

FEDERATION FOR AMERICAN IMMIGRATION REFORM

FEDERATION FOR AMERICAN IMMIGRATION REFORM AND AFFILIATES

Consolidated Financial Statements and Supplementary Information

For the Year Ended December 31, 2022 (With Summarized Financial Information for the Year Ended December 31, 2021)

and Report Thereon

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INDEPENDENT AUDITORS' REPORT

To the Board of Directors of the Federation for American Immigration Reform and Affiliates

Opinion

We have audited the consolidated financial statements of Federation for American Immigration Reform (FAIR) and Affiliates (collectively referred to as FAIR and Affiliates), which comprise the consolidated statement of financial position as of December 31, 2022, and the related consolidated statements of activities, functional expenses and cash flows for the year then ended, and the related notes to the consolidated financial statements.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the consolidated financial position of FAIR and Affiliates as of December 31, 2022, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of FAIR and Affiliates and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the consolidated financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about FAIR and Affiliates' ability to continue as a going concern within one year after the date that the consolidated financial statements are available to be issued.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the consolidated financial statements.

In performing an audit in accordance with GAAS, we:

- exercise professional judgment and maintain professional skepticism throughout the audit.
- identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the consolidated financial statements.
- obtain an understanding of internal control relevant to the audit in order to design audit
 procedures that are appropriate in the circumstances, but not for the purpose of expressing
 an opinion on the effectiveness of FAIR and Affiliates' internal control. Accordingly, no such
 opinion is expressed.
- evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the consolidated financial statements.
- conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about FAIR and Affiliates' ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the consolidated financial statements as a whole. The supplementary consolidating information is presented for the purpose of additional analysis and is not a required part of the consolidated financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the consolidated financial statements. The information has been subjected to the auditing procedures applied in the audit of the consolidated financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the consolidated financial statements or to the consolidated financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the consolidated financial statements as a whole.

Summarized Comparative Information

We have previously audited FAIR and Affiliates' 2021 consolidated financial statements, and in our report dated June 7, 2022, we expressed an unmodified audit opinion on those audited financial statements. In our opinion, the summarized comparative information presented herein as of and for the year ended December 31, 2021, is consistent, in all material respects, with the audited financial statements from which it has been derived.

Washington, DC

Marcun LLP

CONSOLIDATED STATEMENT OF FINANCIAL POSITION

December 31, 2022

(With Summarized Financial Information as of December 31, 2021)

	2022	2021
ASSETS		
Current assets		
Cash and cash equivalents	\$ 10,894,126	\$ 10,161,993
Grants and contributions receivable	268,747	275,000
Prepaid expenses	86,153	41,556
Total Current Assets	11,249,026	10,478,549
Investments	20,731,760	24,817,556
Property and equipment, net	629,853	723,414
Right of use asset-operating lease	3,434,767	-
Security deposits	38,611	38,611
Other assets	214,857	66,895
TOTAL ASSETS	\$ 36,298,874	\$ 36,125,025
LIABILITIES AND NET ASSETS		
Liabilities		
Current liabilities		
Accounts payable and accrued expenses	\$ 385,558	\$ 468,963
Lease liability – operating lease, current portion	704,760	φ 400,900
	704,700	122 525
Deferred rent and lease incentive liabilities, current portion		133,525
Total Current Liabilities	1,090,318	602,488
Lease liability – operating lease, net of current portion	4,000,690	_
Deferred rent and lease incentive liabilities, net of current portion	-	1,270,683
TOTAL LIABILITIES	5,091,008	1,873,171
Net Assets		
Without donor restrictions		
Undesignated	6,811,509	9,995,121
Board-designated		
Reserve	7,664,253	7,173,135
Quasi-endowment fund	11,623,753	11,561,804
Total Without Donor Restrictions	26,099,515	28,730,060
With donor restrictions	5,108,351	5,521,794
TOTAL NET ASSETS	31,207,866	34,251,854
TOTAL LIABILITIES AND NET ASSETS	\$ 36,298,874	\$ 36,125,025

CONSOLIDATED STATEMENT OF ACTIVITIES

For the Year Ended December 31, 2022

(With Summarized Financial Information for the Year Ended December 31, 2021)

	Without Donor Restrictions	With Donor Restrictions	2022 Total	2021 Total
OPERATING REVENUE AND SUPPORT Grants	\$ 6,076,077	\$ 114,264	\$ 6,190,341	\$ 6,849,837
Contributions and bequests	4,306,971	φ 114,204 -	4,306,971	1,093,151
Investment income	841,359	50,525	891,884	1,719,614
Online marketing	96,817	-	96,817	138,565
Royalty income	1,545	_	1,545	2,373
Other income	15,185	_	15,185	12,540
Net assets released from restrictions:	,		,	•
Satisfaction of program restrictions	174,690	(174,690)		
TOTAL OPERATING				
REVENUE AND SUPPORT	11,512,644	(9,901)	11,502,743	9,816,080
EXPENSES Program Services:				
Public education	2,666,058	-	2,666,058	3,968,306
Immigration Reform Law Institute (IRLI)	2,229,102	-	2,229,102	2,327,268
State and Local / Field	912,398	-	912,398	1,108,120
Media	707,904	-	707,904	626,587
Government relations	538,692	-	538,692	614,487
Research and publications	611,842	-	611,842	571,530
Membership education and service	593,438	-	593,438	519,371
Lobbying	155,956	-	155,956	180,675
Public interest legal	27,753	-	27,753	10,799
FAIR Congressional Task Force (FCTF)	1,186	-	1,186	2,703
Total Program Services	8,444,329		8,444,329	9,929,846
Supporting Services:				
Management and general	1,419,255	-	1,419,255	1,230,389
Fundraising	579,703		579,703	534,519
Total Supporting Services	1,998,958		1,998,958	1,764,908
TOTAL EXPENSES	10,443,287		10,443,287	11,694,754
Change in net assets before unrealized gain (loss) on investments	1,069,357	(9,901)	1,059,456	(1,878,674)
NONOPERATING GAIN (LOSS) Unrealized gain (loss) on investments	(3,699,902)	(403,542)	(4,103,444)	1,296,532
CHANGE IN NET ASSETS	(2,630,545)	(413,443)	(3,043,988)	(582,142)
NET ASSETS, BEGINNING OF YEAR	28,730,060	5,521,794	34,251,854	34,833,996
NET ASSETS, END OF YEAR	\$ 26,099,515	\$ 5,108,351	\$ 31,207,866	\$ 34,251,854

