



January 26, 2011

To: Officers of ACS Local Sections

From: Liping Gao, Manager, Tax Compliance & Reporting

RE: Tax Information Update

Another year has passed and, once again, it is time to prepare information and income tax return filings with the IRS. In order to maintain its group exemption, the ACS and each Section must comply with the IRS reporting and filing requirements. Although Sections are covered under the ACS group exemption letter, their finances are not included in the (national) ACS return filings with the IRS. The ACS Sections operate as autonomous units of the Society, and as such, maintain independent control over their finances. **Therefore, each Section has the responsibility to file its own separate return with the IRS in order to maintain its tax-exempt status.**

As an organization exempt from income tax, each Section must file an annual information return (Form 990 or Form 990-EZ) or an annual electronic notice (Form 990-N) depending upon the organization's gross receipts and total assets. Each Section must use its own federal employer identification number and not use the ACS federal employer identification number.

As treasurer, you need to determine which form your Section is required to file with the IRS. The table below shows the guidelines and due dates for filing the 2010 Form 990, 990-EZ, or 990-N. **Please note that the IRS has raised the annual gross receipts threshold at which tax-exempt organizations (other than private foundations and Code Section 509(a)(3) supporting organizations) must file Form 990 Return of Organization Exempt from Income Tax, from \$25,000 to \$50,000, for tax years beginning on or after January 1, 2010.**

2010 Tax Year Ending December 31, 2010 (Filed in 2011)	Form to File	Deadline
Gross receipts normally \leq \$50,000	990-N	May 16, 2011
Gross receipts $>$ \$50,000 and $<$ \$200,000, and total assets $<$ \$500,000	990-EZ - or - 990	May 16, 2011
Gross receipts \geq \$200,000, or total assets \geq \$500,000	990	May 16, 2011

- **2010 IRS Form 990-N, Electronic Notice ([e-Postcard](#)), due on May 16, 2011 (No extension granted):**

For 2010 tax year, most tax-exempt organizations whose [gross receipts](#) are [normally \\$50,000 or less](#) are required to electronically submit Form 990-N ([e-Postcard](#)) by May 16, 2011. The [Form 990-N, Electronic Notice](#) requires the following information:

1. Your Section's Employer Identification Number (EIN), also known as a Taxpayer Identification Number (TIN). It can be found on your Section's prior year return, or ask the ACS Tax Office for the Section's EIN on file. **Be sure to use the Section's own EIN. Do not use the EIN of the ACS National.**
2. Your Section's legal name (found on the Section's bylaws) and mailing address (the officer's mailing address)
3. Any other names the organization uses to do business (DBA name)
4. Be able to answer the following questions:
 - Has your organization terminated or gone out of business?
 - Are your gross receipts normally \$50,000 or less (for tax years beginning on or after January 1, 2010)?
5. Your Section's mailing address (or P.O. box), city, state and zip code (generally the treasurer's mailing address)
6. Your Section's website address, if one exists for the organization
7. The name and address of one of the Section's principal officers (generally the treasurer, secretary or chair)

You need a [login ID](#) and password to electronically file your Section's IRS Form 990-N ([e-Postcard](#)).

- **2010 IRS Form 990-EZ Short Form (Return of Organization Exempt from Income Tax), due on May 16, 2011**

For 2010 tax year, you must file Form 990-EZ, [Schedule A](#), and other applicable schedules if your Section's gross receipts for tax year 2010 are normally greater than \$50,000 but less than \$200,000, and your Section's total assets at the end of the tax year 2010 are less than \$500,000. Your Section may be required to file Schedules B, C, E, G, L, and N. Please carefully review the instructions for each of the schedules.

- **2010 IRS [Form 990](#) (Return of Organization Exempt from Income Tax), due on May 16, 2011**

For 2010 tax year, [Form 990](#), [Schedule A](#), [Schedule O](#) and other applicable schedules must be filed if the Section has either (1) gross receipts of \$200,000 or more; or (2) total assets of \$500,000 or more at the end of the tax year 2010.

Please carefully review the instructions for [Form 990](#) and for each of the required schedules. Be sure to fully complete Part I through Part XII of [Form 990](#), and attach all of the required schedules.

- **2010 IRS [Form 8868](#), Application for Extension of Time to File an Exempt Organization Return, due on May 16, 2011**

If you cannot meet the due date to file your Form 990 or 990-EZ on May 16, 2011, you can request an automatic 3-month extension of time to file by submitting a completed [Form 8868](#) to the IRS before May 16, 2011 without showing cause.

- **2010 IRS Form 990-T (Exempt Organization Business Income Tax Return), due on May 16, 2011**

In addition to filing [Form 990](#), you may be required to file IRS Form 990-T if your Section derived revenues of at least \$1,000 from an unrelated business activity. For example, income from the sale of advertising in your Section's newsletters is considered to be unrelated business income.

If you are required to file Form 990-T and you cannot meet the due date, you can request an automatic six-month extension of time to file by submitting a separate [Form 8868](#) to the IRS before May 16, 2011, accompanied by the full payment of the estimated tax due.

- **2010 IRS [Form 1099-MISC](#), Miscellaneous Income**

Tax-exempt organizations which made payments of at least \$600 or more for services to individuals other than employees are required to report those payments to the IRS on [Form 1099-MISC](#), Miscellaneous Income. Examples of such payments are: consulting fees, honoraria, prizes and awards, and stipends.

Form 1099-MISC **Copy B (for Recipient)** is due to the recipients by **January 31, 2011**. The IRS copy of Form 1099-MISC including Form 1096, Annual Summary and transmittal of US Information Returns, is due by February 28, 2011.

In order to maintain the group exemption, and for the ACS Tax Office to provide adequate support to ACS Sections, the ACS Tax Office needs to receive a copy of your Section's 2010 Information Return (Form 990, 990-EZ, or 990-N). Please send the copy by email to: tax@acs.org, or mail the copy to:

American Chemical Society
ACS Tax Office
Attn: Lisa Wolfinger
1155 Sixteenth Street, NW, Room 319
Washington, DC 20036

Please note that submission of your annual report to ACS does not constitute filing of your Information Return with the IRS. The ACS does not include Section finances in its Form 990 tax filing with the IRS.

We have supplied some helpful quick reference links to the 2010 tax forms on the next page.

If you have any questions regarding this information, please do not hesitate to contact me by phone (202.872.6306) or email l.gao@acs.org.

Quick Reference Links to the IRS Tax Forms:

[Form 990-N Instructions](#)

[Electronic IRS Form 990-N \(e-Postcard\) Filing Website](#)

[How to Request a Login ID to Electronically File Form 990-N \(e-Postcard\)](#)

[Form 990-EZ and Instructions](#)

Form 990-EZ will be released soon. Please click the link <http://www.irs.gov/formspubs/index.html> for the IRS website, and enter "990-EZ" in the search field to view the link when it becomes available.

[Form 990](#)

[Form 990 Instructions](#)

[Form 990 or 990-EZ Schedule A](#)

[Form 990 or 990-EZ Schedule A Instructions](#)

[Form 8868 and Instructions](#)

Form 990-T and Instructions

Form 990-T will be released soon. Please click on the link <http://www.irs.gov/formspubs/index.html> for the IRS website, and enter "990-T" in the search field to view the link when it becomes available.

[Form 1099-MISC](#)

[Form 1099-MISC Instructions](#)