Instructions for Form 990-BL

Department of the Treasury
Internal Revenue Service

(Rev. December 2013)

Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons

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

Future developments. For the latest information about developments related to Form 990-BL and its instructions, such as legislation after they were published, go to *www.irs.gov/form990bl*.

General Instructions

Purpose of Form

The Black Lung Benefits Revenue Act of 1977 (the Act) amended the Internal Revenue Code to impose excise tax on the sale of coal by the producer and established a trust fund (funded by the coal tax and certain other revenues) to be available for expenses of providing medical benefits where not paid by the appropriate mine operator.

Form 990-BL is generally used by black lung benefit trusts to meet the reporting requirements of section 6033. If initial taxes are imposed on the trust or certain related parties, trusts must also file Schedule A (Form 990-BL), Initial Excise Taxes on Black Lung Benefit Trusts and Certain Related Persons.

Who Must File

The trustee must file Form 990-BL for a trust exempt from tax under section 501(a) and described in section 501(c)(21), unless the trust normally has gross receipts in each tax year of not more than $50,000.

A trust that normally has gross receipts of $50,000 or less must file an annual electronic notice. See *www.irs.gov/charities* and click on “Annual Electronic Filing Requirement for Small Exempt Organizations—Form 990-N (e-Postcard)” for more information.

The initial excise taxes imposed on black lung benefit trusts, trustees, and disqualified persons under sections 4951 and 4952 are reported on Schedule A (Form 990-BL).

A black lung benefit trust required to file an annual information return and liable for tax under section 4952 should complete Form 990-BL and attach a completed Schedule A (Form 990-BL). A trust liable for section 4952 tax but not otherwise required to file Form 990-BL should complete the identification and signature area of Form 990-BL and attach a completed Schedule A (Form 990-BL).

A trustee or disqualified person liable for section 4951 or 4952 tax should complete the heading (omitting the check boxes for application pending, address change, and fair market value of assets) and signature area of Form 990-BL and attach a completed Schedule A (Form 990-BL). A trustee liable for sections 4951 and 4952 taxes reports both taxes on one return.

If no tax is due under section 4951 or 4952, do not file Schedule A (Form 990-BL).

Your Area Director will tell you what procedures to follow if the trust or any related persons incur any liability for additional taxes and penalties based on sections 4951 and 4952.

Form 990-BL will not be automatically mailed to the persons required to file it but may be requested from the Forms Distribution Center for your state by calling 1-800-TAX-FORM (1-800-829-3676).

An organization claiming an exempt status under section 501(c)(21) prior to the establishment of exempt status should file this return if its application for recognition of exemption is pending (including appeal of a proposed adverse decision).

Accounting Period

The return must be 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 basis of the calendar year.

Accounting Methods

Gross income, receipts, and disbursements must be figured by the method of accounting regularly used by the organization in maintaining its books and records, unless otherwise specified in the instructions.

When and Where To File

This return, including Schedule A (Form 990-BL) if tax is due, must be filed on or before the 15th day of the 5th month following the close of the filer's tax year. If the regular due date falls on a Saturday, Sunday, or legal holiday, file on the next business day. File it at the following address:

Internal Revenue Service
201 W. River Center Blvd.
Stop 31, TE/GE
Covington, KY 41011

You may request an extension of time to file Form 990-BL by filing Form 8868, Application for Extension of Time To File an Exempt Organization Return.

Rounding off to whole dollars. You may show the money items on the return and accompanying schedules as whole-dollar amounts. To do so, drop amounts less than 50 cents and increase any amounts from 50 to 99 cents to the next dollar. For example, $1.39 becomes $1 and $2.50 becomes $3.

If you have to add two or more amounts to figure the amount to enter on a line, include cents when adding the amounts and round off only the total.

Attachments. If you need more space, attach separate sheets showing the same information in the same order as on the printed forms. Show the totals on the printed forms.

Enter the trust's employer identification number (EIN) (or the disqualified person's social security number (SSN)) on each sheet. Also, use sheets that are the same size as the forms and indicate clearly the line of the printed form to which the information relates.