CONSOLIDATED STATEMENT OF FUNCTIONAL EXPENSES

For the Year Ended December 31, 2022

(With Summarized Financial Information for the Year Ended December 31, 2021)

	Program Services					Supporting Services										
	Public Education	IRLI	State and Local / Field	Media	Government Relations	Research and Publications	Membership Education and Service	Lobbying	Public Interest Legal	FCTF	Total Program Services	Management and General	Fundraising	Total Supporting Services	2022 Total	2021 Total
Salaries	\$ 309,200	\$ 1,025,416	\$ 491,829	\$ 301,672	\$ 288,600	\$ 309,180	\$ 161,434	\$ 28,107	\$ 21,292	\$ -	\$ 2,936,730	\$ 695,522	\$ 281,072	\$ 976,594	\$ 3,913,324	\$ 4,196,353
Media advertising	1,113,259	1,084	-	67,190	-	· ,	-	-	-	· -	1,181,533	-	-	· ,	1,181,533	2,092,392
Employee benefits and payroll taxes	85,431	269,893	135,114	82,322	80,314	84,943	44,005	7,718	5,736	-	795,476	189,713	77,224	266,937	1,062,413	1,146,427
Rent	47,131	210,351	68,290	36,549	39,436	52,901	20,199	3,847	-	-	478,704	99,513	32,703	132,216	610,920	610,920
Printing and handling	309,473	12,664	5,522	3,051	3,150	4,328	95,276	49,542	-	-	483,006	6,865	54,652	61,517	544,523	467,237
Legal fees	6,202	428,383	8,661	4,474	5,435	6,497	2,542	488	-	-	462,682	10,405	4,138	14,543	477,225	680,103
Meetings	435,026	-	169	91	100	128	47	9	-	-	435,570	204	75	279	435,849	504,876
Postage and delivery	191,645	20,592	3,061	1,699	1,797	2,361	105,641	44,122	-	-	370,918	3,827	32,122	35,949	406,867	352,538
Consulting fees and part-time help	8,285	-	13,963	111,809	7,926	8,679	10,468	7,889	725	-	169,744	133,111	7,890	141,001	310,745	168,727
Taxes and insurance	23,199	97,365	33,333	17,519	19,849	25,454	9,756	1,871	-	-	228,346	45,690	15,719	61,409	289,755	287,538
Telephone and utilities	18,629	65,811	26,846	14,727	15,608	20,774	7,786	1,516	-	1,186	172,883	37,851	12,766	50,617	223,500	226,888
Publications and subscriptions	22,892	29,147	33,525	17,340	19,472	25,725	9,869	1,870	-	-	159,840	40,685	15,611	56,296	216,136	185,480
Computer services	20,500	9,210	29,472	15,755	17,504	22,534	8,516	1,655	-	-	125,146	36,824	13,805	50,629	175,775	174,794
Depreciation and amortization	16,177	8,693	23,409	12,735	13,538	18,130	6,826	1,319	-	-	100,827	29,338	11,126	40,464	141,291	147,771
Travel and entertainment	13,325	25,800	19,417	10,452	11,108	15,082	5,712	1,092	-	-	101,988	28,633	9,234	37,867	139,855	99,495
Database management	-	-	-	-	-	-	74,701	-	-	-	74,701	-	-	-	74,701	73,334
Bank charges	5,760	-	8,412	4,557	4,780	6,552	2,474	474	-	-	33,009	21,070	4,008	25,078	58,087	55,836
Direct mail list rental	31,925	17,433	-	-	-	-	-	3,800	-	-	53,158	-	2,280	2,280	55,438	47,650
Accounting fees	4,277	-	5,935	2,958	3,937	4,296	1,659	330	-	-	23,392	19,816	2,648	22,464	45,856	43,602
Caging	-	-	-	-	-	-	24,653	-	-	-	24,653	-	-	-	24,653	24,208
Office expenses	2,266	518	3,322	1,830	1,867	2,598	968	187	-	-	13,556	6,323	1,575	7,898	21,454	13,949
Membership dues	-	4,085	-	-	3,100	-	265	-	-	-	7,450	8,903	-	8,903	16,353	23,879
Equipment rental and maintenance	812	-	1,160	627	696	886	334	65	-	-	4,580	3,726	546	4,272	8,852	8,994
Employee education and training	644	2,657	958	547	475	794	307	55	-	-	6,437	1,236	509	1,745	8,182	57,263
Grants to other organizations							-				<u> </u>					4,500

TOTAL EXPENSES

\$ 2,666,058 \$ 2,229,102 \$ 912,398 \$ 707,904 \$ 538,692 \$ 611,842 \$ 593,438 \$ 155,956 \$ 27,753 \$ 1,186 \$ 8,444,329 \$ 1,419,255 \$ 579,703 \$ 1,998,958 \$ 10,443,287 \$ 11,694,754

