September 17, 2025

Mr. Andres Garcia
Internal Revenue Service
Room 6526
1111 Constitution Avenue, NW
Washington, DC 20224

Re.: Comments on Proposed Collection and Form 990, OMB Control No. 1545-0047

Dear Mr. Garcia:

I write on behalf of the National Association of Charitable Gift Planners ("CGP") to provide comments to the proposed collection of forms used by tax-exempt organizations. Specifically, we write to provide input on the current IRS Form 990, Return of Organization Exempt From Income Tax Under Section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations). To improve the quality, utility, and clarity of the information gathered under the proposed collection and enable stronger oversight of billions of dollars donated at the time of death each year, we request the addition of a new line of information on Form 990 that would report "testamentary contributions" received by tax-exempt charitable organizations.

CGP is a 501(c)(3) public charity representing over 7,000 members with a network of nearly 85 local councils throughout the country. CGP members include a diverse array of professionals working across the charitable sector involved in the charitable gift planning process, including fundraisers and administrators at charities, estate planning and tax attorneys, financial advisors, consultants, and other allied professionals. Our members work to drive charitable funds to thousands of organizations across the charitable sector each year. CGP is the leading organization in charitable gift planning and also provides standards and guidelines for the profession, advocacy for a positive legal and tax environment for charitable giving, and education in all areas of charitable gift planning. Finally, CGP convenes the National Conference on Philanthropic Planning, the largest annual conference in the field, and the CGP Leadership Institute, which provides thought leadership to practitioners.

Currently, Form 990, Part VIII – Statement of Revenue, Line 1(a) - (h), "Contributions, Gifts, Grants, and Other Similar Amounts," requires the filing organization to categorize and report multiple sources of revenue. Charitable gift planning professionals have observed, however, that one key revenue category is missing, namely, the amount of "testamentary contributions" received as a result of the death of an individual(s).[1]

Testamentary contributions represent a critically important source of revenue to charitable organizations in the United States, and for this reason, CGP recommends the

[1] See Russell N. James III, The Emerging Potential of Longitudinal Empirical Research in Estate Planning: Examples from Charitable Bequests, 53 UNIVERSITY OF CALIFORNIA, DAVIS, LAW REVIEW 2397, note 198 (2020).

addition of this category of revenue to Part VIII of Form 990. Specifically, we propose that the IRS add a new line 1(h) for “testamentary contributions.” This new line 1(h) would function similarly to the existing Line 1(g), which asks for “non-cash contributions” included in lines 1(a) to 1(f). (The addition of this new line 1(h) would also require the IRS to re-number and label the current line 1(h) to become line 1(i).)

Testamentary contributions are all cash and noncash contributions received as the result of a death of an individual by any means. This includes, but is not limited to, contributions received from a last will and testament, a revocable trust instrument, an irrevocable trust instrument, charitable remainder trust, pooled income fund, or by operation of law (i.e. joint ownership or a remainder interest in an asset), by contract, by beneficiary designation pursuant to a life insurance policy, by beneficiary designation pursuant to an IRA/401k/403b or other retirement plan/account/arrangement. Testamentary contributions do not include any contributions from a donor-advised fund, private foundation, or supporting organization, even if the contribution was made as the result of a death.

The data collected from a new line 1(h) for testamentary contributions would be invaluable, not only to the charitable sector, philanthropists, allied professional advisors and researchers, but also to the IRS, Congress, and state legislatures and their respective regulatory agencies. At the federal level, this information would afford policymakers a greater understanding of the impact of recent changes to the estate tax on charitable behaviors and the true costs of allowing taxpayers to donate resources tax-free at death. It would enable better oversight of the billions of dollars donated via testamentary contributions each year to ensure taxpayers are not using testamentary giving to improperly evade taxation or benefit related entities disguised as charities.

Adding the new line would also help all interested parties gain a better understanding of the extent of “testamentary” support received across charitable sub sectors, such as health care, religious/faith-based, local social welfare agencies, higher education, and cultural/arts institutions. Having this sector-wide data would also give much needed clarity at the individual charity level regarding sources of testamentary support received by comparable charitable organizations and respective sub-sectors, allowing individual charities to better allocate resources and staff in order to receive greater testamentary support from their donors.

Data on testamentary contributions was previously more widely available in federal estate tax returns and probate court cases. However, the prevalence of non-probate transfers at death resulting from the increased popularity of revocable trusts and payable on death (“POD”)/transfer on death (“TOD”) designations, as well as the higher estate tax exemption level, makes this important data increasingly sparse for both the charitable sector and the government.

It is CGP’s strong belief that reporting testamentary contributions would not impose any significant additional tax compliance burdens on charitable organizations. The vast majority of charities already have software and systems in place that can readily track the testamentary contributions they receive. Further, smaller charities utilize Form 990-

EZ, and in order to prevent any additional burden on these organizations, CGP is not recommending any changes to this form. Therefore, we estimate the costs of providing information for the new testamentary contribution line would be nominal for covered organizations and far outweighed by the benefits of the enhanced data.

Thank you for the opportunity to provide feedback on the proposed collection of forms used by tax-exempt organizations. We hope you will consider adding a line to report testamentary contributions to the Form 990 to improve the quality and utility of the data collected and the government’s ability to engage in oversight on the charitable sector without significantly impacting the tax-exempt compliance burden or costs.

If you have any questions, I can be reached at (317) 269-6274 or mkenyon@charitablegiftplanners.org. Thank you for your consideration.

Sincerely,

Michael Kenyon
President and CEO