Penalties

If an organization fails to file timely, correctly, or completely, it will have to pay $20 for each day ($100 a day if it is a large organization) 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 is the smaller of $10,000 ($50,000 for a large organization) or 5% of the gross receipts of the organization for the year.

The IRS may make written demand that the delinquent return be filed or the information furnished within a reasonable time after mailing of notice 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 having to explain an incomplete return, if a part or line item does not apply, enter “N/A” (not applicable) or “-0-” if an amount is zero.

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

Large organization. A large organization is one that has gross receipts greater than $1 million for the tax year.

Public Inspection of Completed 990-BL Returns and Approved Exemption Applications

Through the IRS. Generally, the information reported on or with Form 990-BL, including most attachments, is available for public inspection (section 6104(b)). This applies both to information required by the form and to information furnished voluntarily. Approved applications for exemption from federal income tax are also available for public inspection.

Exception. *Part IV of Form 990-BL, Statement With Respect to Contributors, etc., and Schedule A (Form 990-BL) are not open to public inspection.*

The public inspection rules do not apply to Form 990-BL and the attached Schedule A (Form 990-BL) filed by a trustee or disqualified person to report initial taxes on self-dealing or taxable expenditures. The public inspection rules also do not apply to the trustee or disqualified person's SSN or EIN.

Use Form 4506-A, Request for Public Inspection or Copy of Exempt or Political Organization IRS Form, to request a copy or to inspect an exempt organization return through IRS. There is a fee for photocopying, but not for inspection at an IRS office.

Through the organization—Annual return. An organization must, during the 3-year period beginning with the due date (including extensions) of the Form 990-BL (or, if later, the date it is actually filed), make its return available for public inspection. It must also provide copies of either all items that are available for public inspection or specifically identified items, if so requested. All parts of the return and all required schedules and attachments must be made available except Part IV of Form 990-BL and Schedule A (Form 990-BL) as discussed above.

Inspection and requests for copies must be permitted during regular business hours at the organization's principal office and at each of its regional or district offices. This provision applies to any organization that files Form 990-BL, regardless of the size of the organization and whether or not it has any paid employees. Also, copies must be provided the same business day they are requested unless unusual circumstances exist. In the case of unusual circumstances, the copies must be provided by the next business day after the day the unusual circumstances cease to exist, but in no event may the delay exceed five business days. See Regulations section 301.6104(d)-1 for what constitutes unusual circumstances and the definition of regional and district offices.

When a request for copies is made in writing, the copies must generally be sent within 30 days of the date the request was received.

Note. A black lung benefit trust does not have to comply with individual requests for copies if it makes this information widely available. This can be done by posting the application for tax exemption and/or an annual information return on a readily accessible World Wide Website. However, an organization that makes its information available this way must advise requesters how the material may be accessed. See Regulations section 301.6104(d)-2 for specific instructions.

Fee for copies. An organization may charge a reasonable fee for providing copies.

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

Additional information. See Regulations sections 301.6104(d)-1 through 301.6104(d)-3 for additional information on reasonable fees for providing copies, not filling requests for copies when material is widely available, and other related information.

Exemption application. Any section 501(c)(21) organization that submitted an application for recognition of exemption to the IRS 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. As in the case of annual returns, 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.

Penalties for failure to comply with public inspection requirements. If a person does not comply with the requirement to permit public inspection of annual returns, there is a penalty of $20 for each day during which such failure continues, unless there is reasonable cause. The maximum penalty imposed on all persons for failures that apply to any one return is $10,000.

If a person does not comply with the public inspection of applications requirement, there is a penalty of $20 a day for each day during which such failure continues, unless there is reasonable cause. There is no maximum penalty limitation (see section 6652(c)).

Any person who willfully does not comply with the public inspection requirements for the annual return or application is subject to an additional penalty of $5,000 for each return or application (see section 6685).

If more than one person is liable for any penalty, all such persons shall be jointly and severally liable for each failure.

Specific Instructions

Identification Area

Period covered by the return. Enter the calendar year or fiscal year that corresponds to the accounting period being reported.

Name and address. Enter the name and address of the trust.