CONSOLIDATED STATEMENT OF CASH FLOWS

For the Year Ended December 31, 2022

(With Summarized Financial Information for the Year Ended December 31, 2021)

	2022	2021
CASH FLOWS FROM OPERATING ACTIVITIES		
Change in net assets	\$ (3,043,988)	\$ (582,142)
Adjustments to reconcile change in net assets to		
net cash provided by (used in) operating activities:		
Realized gains on sales of investments	(517,812)	(1,358,869)
Unrealized loss (gain) on investments	4,103,444	(1,296,532)
Depreciation and amortization	141,291	147,771
Amortization of right of use asset – operating lease	539,249	-
Changes in assets and liabilities:		
Grants and contributions receivable	6,253	(61,556)
Prepaid expenses	(44,597)	34,654
Other assets	(147,962)	13,371
Accounts payable and accrued expenses	(83,405)	30,063
Lease liability – operating lease	(672,774)	-
Deferred rent and lease incentive liabilities	<u> </u>	(124,634)
NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES	279,699	(3,197,874)
CASH FLOWS FROM INVESTING ACTIVITIES		
Proceeds from sales of investments	37,211,145	25,423,218
Purchases of investments	(36,710,981)	(21,818,544)
Purchases of property and equipment	(47,730)	(9,521)
NET CASH PROVIDED BY INVESTING ACTIVITIES	452,434	3,595,153
NET INCREASE IN CASH AND CASH EQUIVALENTS	732,133	397,279
CASH AND CASH EQUIVALENTS, BEGINNING OF YEAR	10,161,993	9,764,714
CASH AND CASH EQUIVALENTS, END OF YEAR	\$ 10,894,126	\$ 10,161,993

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

1. Organization and Summary of Significant Accounting Policies

Organization

The Federation for American Immigration Reform (FAIR) is a District of Columbia nonprofit public interest organization working to end illegal immigration and set reasonable levels of legal immigration. FAIR funds its activities primarily through grants and contributions.

The FAIR Congressional Task Force, Inc. (FCTF) is a nonprofit organization incorporated under the laws of the District of Columbia in 1982. FCTF was organized exclusively to serve public, social and economic welfare by developing and promoting immigration policies that are consistent with the economic, social and demographic interests of the United States of America; to restrict illegal immigration into the United States of America; and to limit legal admissions into the United States of America to reasonable levels. FCTF funds its activities primarily through grants and contributions.

The Immigration Reform Law Institute (IRLI) is a District of Columbia nonprofit public charity organized to run FAIR's legal program. IRLI funds its activities primarily through grants and contributions.

Principles of Consolidation

The accompanying consolidated financial statements include the account balances and transactions of FAIR, FCTF and IRLI (collectively referred to as FAIR and Affiliates). FAIR's, FCTF's and IRLI's financial statements have been consolidated due to the presence of common control and economic interest, as required under accounting principles generally accepted in the United States of America (GAAP). All significant intercompany balances and transactions have been eliminated in consolidation.

Cash and Cash Equivalents

FAIR and Affiliates considers all demand deposit accounts and money market funds to be cash and cash equivalents.

Investments

Investments are recorded in the accompanying consolidated financial statements at fair value and consist of mutual and exchange-traded funds, fixed-income securities, and common stocks. Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date.

Purchases and sales of securities are recorded on a trade-date basis. Interest income is recorded on the accrual basis. Dividends are recorded on the ex-dividend date. Unrealized gains or losses are determined by a comparison of the fair value at the beginning and end of the reporting period.

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

1. Organization and Summary of Significant Accounting Policies (continued)

Fair Value Measurement

Accounting standards define fair value and establish a framework for measuring fair value for those assets and liabilities that are measured at fair value on a recurring basis. In accordance with the fair value measurement standards, FAIR and Affiliates has categorized its applicable financial instruments into a three-level fair value hierarchy. The fair value hierarchy gives the highest priority to quoted prices in active markets for identical assets or liabilities (Level 1) and the lowest priority to unobservable inputs (Level 3). If the inputs used to measure the financial instruments fall within different levels of the fair value hierarchy, the categorization is based upon the lowest-level input that is significant to the fair value measurement of the instrument. The applicable financial assets and liabilities are categorized below based on the inputs to the valuation techniques as follows:

Level 1 – Inputs based on quoted prices (unadjusted) in active markets for identical assets or liabilities accessible at the measurement date.

Level 2 – Inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly, such as quoted prices for similar assets or liabilities in active markets.

Level 3 – Unobservable inputs for the asset or liability, including the reporting entity's own assumptions in determining the fair value measurement.

As of and for the year ended December 31, 2022, only FAIR and Affiliates' cash equivalents and investments, as described in Note 4 of these consolidated financial statements, were measured at fair value on a recurring basis.

Property and Equipment and Related Depreciation and Amortization

Property and equipment consist of office furniture and equipment, leasehold improvements and website costs and are recorded at cost. Office furniture and equipment are depreciated over their estimated useful lives of five years using the straight-line method. Website costs are amortized over their estimated useful lives of five years using the straight-line method. Leasehold improvements are amortized over the lesser of the remaining office lease term or the estimated useful lives of the improvements. Expenditures for major repairs and improvements are capitalized; expenditures for minor repairs and maintenance costs are expensed when incurred. Property and equipment with an acquisition value of \$2,000 or more and an economic life in excess of one year are capitalized. Upon the retirement or disposal of the assets, the cost and accumulated depreciation or amortization are eliminated from the respective accounts, and the resulting gain or loss is included in operating revenue and support or expenses in the accompanying consolidated statement of activities.

