempt organization is **related to** or **affiliated with** the reporting organization if 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 51—Reporting of certain transfers and transactions.—Except as provided below, report on line 51 any transfer to or transaction with a noncharitable exempt organization even if the transfer or transaction constitutes the only connection with the noncharitable exempt organization.

Related organizations.—If the noncharitable exempt organization is related to or affiliated with the reporting organization, report all direct and indirect transfers and transactions except for contributions and grants received by the reporting organization.

Unrelated organizations.—All transfers from the reporting organization to an unrelated noncharitable exempt organization must be reported on line 51a. All transactions between the reporting organization and an unrelated noncharitable exempt organization must be shown on line 51b unless they meet the exception in the specific instructions for that line.

Line 51a—Transfers.—Answer "Yes" to lines 51a(i) and 51a(ii) if the reporting organization made any direct or indirect transfers of any value to a noncharitable exempt organization.

A "transfer" is any transaction or arrangement whereby one organization transfers something of value (cash, other assets, services, use of property, etc.) to

another organization without receiving something of more than nominal value in return. Contributions, gifts, and grants are examples of transfers.

If the only transfers between the two organizations were contributions and grants made by the noncharitable exempt organization to the reporting organization, answer "No."

Line 51b—Other transactions.—Answer "Yes" for any transaction described in lines 51b(i) through (vi), regardless of its amount, if it is with a related or affiliated organization.

Unrelated organizations.—Answer "Yes" for any transaction between the reporting organization and an unrelated noncharitable exempt organization, regardless of its amount, if the reporting organization received less than adequate consideration. There is adequate consideration where the fair market value of the goods, other assets or services furnished by the reporting organization is not more than the fair market value of the goods, other assets or services received from the unrelated noncharitable exempt organization. The exception described below does not apply to transactions for less than adequate consideration.

Answer "Yes" for any transaction between the reporting organization and an unrelated noncharitable exempt organization if the amount involved is more than \$500. The "amount involved" is the fair market value of the goods, services, or other assets furnished by the reporting organization.

Exception. If a transaction with an unrelated noncharitable exempt organization was for adequate

consideration **and** the amount involved was \$500 or less, it is not necessary to answer "Yes" for that transaction.

Line 51b(iii).—Answer "Yes" for transactions in which the reporting organization was either the lessor or the lessee.

Line 51b(iv).—Answer "Yes" if either organization reimbursed expenses incurred by the other.

Line 51b(v).—Answer "Yes" if either organization made loans to the other or if the reporting organization guaranteed the other's loans.

Line 51b(vi).—Answer "Yes" if either organization performed services or membership or fundraising solicitations for the other.

Line 51c.—Complete line 51c regardless of whether the noncharitable exempt organization is related to or closely affiliated with the reporting organization. For the purposes of this line, "facilities" includes office space and any other land, building, or structure whether owned or leased by, or provided free of charge to, the reporting organization or the noncharitable exempt organization.

Line 51d.—Use this schedule to describe the transfers and transactions for which you entered "Yes" on lines 51a through c above. You must describe each transfer or transaction for which you answered "Yes." You may combine all of the cash transfers (line 51a(ii)) to each organization into a single entry. Otherwise, make a separate entry for each transfer or transaction.

Column (a).—For each entry, enter the line number from lines 51a through c. For

example, if you answered "Yes" to line 51b(iii), enter "b(iii)" in column (a).

Column (d).—If you need more space, write "see attached" in column (d) and use an attached sheet for your description. If you are making more than one entry on line 51d, specify, on the attached sheet, which transfer or transaction you are describing.

Line 52—Reporting of certain relationships.—Enter on line 52 each noncharitable exempt organization to or with which the reporting organization is related, or affiliated, as defined above. If the control factor or the historic and continuing relationship factor (or both) is present at any time during the year, you must identify the organization on line 52 even if neither factor is present at the end of the year.

Do not enter unrelated noncharitable exempt organizations on line 52 even if you report transfers to or transactions with those organizations on line 51. For example, if you reported a one-time transfer to an unrelated noncharitable exempt organization on line 51a(ii), you should not list the organization on line 52.

Column (b).—Enter the exempt category of the organization; for example, "501(c)(4)."

Column (c).—In most cases, a simple description, such as "common directors" or "auxiliary of reporting organization" will be sufficient. If you need more space, write "see attached" in column (c) and use a separate sheet to describe the relationship. If you list more than one organization on line 52, identify which organization you are describing on the attached sheet.