If the return and a Schedule A (Form 990-BL) are filed by a trustee or disqualified person liable for tax under section 4951 or 4952, then enter that person's name and address below the name of the trust.

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 filer has a P.O. box, show the box number instead of the street address.

Foreign address. Enter the information in the following order: city or town, state or province, and country. Follow the country's practice for entering the postal code, if any. Do not abbreviate the country name.

"Return filed by." Check only the box that applies to you.

1. Check the "Trust" box when the return is filed by a black lung benefit trust as an information return, or tax return, or both.
2. Check the "Trustee" box when the return is filed by a trustee because of liability for taxes under section 4951 or 4952, or both.
3. Check the "Disqualified person" box when the return is filed by a disqualified person who is liable for section 4951 tax only.

Taxpayer identification number. Enter the EIN of the black lung benefit trust. If the return is being filed by a trustee or disqualified person, also enter that person's SSN or EIN.

Each trust should have only one employer identification number. If the trust has more than one number and has not been advised which one to use, you should notify the:

Internal Revenue Service Center
Attention: Entity Control, Stop 6273
Ogden, UT 84201-0027

Inform them what numbers the trust has, the name and address to which each number was assigned, and the address of its principal office. The IRS will then advise you which number to use.

Application pending, address change, and FMV of assets. Fill in these blocks only when a return must be filed for a trust. Enter the fair market value (FMV) of the trust's assets at the beginning of the operator's tax year within which the trust's tax year begins.

Signature. The return must be signed by the authorized trustee or trustees and also by any person, firm, or corporation who signed the return. If the return is prepared by a firm or corporation, it should be signed in the name of the firm or corporation.

Paid preparer. Generally, anyone who is paid to prepare the return must sign the return and fill in the other blanks in the *Paid Preparer Use Only* area. An employee of the filing organization is not a paid preparer.

The paid preparer must:

- Sign the return in the space provided for the preparer's signature,
- Enter the preparer information, and
- Give a copy of the return to the organization.

The paid preparer must also enter the preparer's identifying number and the firm's EIN. The preparer's identifying number is the preparer's taxpayer identification number (PTIN).

CAUTION *Because the Form 990-BL is a publicly disclosable document, any information entered in this block will be publicly disclosed (see* Public Inspection of Completed 990-BL Returns and Approved Exemption Applications*). Any paid preparer whose identifying number must be listed on Form 990-BL can apply for and obtain a PTIN using* Form W-12, IRS Paid Preparer Tax Identification Number (PTIN) Application and Renewal*. For more information about applying for a PTIN online, visit the IRS website at www.irs.gov/ptin.*

Paid preparer authorization. On the last line of the Signature Block, check "Yes," if the IRS can contact the paid preparer who signed the return to discuss the return. This authorization applies only to the individual whose signature appears in the *Paid Preparer Use Only* section of Form 990-BL. It does not apply to the firm, if any, shown in that section. By checking "Yes," to this box, the organization is authorizing the IRS to contact the paid preparer to answer any questions that arise during the processing of the return.

The organization is also authorizing the paid preparer to:

- Give the IRS any information missing from the return;
- Call the IRS for information about processing the return; and
- Respond to certain IRS notices about math errors, offsets, and return preparation.

The organization is not authorizing the paid preparer to bind the organization to anything or otherwise represent the organization before the IRS.

The authorization will automatically end no later than the due date (excluding extensions) for filing the Form 990-BL. If the organization wants to expand the paid preparer's authorization or revoke it before it ends, see Pub. 947, Practice Before the IRS and Power of Attorney.

Check "No," if the IRS should contact the organization or its trustee rather than the paid preparer.

Part I—Analysis of Revenue and Expenses

Line 1. Enter the total contributions received under section 192 from the coal mine operator who established the trust.

Contributions to the trust must be in cash or property of the type in which the trust is permitted to invest (i.e., public debt securities of the United States, obligations of a state or local government that are not in default as to principal or interest, or time and demand deposits in a bank or insured credit union as described in section 501(c)(21)(D)(ii)).

Line 2. Enter the amounts received during the year from the sources listed in 2a, b, c, and d.

Line 4. Enter the amounts contributed by the trust to the Federal Black Lung Disability Trust Fund as provided for by section 3(b)(3) of Public Law 95-227.