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

1. Organization and Summary of Significant Accounting Policies (continued)

Net Assets

FAIR and Affiliates' net assets are reported as follows:

• Net assets without donor restrictions represent the portion of expendable funds that are available for support of FAIR and Affiliates' operations as follows:

Undesignated net assets – represent resources that are to be used for the general operations of FAIR and Affiliates.

Board-designated reserves – represent net assets without donor restriction that have been designated by the Board of Directors as operating reserves and can only be expended by action of the Board of Directors.

Board-designated quasi-endowment – represents an endowment fund established by the Board of Directors for all bequests without donor restriction contributed to FAIR and Affiliates. Investment income earned by this fund is reinvested within the fund.

 Net assets with donor restrictions represent the funds that are specifically restricted by donors for use in various programs or for use in future periods. They also represent endowment funds requiring that the gift be held in perpetuity, such that only the investment earnings can be expended by FAIR and Affiliates.

Revenue Recognition

FAIR and Affiliates recognizes revenue from grants, contributions and bequests in the year in which the promise to give becomes unconditional. Conditional promises to give – that is, those with a measurable performance or other barrier and a right of return, are not recognized until the conditions on which they depend have been met. Grants and contributions are recorded with donor restrictions if those grants and contributions are received with donor or grantor stipulations that limit the use of the donated assets. When a donor restriction expires, that is, when a stipulated time restriction ends or purpose restriction is met (i.e., funds are spent or released based on spending policy), net assets with donor restrictions are reclassified to net assets without donor restrictions and reported in the accompanying consolidated statement of activities as net assets released from restrictions.

Functional Allocation of Expenses

The costs of providing programs and activities have been summarized on a functional basis in the accompanying consolidated statement of functional expenses. Expenses directly attributed to specific functional areas are reported as expenses of those functional areas, while shared costs that benefit multiple functional areas have been allocated among the various areas in proportion to allocated salaries (program area allocation) or the amount of time spent on a particular program to total time spent by employees on all activities (office overhead allocation). Shared costs include salaries and employee benefits, as well as overhead expenses, including rent, utilities and telephone, depreciation and amortization, accounting and computer services, insurance, meetings, office expenses, printing, bank charges, and taxes.

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

1. Organization and Summary of Significant Accounting Policies (continued)

Estimates

The preparation of consolidated financial statements in conformity with GAAP requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Definition of Operations

Income from investments, including realized gains and losses on investment transactions, is considered to be revenue generated from operations. Unrealized gains or losses recognized from the change in the fair value of investments are not considered to be from operations until such time as those gains or losses are realized through investment sale transactions.

Newly Adopted Accounting Pronouncements

In February 2016, Financial Accounting Standards Board (FASB) issued Accounting Standard Update (ASU) 2016-02, Leases (FASB ASC 842), which requires lessees to put most leases on their statement of financial position. ASU 2016-02 states that a lessee would recognize a lease liability for the obligation to make lease payments and a right-of-use asset for the right to use the underlying asset for the lease term. Effective January 1, 2022, FAIR and Affiliates adopted FASB ASC 842. FAIR and Affiliates determined if an arrangement contained a lease at inception based on whether FAIR and Affiliates has the right to control the leased asset during the contract period and other facts and circumstances. FAIR and Affiliates elected the package of practical expedients permitted under the transition guidelines within the new standard, which allowed it to carryforward the historical lease classification. FAIR and Affiliates' proportionate share of the building's real estate and operating expenses are considered as variable lease payments, thus are not included in the measurement of the lease assets or liability and are recognized as variable costs when incurred. The adoption of FASB ASC 842 resulted in the recognition of a right-of-use ("ROU") asset, net of existing lease incentives and deferred rent liabilities, of \$3,974,016 and an operating lease liability of \$5,378,224 as of January 1, 2022. Results for periods beginning prior to January 1, 2022. continue to be reported in accordance with FAIR and Affiliates' historical accounting treatment. The adoption of FASB ASC 842 did not have a material impact on FAIR and Affiliates' results of operations and cash flows for the year ended December 31, 2022.

2. Grants and Contributions Receivable

As of December 31, 2022, grants and contributions receivable consisted of contributions and bequests from individuals expected to be collected in one year. All amounts were deemed to be fully collectible.

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

3. Investments

Investments, at fair value, consisted of the following at December 31, 2022:

Common stocks	\$ 9,287,906
Mutual and exchange-traded funds	6,815,578
Fixed-income securities	4,628,276
Total Investments	\$20,731,760

For the year ended December 31, 2022, investment income consisted of the following:

	Without Donor	With Donor	
	Restrictions	Restrictions	Total
Investment income, net Unrealized loss	\$ 841,359 (3,699,902)	\$ 50,525 (403,542)	\$ 891,884 (4,103,444)
Total	<u>\$ (2,858,543</u>)	<u>\$ (353,017)</u>	<u>\$ (3,211,560</u>)

4. Fair Value Measurement

The following table summarizes FAIR and Affiliates' assets measured at fair value on a recurring basis as of December 31, 2022:

	Total <u>Fair Value</u>	Quoted Prices In Active Markets for Identical Assets/ Liabilities (Level 1)	Significant Other Observable Inputs (Level 2)	Significant Unobservable Inputs (Level 3)
Assets:				
Cash equivalents:				
Money market funds	<u>\$ 2,089,244</u>	<u>\$ 2,089,244</u>	<u>\$ -</u>	<u>\$ -</u>
Investments:				
Common stocks:				
Energy	1,532,393	1,532,393	-	-
Information technology	1,416,275	1,416,275	-	-
Telecommunications	1,169,188	1,169,188	-	-
Healthcare sector	1,330,424	1,330,424	-	-
Utilities	1,179,138	1,179,138	-	-
Financial	889,106	889,106	-	-
Industrial sector	790,828	790,828	-	-
Consumer staples	602,797	602,797	-	-
Real estate	377,757	377,757		
Total Common Stocks	9,287,906	9,287,906		

