

# TIME IS RUNNING OUT

**on your  
Tax-exempt  
status!**



**Deadline date:  
Sept. 28, 2010**

## AMERICAN LEGION POST COMMANDERS OR ADJUTANTS

**IF YOU HAVEN'T YET... YOU NEED TO FILE WITH THE IRS TO MAINTAIN OR TO HAVE TAX-EXEMPT STATUS**

AUXILIARY and SONS OF THE AMERICAN LEGION...this may not affect you directly but it could affect YOUR Legion Post. Check with your Legion Post Commander or Adjutant to see if they have registered, if not, ask them if you can help them register online. Information for filing the IRS Form 990N is on the back of this flyer. For additional information below is the article printed in the Legion Dispatch/August 2010 referring to the importance and consequences of not filing Form 990N.

**Losing your tax-exempt status...**affects the Legion, Auxiliary and the Sons...If you have any questions please contact Karen Henry at Department Headquarters immediately 309-663-0361.

August 2010—Digital Dispatch [URL: http://www.legion.org/dispatch/90452/digital-dispatch-august-21-2010](http://www.legion.org/dispatch/90452/digital-dispatch-august-21-2010)

## Posts that don't file IRS forms face losing tax-exempt status

Hundreds of small American Legion posts and American Legion Auxiliary units stand to lose their tax-exempt status if they have not filed Form 990N with the Internal Revenue Service by Oct. 15, 2010, or have not filed any other 990s for three consecutive years, regardless of their annual revenues and expenses.

A listing of American Legion entities at risk of losing tax-exempt status as of June 30, 2010, was posted by the IRS at [http://www.irs.gov/charities/article/0,,id=225889,00.html?portlet=7\\_](http://www.irs.gov/charities/article/0,,id=225889,00.html?portlet=7_) on the Web.

The filing requirement, previously unnecessary for entities with \$25,000 or less in annual revenue, is imposed as part of the Pension Protection Act 2006.

Those entities that have not filed a 990 for a number of years may find that their Employer Identification Numbers (EIN) have been removed from the IRS system. In that case, according to American Legion National Judge Advocate Philip B. Onderdonk, posts are strongly urged to file a form SS-4 and apply for a reinstatement or new number.

Once the new number is obtained, a post will need to report it immediately to their department headquarters and copy the Internal Affairs Division at National Headquarters so paperwork can be updated. All information must be in by Sept. 28 in order to assure it will be included in the report.

Posts with valid EINs but did not yet file Form 990N are urged to do so immediately, "or they're going to lose their tax-exempt status," Onderdonk said. "The real problem is for posts that accept donations. Tax-exempt status is necessary for tax-deductible contributions."

Posts that lose their tax-exempt status can appeal to the Department of Treasury with a letter of justification for not obeying the law. The secretary of the Treasury has discretion to grant tax-exempt status.

## **Information for filing IRS form 990-N**

This form must be filed by October 15, 2010 in order to avoid losing your tax exempt status. If you lose your tax exempt status you will no longer be eligible to receive tax-deductible donations.

The website for filing the Form 990-N is <http://epostcard.form990.org>

If you have never filed a Form 990-N you will first need to register as a new user and create a login ID and password.

After you register as a new user you will then create your Form 990.

Following is a list of information you will need for the form:

Your Post Tax ID number

The tax year beginning and ending date

Address of your post

Name and address of person filing the form

E-mail address for the IRS to send a receipt for your filing.

After you have filed the Form 990 and received your e-mail receipt, please print the receipt for proof of filing.

This Form must be filed every year by the 15<sup>th</sup> day of the 5<sup>th</sup> month following your end of year.