Line 5. Enter the amounts paid for insurance exclusively covering liabilities under sections 501(c)(21)(A)(i)(I), and 501(c)(21)(A)(i)(IV). For details, see Regulations section 1.501(c)(21)-1(d).

Line 6. Enter the amounts paid to or for the benefit of miners or their beneficiaries other than amounts included in lines 4 or 5. Such payments could include direct payment of medical bills, etc., authorized by the Act and accident and health benefits for retired miners and their spouses and dependents.

Line 7. Enter the total amount of compensation for the year of all trustees. See Part III, line 26.

Line 8. Enter the total of the salaries and wages of all employees other than those included in line 7.

Line 9. Enter the administrative expenses (including legal, accounting, actuarial, and trustee expenses) for the year other than salaries and wages paid to trustees and other employees.

Line 10. Attach a schedule, listing by type and amount, all allowable deductions that are not deductible elsewhere on Form 990-BL. Enter the total of these deductions on line 10. See Regulations section 1.501(c)(21)-1 for additional information.

Part II—Balance Sheets

Complete the balance sheets on the basis of the accounting method regularly used by the trust in keeping its books and records.

Line 19. Enter only liabilities of the trust as of the first and last days of the tax year of the trust. Include payments for approved black lung claims that are due but not paid, accrued trustee fees, etc. Do not include amounts for black lung claims being contested, the present value of payments for approved claims, or the estimated liability for future claims.

Line 21. Enter the total of lines 19 and 20. That figure must equal the figure for total assets reported on line 18 for both the beginning and end of year.

Part III—Questionnaire

General Instructions

The Black Lung Benefits Revenue Act of 1977 imposes excise taxes and penalties on acts of self-dealing between trusts and disqualified persons, and on taxable expenditures made by the trusts. These taxes and penalties apply to the trust (section 4952), trustees (sections 4951 and 4952), and self-dealers (section 4951). The purpose of the questions is to determine whether there is any initial tax due under either of these two sections.

Definitions

Self-dealing (Section 4951)

Self-dealing. For purposes of section 4951, the term "self-dealing" means any direct or indirect:

- Sale, exchange, or leasing of real or personal property between a trust described in section 501(c)(21) and a disqualified person;
- Lending of money or other extension of credit between such a trust and a disqualified person;
- Furnishing of goods, services, or facilities between such a trust and a disqualified person;
- Payment of compensation (or payment or reimbursement of expenses) by such a trust to a disqualified person; and
- Transfers to, or use by or for the benefit of, a disqualified person of the income or assets of such a trust.

Special rules. For purposes of section 4951:

- The transfer of personal property by a disqualified person to such a trust is treated as a sale or exchange if the property is subject to a mortgage or similar lien;
- If a bank or an insured credit union is a trustee of the trust or otherwise is a "disqualified person" with respect to the trust, any amount invested in checking accounts, savings accounts, certificates of deposit, or other time or demand deposits in that bank or credit union constitutes a lending of money;
- The furnishing of goods, services, or facilities by a disqualified person to such a trust is not an act of self-dealing if the furnishing is without charge and if the goods, services, or facilities so furnished are used exclusively for the purposes specified in section 501(c)(21)(A); and
- The payment of compensation (and the payment or reimbursement of expenses) by such a trust to a disqualified person for personal services that are reasonable and necessary to carry out the exempt purpose of the trust is not an act of self-dealing if the compensation (or payment or reimbursement) is not excessive. See Regulations section 53.4951-1 for additional information.

Taxable period. The term "taxable period" means, with respect to any act of self-dealing, the period beginning with the date on which the act of self-dealing occurs and ending on the earliest of:

1. The date of mailing of a notice of deficiency under section 6212, with respect to the tax imposed by section 4951(a)(1),

2. The date on which the tax imposed by section 4951(a)(1) is assessed, or

3. The date on which correction of the act of self-dealing is completed.

Amount involved. The term "amount involved" means, for any act of self-dealing, the greater of the amount of money and the fair market value (FMV) of the other property given or the amount of money and the FMV of the other property received. However, in the case of services described in section 4951(d)(2)(C), the amount involved is only the excess compensation. For purposes of the preceding sentence, the FMV:

1. For the initial taxes imposed by section 4951(a), is determined as of the date on which the act of self-dealing occurs; and

2. For additional taxes imposed by section 4951(b), is the highest FMV during the taxable period.

Correction. The terms "correction" and "correct" mean, for any act of self-dealing, undoing the transaction to the extent possible, but in any case placing the trust in a financial position not worse than that in which it would be if the disqualified person were dealing under the highest fiduciary standards.