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

4. Fair Value Measurement (continued)

	Total <u>Fair Value</u>	Quoted Prices In Active Markets for Identical Assets/ Liabilities (Level 1)	O Obse In	nificant other ervable puts evel 2)	Unob: In	ficant servable puts evel 3)
Assets (continued): Investments (continued): Mutual and exchange- traded funds:						
Fixed-income	\$ 1,651,922	\$ 1,651,922	\$	-	\$	-
Alternatives Equities:	1,202,970	1,202,970		-		-
Large blend	1,403,858	1,403,858		-		-
Large growth	1,688,711	1,688,711		-		-
Small blend	143,327	143,327		-		-
Medium blend	724,790	<u>724,790</u>				
Total Mutual and Exchange- Traded Funds	6,815,578	6,815,578				
Fixed-income securities: U.S. Treasury notes	4,628,276	4,628,276				
Total Investments	20,731,760	20,731,760				
Total	<u>\$22,821,004</u>	<u>\$22,821,004</u>	\$		\$	

FAIR and Affiliates used the following methods and significant assumptions to estimate fair value for assets and liabilities recorded at fair value:

Common stocks – Valued at the closing price reported in the active market in which the individual stocks are traded.

Money market, mutual and exchange-traded funds – Valued at net asset value at the closing price reported in the active market in which the mutual and exchange-traded funds are traded.

Fixed-income securities – Valued based on current yields, the securities' terms and conditions, and market activity. Information used includes market sources, credit information, observed market movement and sector news.

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

5. Property and Equipment and Accumulated Depreciation and Amortization

FAIR and Affiliates held the following property and equipment as of December 31, 2022:

Leasehold improvements	\$ 2,162,278
Office furniture and equipment	360,318
Website costs	128,230
Total Property and Equipment	2,650,826
Less: Accumulated Depreciation and Amortization	(2,020,973)
Property and Equipment, Net	<u>\$ 629,853</u>

For the year ended December 31, 2022, depreciation and amortization expense totaled \$141,291.

6. Right-of-Use Asset and Lease Liability

As discussed in Note 1, on January 1, 2022, FAIR adopted ASU 2016-02. The ROU asset represents FAIR and Affiliates' right to use the underlying asset for the lease term, and the lease liability represent FAIR and Affiliates' obligation to make lease payments arising from the lease. The ROU asset and lease liability, which arises from FAIR and Affiliates' operating lease for its headquarters office, was calculated based on the present value of the future lease payments over the lease term. As the office lease agreement did not provide an implicit rate, based on the information available at the commencement date, FAIR and Affiliates elected to use a risk-free rate. The remaining lease term as of December 31, 2022 was six years and the risk-free discount rate utilized to present value the future lease payments was 1.55%. FAIR and Affiliates' operating office lease is described below.

FAIR leases office space under a noncancelable operating lease for its Washington, D.C., office. On March 22, 2017, FAIR amended its existing office space lease, extending the lease term by 11 years with a new expiration date of December 2028. On November 1, 2019, FAIR and Affiliates further amended its existing office space lease by increasing its current space office space within the same building by 2,551 square feet, with a co-terminus expiration date with the lease term for the existing office spaces. The amended lease agreement contains a fixed escalation clause for increases in the annual minimum rent at a rate of 2.5% per year along with certain incentives consisting of rent abatements and improvement allowances. FAIR will also be required to pay for its proportionate share of operating expenses and real estate taxes.

For the year ended December 31, 2022, the total operating lease cost was \$610,920, which is included in rent expense in the accompanying consolidated statement of functional expenses. Cash paid for the operating lease for the year ended December 31, 2022 totaled \$744,445.

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

6. Right-of-Use Asset and Lease Liability (continued)

The total future minimum rental payments required under the lease agreement are as follows:

For the Year Ending December 31,	_		
2023		\$	772,705
2024			792,118
2025			811,921
2026			832,217
2027			853,006
Thereafter			874,235
Total			4,936,202
Less:	Present Value Discount		(230,752)
Lease	Liability – Operating Lease	<u>\$</u>	<u>4,705,450</u>

Concentration of Risk

Concentration of Credit Risk

FAIR and Affiliates maintains its cash and cash equivalents with certain commercial financial institutions, which aggregate balances may exceed, at times, the Federal Deposit Insurance Corporation (FDIC) insured limit of \$250,000 per depositor per institution. As of December 31, 2022, FAIR and Affiliates had approximately \$8,761,000 composed of demand deposits, which exceeded the maximum limit insured by the FDIC by approximately \$7,246,000. FAIR and Affiliates monitors the creditworthiness of these institutions and has not experienced any historical credit losses on its cash and cash equivalents.

FAIR and Affiliates also invests in various investment securities that are exposed to various risks, including market, interest rate and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of the investment securities will occur in the near term and such changes could materially affect the amounts reported in the consolidated financial statements.

Concentration of Revenue

During the year ended December 31, 2022, FAIR and Affiliates received \$8,227,704 in grants and contributions from five donors. Grants and contributions from the five donors represented approximately 72% of the total operating revenue and support recognized by FAIR and Affiliates for the year ended December 31, 2022. If a significant reduction in funding from these donors were to occur, it might adversely impact FAIR and Affiliates' financial position and ability to carry out its program activities.

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

8. Board-Designated Reserve

The Boards of Directors of FAIR and IRLI have adopted resolutions to designate certain net assets as reserve funds. These funds can to be drawn upon to fund FAIR's and IRLI's operations in time of need, as approved by their Boards of Directors. In accordance with these resolutions, FAIR and IRLI transfer funds from general operations to the board-designated reserve fund in an amount equal to 5% of all contributions without donor restrictions that are greater than \$50,000 and \$20,000, respectively. All investment income accumulates in the funds. FAIR's and IRLI's board-designated reserve net asset balances totaled \$5,140,810 and \$2,523,443, respectively, as of December 31, 2022.

FAIR's Board of Directors has authorized a \$100,000 revolving line of credit against the board-designated reserve funds that is intended to allow FAIR's management to bridge shortfalls in operating revenue without the Board of Directors' approval. Any borrowings from the reserve fund in excess of \$100,000 require approval from FAIR's Board of Directors. There were no borrowings or repayments during the year ended December 31, 2022, and there was no outstanding balance as of December 31, 2022.

9. Net Assets

Without Donor Restrictions

Net assets without donor restrictions that remained as of December 31, 2022, were made up of the following balances:

Undesignated	<u>\$ 6,811,509</u>
Board-designated	
Reserve fund	7,664,253
Swensrud Memorial Endowment fund	<u>11,623,753</u>
Total Board-Designated	19,288,006
Total Net Assets Without Donor Restrictions	\$ 26 099 515

With Donor Restrictions

Net assets with donor restrictions that remained as of December 31, 2022, were available for the following purposes or period:

Subject to expenditure for specified purpose: Public education Swensrud Memorial Internship program	\$	1,096,946 90,066
Total Purpose-Restricted		1,187,012
Subject to occurrence of passage of time: Time-restricted for board appropriation		1,390,015
Subject to be held in perpetuity: Swensrud Endowment Fund	_	2,531,324
Total Net Assets With Donor Restrictions	\$	5,108,351

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

10. Endowment Funds

FAIR's Board of Directors has interpreted the District of Columbia's Uniform Prudent Management of Institutional Funds Act (UPMIFA) as requiring the preservation of the fair value of the original gift as of the gift date of the donor-restricted endowment funds, absent explicit donor stipulations to the contrary. As a result of this interpretation, FAIR classifies as perpetual endowment funds (a) the original value of gifts donated to the perpetual endowment, (b) the original value of subsequent gifts to the perpetual endowment, and (c) accumulations to the perpetual endowment made in accordance with the direction of the applicable donor gift instrument at the time the accumulation is added to the fund. The remaining portion of the donor-restricted endowment fund that is not classified in perpetual endowment funds is classified as net assets with donor-imposed purpose restrictions until those amounts are appropriated for expenditure by FAIR in a manner consistent with the standard of prudence prescribed by UPMIFA. In accordance with UPMIFA, FAIR considers the following factors in making a determination to appropriate or accumulate donor-restricted endowment funds:

- The duration and preservation of the funds.
- The purposes of FAIR and the donor-restricted endowment funds.
- General economic conditions.
- The possible effect of inflation and deflation.
- The expected total return from income and the appreciation of investments.
- Other resources of FAIR.
- The investment policies of FAIR.

Return Objectives and Risk Parameters

FAIR has adopted investment and spending policies for endowment assets that attempt to provide a predictable stream of funding to programs supported by its endowment while seeking to maintain the purchasing power of the endowment assets. Endowment assets include those assets of donor-restricted funds that FAIR must hold in perpetuity or for donor-specified periods, as well as board-designated funds. Under these policies, as approved by the Board of Directors, the endowment assets are invested in funds to achieve growth in principal value and income over time sufficient to preserve or increase the purchasing power of the funds, thus protecting the funds against inflation. Actual returns in any given year may vary.

Strategies Employed for Achieving Objectives

To satisfy FAIR's long-term rate-of-return objectives, FAIR relies on a total return strategy in which investment returns are achieved through both capital appreciation (realized and unrealized) and current yield (interest and dividends). FAIR's current asset allocation for board-designated and endowment funds targets a composition of 30% fixed income (with a range of 20-50%), 10% money market funds (with a range of 0-15%) and 60% stocks (with a range of 20-65%).

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

10. Endowment Funds (continued)

Spending Policy and How the Investment Objectives Relate to Spending Policy

Excluding the Swensrud Memorial Internship Fund, FAIR's endowment spending policy takes the average combined value of the endowment fund during the previous 10 quarters, and calculates 5% annually of the rolling amount for release into current operations. Expenditures from the Swensrud Memorial Internship Fund are released from restrictions as the scholarships are awarded, in accordance with donor stipulations. If an endowment fund has a deficiency, the Board of Directors has the discretion to forgo any appropriation from that fund until the fund deficiency is replenished. In establishing this policy, FAIR considered the long-term expected return on its endowment. This is consistent with FAIR's objective to maintain the purchasing power of the endowment assets for a specified term, as well as to provide additional real growth through investment returns.

Funds with Deficiencies

From time to time, the fair value of assets associated with an individual donor-restricted endowment fund may fall below the level that the donor or UPMIFA requires FAIR to retain as a fund of perpetual duration. It's FAIR's interpretation and policy under UPMIFA that it has the ability and will continue to spend from underwater funds. There were no such deficiencies as of December 31, 2022.