Disqualified person. The term "disqualified person" means, for a trust described in section 501(c)(21), a person who is:

1. A contributor to the trust;

2. A trustee of the trust;

3. An owner of more than 10% of:

a. The total combined voting power of a corporation,

b. The profits interest of a partnership, or

c. The beneficial interest of a trust or unincorporated enterprise, which is a contributor to the trust;

4. An officer, director, or employee of a person who is a contributor to the trust;

5. The spouse, ancestor, lineal descendant, or spouse of a lineal descendant of an individual described in 1, 2, 3, or 4;

6. A corporation of which persons described in 1, 2, 3, 4, or 5 own more than 35% of the total combined voting power;

7. A partnership in which persons described in 1, 2, 3, 4, or 5 own more than 35% of the profits interest; or

8. A trust or estate in which persons described in 1, 2, 3, 4, or 5 hold more than 35% of the beneficial interest.

For purposes of items 3a and 6 above, indirect stockholdings are taken into account if they would be taken into account under section 267(c), except that, for purposes of this paragraph, section 267(c)(4) is treated as providing that the members of the family of an individual are only those individuals described in item 5. For purposes of items 3b and c, 7, and 8, the ownership of profits or beneficial interests is determined by the rules for constructive ownership of stock provided in section 267(c) (other than paragraph (3)), except that section 267(c)(4) is treated as providing that the members of the family of an individual are only those individuals described in item 5.

Payment of benefits. For purposes of section 4951, a payment out of assets or income of a trust described in section 501(c)(21) for the purposes described in sections 501(c)(21)(A)(i)(I) and 501(c)(21)(A)(i)(IV) is not considered an act of self-dealing.

Taxable Expenditures (Section 4952)

Taxable expenditure. For purposes of section 4952, the term "taxable expenditure" means any amount paid or incurred by a trust described in section 501(c)(21) other than for a purpose specified in that section.

Correction. The terms "correction" and "correct" mean, with respect to any taxable expenditure, placing the trust in a financial position not worse than that in which it would have been if the taxable expenditure had not been made:

1. By recovering all or part of the expenditure to the extent recovery is possible, and

2. When full recovery is not possible, by contributions by the person or persons whose liabilities for black lung benefit claims (as defined in section 192(e)) are to be paid out of the trust.

Taxable period. The term "taxable period" means, with respect to any taxable expenditure, the period beginning with the date on which the taxable expenditure occurs and ending on the earlier of:

1. The date of mailing a notice of deficiency under section 6212 with respect to the tax imposed by section 4952(a)(1), or

2. The date on which the tax imposed by section 4952(a)(1) is assessed.

Specific Instructions

Line 22. A "conformed" copy is one that agrees with the original document, and all amendments to it. If the copies are not signed, they must be accompanied by a written declaration signed by an officer authorized to sign for the organization certifying that they are complete and accurate copies of the original documents.

Chemically or photographically reproduced copies of articles of incorporation showing the certification of an appropriate State official need not be accompanied by such a declaration. See Rev. Proc. 68-14, 1968-1 C.B. 768, for additional information.

Line 23. If you answered "Yes," to 23a(1), (2), (3), (4), or (5) and "No," to 23b, notify each self-dealer and trustee who may be liable for initial taxes under section 4951 of the requirement to file a return for each year (or part of a year) and pay the applicable tax. The trust must also furnish the information required by Schedule A (Form 990-BL), Part I, Section A (other than columns (g) and (h)) on its own return.

For exceptions to the self-dealing rules, see *Special Rules* and *Payment of Benefits*, earlier.