Composition and Activity of Endowment Funds by Net Asset Category

The endowment's net asset composition by type of fund is as follows as of December 31, 2022:

	Without		
	Donor	With Donor	
	Restrictions	Restrictions	Total
Board-designated funds	\$11,623,753	\$ -	\$11,623,753
Donor-restricted funds:			
Historical gift value	-	2,531,324	2,531,324
Appreciation		1,480,081	<u>1,480,081</u>
Total Funds	<u>\$11,623,753</u>	<u>\$ 4,011,405</u>	<u>\$ 15,635,158</u>

Changes in endowment net assets are as follows for the year ended December 31, 2022:

	Without Donor Restriction	With Donor Restriction	Total
Endowment net assets, January 1, 2022	\$ 11,561,804	\$ 4,392,311	\$ 15,954,115
Investment return Contributions Appropriations:	(1,612,400) 2,390,053	(353,017)	(1,965,417) 2,390,053
Internship Spending policy	- <u>(715,704</u>)	(27,889)	(27,889) <u>(715,704</u>)
Endowment Net Assets December 31, 2022	<u>\$ 11,623,753</u>	<u>\$ 4,011,405</u>	<u>\$ 15,635,158</u>

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

10. Endowment Funds (continued)

Net Assets With Donor Restrictions

Perpetual Endowment Funds:

Swensrud Endowment Fund	\$ 2,427,571
Swensrud Memorial Internship Fund	<u>103,753</u>

The portion of perpetual endowment funds that is required to be retained permanently, either by explicit donor stipulation or by UPMIFA \$ 2,531,324

Endowment Funds With Donor-Imposed Purpose Restrictions:

The portion of endowment funds subject to a purpose restriction under UPMIFA:

With purpose restrictions	\$ 90,066
Funds awaiting board appropriation	 1,390,015

\$ 1,480,081

Total Endowment Funds With
Donor-Imposed Purpose Restrictions

11. Savings Plans

FAIR sponsors a contributory tax-deferred savings plan for eligible employees whereby FAIR matches contributions for employees who meet certain length of service requirements. Under the terms of the plan, FAIR matches participants' contributions on a one-for-one basis up to a maximum of 2.5% of the gross salaries for employees who have one to three years of eligible service. After an employee reaches three years of eligible service, FAIR's contribution increases to a maximum of 5%, and after five years of service, a maximum of 7.5%, eligible employees must contribute a minimum of 2.5% of their gross salaries in order to participate in the employer match. FAIR and Affiliates' plan contributions totaled \$185,372 for the year ended December 31, 2022, and are included in employee benefits and payroll taxes in the accompanying consolidated statement of functional expenses.

FAIR has also established a deferred compensation plan for certain key employees. The deferred compensation plan is intended to be a nonqualified deferred compensation plan that is governed by Section 457(b) of the Internal Revenue Code (the IRC). FAIR's deferred compensation plan contributions totaled \$3,537 for the year ended December 31, 2022, and are included in employee benefits and payroll taxes in the accompanying consolidated statement of functional expenses. As of December 31, 2022, the deferred compensation plan assets and liabilities totaled \$52,932 and are included in other assets and accounts payable and accrued expenses, respectively, in the accompanying consolidated statement of financial position.

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

12. Allocation of Joint Costs

During the year ended December 31, 2022, FAIR and Affiliates incurred joint costs of \$671,037 for informational materials and activities, which included fundraising appeals. Of these costs, \$81,643 was allocated to fundraising expenses and \$589,394 was allocated to program service expenses in the accompanying consolidated statement of functional expenses.

13. Availability and Liquidity

FAIR and Affiliates' financial assets available within one year of the consolidated statement of financial position for general expenditure are as follows:

Financial assets available at year-end:

Cash and cash equivalents, without donor or board restrictions \$ 6,080,966 Investments, without donor or board restrictions \$ 1,483,217

\$ 7,564,183

Financial Assets Available to Meet General Expenditures Over the Next 12 Months

FAIR and Affiliates' liquid assets have fluctuations during the year due to timing of contributions and as part of FAIR and Affiliates' liquidity management, it has a policy to structure its financials assets to be available as its general expenditures, liabilities and other obligations come due. As part of its liquidity plan, excess operating cash is invested in short-term, low-risk investments. In addition, FAIR's Board of Directors has authorized a \$100,000 revolving line of credit against the board-designated reserve funds that is intended to allow FAIR's management to bridge shortfalls in operating revenue which is described in Note 8 above, and it also has an endowment spending policy that allows for 5% annual release in the current year operations to fund general expenditures which is described in Note 10.

For purposes of analyzing resources available to meet general expenditures over a 12-month period, FAIR and Affiliates considers all expenditures related to its ongoing activities of media advertising, public education, research and publications, lobbying, and public interest legal as well as the conduct of services undertaken to support those activities to be general expenditures. Investments related to executive deferred compensation are not included in the analysis as the principal and interest on these investments are solely for the executive, and therefore, not available to meet current operating needs.

14. Income Taxes

FAIR, FCTF and IRLI are exempt from the payment of income taxes under Sections 501(c)(3), 501(c)(4) and 501(c)(3) of the IRC, respectively. As such, these organizations are taxed only on their net unrelated business income. In addition, FAIR has filed an election under IRC Section 501(h), which permits FAIR to engage in a limited amount of legislative lobbying. No provision for income taxes has been made in the accompanying consolidated financial statements for the year ended December 31, 2022, as there was no significant net unrelated business income or excess lobbying expenditures.

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS For the Year Ended December 31, 2022

14. Income Taxes (continued)

FAIR and Affiliates adopted the authoritative guidance relating to accounting for uncertainty in income taxes included in FASB Accounting Standards Codification Topic 740, *Income Taxes*. FAIR and Affiliates performed an evaluation of uncertainty in income taxes for the year ended December 31, 2022, and determined that there were no matters that would require recognition in the consolidated financial statements or that may have any effect on its tax-exempt status.

U.S. federal jurisdiction and/or the various states and local jurisdictions in which FAIR and Affiliates files tax returns are open for examination pending or in progress. FAIR and Affiliates are not currently under audit by the U.S. Internal Revenue Service. It is FAIR and Affiliates' policy to recognize interest and penalties related to uncertainty in income taxes, if any, in income tax or interest expense. As of December 31, 2022, FAIR and Affiliates had no accruals for interest and/or penalties.

15. Prior Year Summarized Financial Information

The accompanying consolidated financial statements include certain prior year summarized comparative information in total, but not by net asset class. Such information does not include sufficient detail to constitute a presentation in conformity with GAAP. Accordingly, such information should be read in conjunction with FAIR and Affiliates' consolidated financial statements for the year ended December 31, 2021, from which the summarized information was derived.

16. Reclassification

Certain 2021 amounts have been reclassified to conform to 2022 financial statement presentation.

17. Subsequent Events

In preparing these consolidated financial statements, FAIR and Affiliates has evaluated events and transactions, for potential recognition or disclosure, through June 15, 2023, the date the consolidated financial statements were available to be issued and there were no other subsequent events required to be reported.



CONSOLIDATING SCHEDULE OF FINANCIAL POSITION December 31, 2022

	FAIR		FCTF		<u>IRLI</u>		Eliminations		Total	
ASSETS										
Current assets					_		_		_	
Cash and cash equivalents	\$ 6	,780,428	\$	319,317	\$	3,794,381	\$	-	\$	10,894,126
Grants and contributions receivable, net		268,747		-		-		- (404.050)		268,747
Affiliate receivable		104,956		-		-		(104,956)		-
Prepaid expenses		80,853				5,300				86,153
Total Current Assets	7	,234,984		319,317		3,799,681		(104,956)		11,249,026
Investments	18	,524,923		-		2,206,837		-		20,731,760
Property and equipment, net		607,381		-		22,472		-		629,853
Right of use asset – operating lease	3	,434,767		-		-		-		3,434,767
Security deposits		38,611		-		-		-		38,611
Other assets		214,857								214,857
TOTAL ASSETS	\$ 30	,055,523	\$	319,317	\$	6,028,990	\$	(104,956)	\$	36,298,874
LIABILITIES AND NET ASSETS Liabilities										
Current liabilities										
Accounts payable and accrued expenses	\$	319,484	\$	-	\$	66,074	\$	-	\$	385,558
Affiliate payable		-		2,258		102,698		(104,956)		-
Lease liability – operating lease, current		704,760		-		-				704,760
Total Current Liabilities	1	,024,244		2,258		168,772		(104,956)		1,090,318
Lease liability – operating lease, net of current	4	,000,690								4,000,690
TOTAL LIABILITIES	5	,024,934		2,258		168,772		(104,956)		5,091,008
Net Assets										
Without donor restrictions	19	,922,238		317,059		5,860,218		_		26,099,515
With donor restrictions		,108,351		_		-		_		5,108,351
		, ,								, ,
TOTAL NET ASSETS	25	,030,589		317,059		5,860,218		-		31,207,866
TOTAL LIABILITIES										
AND NET ASSETS	\$ 30	,055,523	\$	319,317	\$	6,028,990	\$	(104,956)	\$	36,298,874

CONSOLIDATING SCHEDULE OF ACTIVITIES For the Year Ended December 31, 2022

	FAIR	FCTF	IRLI	Eliminations	Total
OPERATING REVENUE AND SUPPORT	ф 0.04 <i>Г</i> 704	Ф 400 440	Ф 0.074.400	ф (400 000)	Ф 0.400.244
Grants	\$ 3,815,734	\$ 100,119	\$ 2,374,488	\$ (100,000)	\$ 6,190,341
Contributions and bequests	3,274,169	-	1,032,802	-	4,306,971
Investment income, net	885,134	25	6,725	-	891,884
Online marketing	96,817	-	-	-	96,817
Royalty income	1,545	-	14 500	(446.700)	1,545
Other income	117,475	-	14,500	(116,790)	15,185
TOTAL OPERATING					
REVENUE AND SUPPORT	8,190,874	100,144	3,428,515	(216,790)	11,502,743
EXPENSES					
Program Services:					
Public education	2,666,058	_	_	_	2,666,058
Immigration Reform Law Institute (IRLI)	2,000,000	_	2,229,102	_	2,229,102
State and Local / Field	912,398	_	2,220,102	_	912,398
Media	707,904	_	_	_	707,904
Government relations	538,692	_	_	_	538,692
Research and publications	611,842	_	_	_	611,842
Membership education and service	593,438	_	_	_	593,438
Lobbying	255,956	_	_	(100,000)	155,956
Public interest legal	27,753	_	_	(100,000)	27,753
FAIR Congressional Task Force (FCTF)	21,100	1,186	_	_	1,186
1 Airt Gongressional Task Force (FOTF)		1,100			1,100
Total Program Services	6,314,041	1,186	2,229,102	(100,000)	8,444,329
Supporting Services:					
Management and general	1,145,486	3,467	387,092	(116,790)	1,419,255
Fundraising	576,462	<u> </u>	3,241		579,703
				(110 = 00)	
Total Supporting Services	1,721,948	3,467	390,333	(116,790)	1,998,958
TOTAL EXPENSES	8,035,989	4,653	2,619,435	(216,790)	10,443,287
Change in net assets before unrealized					
gain on investments	154,885	95,491	809,080	_	1,059,456
gam on invocational	101,000	00,401	000,000		1,000,100
NONOPERATING INCOME					
Unrealized loss on investments	(3,975,913)		(127,531)		(4,103,444)
CHANGE IN NET ASSETS	(3,821,028)	95,491	681,549	_	(3,043,988)
5	(0,021,020)	55,451	001,040		(3,545,555)
NET ASSETS, BEGINNING OF YEAR	28,851,617	221,568	5,178,669		34,251,854
NET ASSETS, END OF YEAR	\$ 25,030,589	\$ 317,059	\$ 5,860,218	\$ -	\$ 31,207,866