Line 24. If you answered "Yes," complete Part I, Section B (other than column (h)) and Part II of Schedule A (Form 990-BL). The trust must also notify any trustees who may be liable for initial taxes under section 4952 of the requirement to file Form 990-BL, Schedule A (Form 990-BL), and to pay the tax.

Line 25. If you answered "No," or if there were multiple acts or transactions giving rise to Chapter 42 taxes and all of them were not corrected, attach an explanation of each uncorrected act including the names of all parties to the act, the date of the act, the amount involved, why the act has not been corrected, and the date you expect correction to be made.

Line 26. List each of the organization's officers, directors, trustees, and other persons having responsibilities or powers similar to those of officers, directors, or trustees. List all of these persons even if they did not receive any compensation from the organization. Show all forms of compensation received by each listed officer, etc. Enter "-0-" in columns (c), (d), and (e) if none was paid.

Note. If you pay any other person, such as a management service company, for the services provided by any of your officers, directors, trustees, or key employees, report the compensation and other items on line 26 as if you had paid the officer, etc. directly.

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

Column (c). 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 expense allowances or reimbursements that the recipients must report as income on their separate income tax returns. Examples include amounts for which the recipient did not account to the organization or allowances that were more than the payee spent on serving the organization. Include payments made under indemnification arrangements, the value of the personal use of housing, automobiles, or other assets owned or leased by the organization (or provided for the organization's use without charge), as well as any other taxable and nontaxable fringe benefits. Get Pub. 525, Taxable and Nontaxable Income, for details.

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

Black lung benefit trusts that pay salaries, wages, or other compensation to officers or other employees are generally liable for filing Form 941, Employer's Quarterly Federal Tax Return, and Form 940, Employer's Annual Federal Unemployment (FUTA) Tax Return, to report social security, withholding, and federal unemployment taxes.

Part IV—Statement With Respect to Contributors, etc.

Note. This part is not open for public inspection.

Line 1. List the names and addresses of all persons whose contributions during the tax year totaled $5,000 or more.

In determining whether a person has contributed $5,000 or more, include only contributions of $1,000 or more from such person. Separate and independent contributions need not be included if less than $1,000. If a contribution is in the form of property and the fair market value is readily ascertainable, the description and fair market value must be submitted. If the fair market value of the property is not readily ascertainable, you may submit an estimated value.

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

Line 2. If the trust receives contributions that are more than what the contributor can deduct under section 192, the person making the excess contributions may be required to file Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction, and pay the tax imposed by section 4953(a).

Instructions for Schedule A (Form 990-BL)

Initial Excise Taxes on Black Lung Benefit Trusts and Certain Related Persons

General Instructions

Schedule A (Form 990-BL) is not open for public inspection. If you attach any exhibits to Schedule A (Form 990-BL), be sure to label them and write “Not open for public inspection” on them.

Purpose of form. Use Schedule A (Form 990-BL) only to report initial taxes under section 4951 or 4952. Schedule A (Form 990-BL) must be attached to a completed Form 990-BL. It cannot be filed separately. If no taxes are due under section 4951 or 4952, do not file Schedule A (Form 990-BL).

Specific Instructions

See *Who Must File* in the “General Instructions” and the “Specific Instructions” of Form 990-BL for completing the identification area of this schedule.

When filer is a trust. A trust filing this schedule for a year in which there are initial taxes due under section 4951 or 4952 completes Part I as follows:

Section A (Section 4951). Enter the information required in columns (b) through (f). Enter “N/A” in columns (g) and (h).

Section B (Section 4952). Enter the information required in columns (b) through (g). Enter “N/A” in column (h).

When filer is a self-dealer, Section A only. A self-dealer liable for initial taxes under section 4951 completes this schedule by entering the information required by columns (b) through (g) of Section A, Part I. Enter “N/A” in column (h). Enter only the “prorated” portion of column (g) on line 1 of Part II.

When filer is a trustee, Sections A and B. A trustee liable for initial taxes under sections 4951 and 4952 completes this schedule by entering the required information in columns (b) through (h) (other than (g)) of Section A and/or Section B, Part I. For Section A, enter the “prorated” portion of column (h) on line 2 of Part II. For Section B, enter the “prorated” portion of column (h) on line 4 of Part II.

Part I—Initial Taxes on Self-dealing and Taxable Expenditures

Disqualified persons and trustees who participate in acts of self-dealing with a section 501(c)(21) trust and who have tax years different from the trust should use their own tax years to figure the initial tax and file the return.

Initial Section 4951 taxes on self-dealer. An initial tax of 10% of the amount involved is imposed for each act of self-dealing between a disqualified person and a section 501(c)(21) trust, for each year (or part of a year) in the taxable period. The tax is paid by any disqualified person (other than a trustee acting only as such) who participated in the act of self-dealing.

Initial Section 4951 taxes on trustee. When a tax is imposed on an act of self-dealing, any trustee who knowingly participated in such an act must pay a tax of 2$^1/_2$% of the amount involved in the act of self-dealing for each year (or part of a year) in the taxable period unless participation in the act was not willful and was due to reasonable cause.

Initial Section 4952 taxes on trust. An initial tax of 10% of the amount of the expenditure is imposed on each taxable expenditure from the assets of a section 501(c)(21) trust. The tax is paid by the trustee out of the assets of the trust.

Initial Section 4952 taxes on trustee. When a tax is imposed on the trust for a taxable expenditure, any trustee who knowingly agreed to the expenditure must pay a tax of 2$^1/_2$% of the amount of the taxable expenditure unless such agreement was not willful and was due to reasonable cause.

Liability for tax. A person's liability for tax as a self-dealer or trustee under sections 4951 and 4952 is joint and several. Therefore, if more than one person is liable for tax on an act of self-dealing as a self-dealer or trustee, they may prorate the tax among themselves. The IRS may assess a deficiency against one or more self-dealers or trustees liable for the tax under section 4951 or 4952, regardless of the apportionment of tax shown on the return, if the amount paid by all those who are liable for a particular transaction, is less than the total tax due for that transaction.

Part II—Summary of Taxes

Generally, no more than three lines in Part II will be completed on any return. However, when a trustee is liable for section 4951 initial taxes, both as a trustee and as a self-dealer, and is also liable for section 4952 initial taxes because of taxable expenditure involvement, enter the section 4951 taxes on lines 1 and 2 and enter the section 4952 tax on line 4, with a total of the tax due on line 5. Pay in full with the return. Make the check or money order payable to the “United States Treasury”. In all other instances, follow “Specific Instructions” given above.

The payment of section 4951 tax for the tax year will not necessarily satisfy the entire initial tax liability for an act of self-dealing. A self-dealer who is liable for tax under section 4951 must file Form 990-BL, Schedule A (Form 990-BL), and must pay the tax for each year (or part of a year) in the “taxable period.”

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on these forms to carry out the Internal Revenue laws of the United States. Our legal right to ask for the information on this form is Internal Revenue Code sections 4951 and 4952. You are required to give us the 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. Section 6109 requires you to provide your identifying number on the return. If you do not provide the information we ask for, or provide false or fraudulent information, you may be subject to penalties. We may disclose this information to the Department of Justice for civil or criminal litigation, and to cities, states and the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal non-tax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. Generally, tax returns and tax return information are confidential, as required by section 6103.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law.

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

Form	**Recordkeeping**	**Learning about the law or the form**	**Preparing and sending the form to the IRS**
990-BL	16 hr., 30 min.	3 hr., 22 min.	3 hr., 48 min.
Sch. A (Form 990-BL)	7 hr., 10 min.	18 min.	25 min.

Comments and suggestions. We welcome your comments about these instructions and your suggestions for future editions. You can send us comments from *www.irs.gov/formspubs*. Click on “More Information” and then on “Comment on Tax Forms and Publications.” Or you can send your comments to:

Internal Revenue Service
Tax Forms and Publications Division
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

We respond to many letters by telephone. Therefore, it would be helpful if you would include your daytime phone number, including the area code, in your correspondence.

Although we cannot respond individually to each comment received, we do appreciate your feedback and will consider your comments as we revise our tax products.

Do not send the form to this address. Instead, see *When and Where To File*, earlier.