EISNER AMPER

NATIONAL CENTER ON PHILANTHROPY AND THE LAW, INC. (a wholly controlled entity)

FINANCIAL STATEMENTS

AUGUST 31, 2022 and 2021



NATIONAL CENTER ON PHILANTHROPY AND THE LAW, INC. (a wholly controlled entity)

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INDEPENDENT ACCOUNTANTS' REVIEW REPORT

Board of Directors National Center on Philanthropy and the Law, Inc.

We have reviewed the accompanying financial statements of the National Center on Philanthropy and the Law, Inc. (a wholly controlled entity) (the "Center"), which comprise the statements of financial position as of August 31, 2022 and 2021, and the related statements of activities, functional expenses, and cash flows for each of the years then ended, and the related notes to the financial statements. A review includes primarily applying analytical procedures to management's financial data and making inquiries of the Center's management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management's Responsibility for the Financial Statements

The Center's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes 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.

Accountants' Responsibility

Our responsibility is to conduct the review engagements in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. Those standards require us to perform procedures to obtain limited assurance as a basis for reporting whether we are aware of any material modifications that should be made to the financial statements for them to be in accordance with accounting principles generally accepted in the United States of America. We believe that the results of our procedures provide a reasonable basis for our conclusion.

We are required to be independent of the National Center on Philanthropy and the Law, Inc. and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our review.

Accountants' Conclusion

Eisner Amper LLP

Based on our reviews, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in accordance with accounting principles generally accepted in the United States of America.

EISNERAMPER LLP New York, New York

May 1, 2023



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(a wholly controlled entity)

Statements of Financial Position

(See independent accountants' review report and notes to the financial statements.)

		Augus	st 31,
		2022	2021
ASSETS			
Due from investment manager and accrued income	\$	570,636	\$ 40,002
Investments (see Note B)		7.622.060	9,072,977
	<u>\$</u>	8,192,696	\$ 9,112,979
LIABILITIES AND NET ASSETS			
Liabilities:			
Due to New York University	\$	682,520	
Accrued expenses		18.000	18,000
		700,520	<u>176,076</u>
Net assets:			
Without donor restrictions		4.568.304	5,601,826
With donor restrictions: (see Note F)			
Perpetual in nature		2,285,400	
Purpose and time restricted		638.472	1,049,677
Total net assets with donor restrictions		2.923.872	3,335,077
Total net assets		7,492,176	8,936,903
		0.400.000	.
	<u>\$</u>	<u>8,192,696</u>	\$ 9,112,979

NATIONAL CENTER ON PHILANTHROPY AND THE LAW, INC. (a wholly controlled entity)

Statements of Activities

(See independent accountants' review report and notes to the financial statements.)

	Year Ended August 31,						
		2022					
	Without Donor Restrictions	With Donor Restrictions	Total	Without Donor Restrictions	With Donor Restrictions	Total	
Support and revenue:							
Contributions	\$ 6,250	\$ 30,000	\$ 36,250	\$ 3,500	\$ 120,487	\$ 123,987	
Investment earnings, net	87,598	32,944	120,542	12,811	5,258	18,069	
Net realized and unrealized (losses) gains on investments	(756,368)	(284,457)	(1,040,825)	1,074,701	441,097	1,515,798	
Other income (see Note A[8]ii)	290.000		290.000	290,000		290,000	
Support and revenue before net assets released from restrictions Net assets released from restrictions	(372,520) 189.692	(221,513) (189.692)	(594,033)	1,381,012 775,806	566,842 (775,806)	1,947,854	
Net assets released from restrictions	109.092	(109.092)			(773,000)		
Total support and revenue	(182.828)	(411.205)	(594.033)	2,156,818	(208,964)	1,947,854	
Expenses:							
Program services	716.562		716.562	718,197		718,197	
Supporting services:							
General and administrative	67,005	-	67,005	84,313	-	84,313	
Fundraising	67.127		67.127	65,272		65,272	
Total supporting services	134.132		134.132	149,585		149,585	
Total expenses	850.694		850.694	867,782		867,782	
Change in net assets	(1,033,522)	(411,205)	(1,444,727)	1,289,036	(208,964)	1,080,072	
Net assets - September 1	5.601.826	3.335.077	8.936.903	4,312,790	3,544,041	7,856,831	
Net assets - August 31	<u>\$ 4,568,304</u>	<u>\$ 2,923,872</u>	<u>\$ 7,492,176</u>	<u>\$ 5,601,826</u>	\$ 3,335,077	\$ 8,936,903	

(a wholly controlled entity)

Statement of Functional Expenses Year Ended August 31, 2022

(with summarized financial information for 2021)

(See independent accountants' review report and notes to the financial statements.)

		Program ervices:		Supporting Services:				Total E	xpe	nses
	Edu	esearch and ucation on ilanthropy		neral and ninistrative	Fu	ndraising		2022		2021
Salaries	\$	433,248	\$	33,856	\$	47,199	\$	514,303	\$	501,006
Employee benefits		63,803	.	5,317	Ť	6,836		75,956	Ť	70,992
Pension contributions		41,180		3,432		4,412		49,024		48,663
Payroll taxes		26,781		2,232		2,869		31,882		33,152
Professional fees		-		, <u>-</u>		-		_		163
Accounting		-		18,000		-		18,000		36,500
Library services		11,694		-		-		11,694		11,614
Books and periodicals Office supplies and		17,581		-		-		17,581		38,198
equipment		1,555		121		169		1,845		1,220
Postage		64		5		7		76		57
Stationery and printing		3,999		-		-		3,999		2,171
Meals and meetings		2,097		-		-		2,097		263
Information technology services		4,926		385		537		5,848		5,807
Rent		46,796		3,657		5,098		55,551		55,166
Memberships		3,028		-		-		3,028		3,163
Fellowships		59.810		<u> </u>		<u> </u>		59.810		59,647
Total expenses	<u>\$</u>	716,562	<u>\$</u>	<u>67,005</u>	<u>\$</u>	67,127	<u>\$</u>	850,694	<u>\$</u>	867,782

(a wholly controlled entity)

Statement of Functional Expenses Year Ended August 31, 2021

Year Ended August 31, 2021 (See independent accountants' review report and notes to the financial statements.)

		Program Services:			rvices:			
	Ed	search and ucation on ilanthropy		General and Administrative	<u>_</u> F	undraising		Total Expenses
Salaries	\$	422,311	\$	32,870	\$	45,825	\$	501,006
Employee benefits	Ψ	59,633	Ψ	4,969	Ψ	6,390	Ť	70,992
Pension contributions		40,877		3,406		4,380		48,663
Payroll taxes		27,848		2,321		2,983		33,152
Professional fees		-		163		-		163
Accounting		-		36,500		-		36,500
Library services		11,614		-		-		11,614
Books and periodicals		38,198		-		-		38,198
Office supplies and equipment		1,028		80		112		1,220
Postage		48		4		5		57
Stationery and printing		2,171		-		-		2,171
Meals and meetings		263		-		-		263
Information technology services		4,895		381		531		5,807
Rent		46,501		3,619		5,046		55,166
Memberships		3,163		-		-		3,163
Fellowships		59,647	_			<u>-</u>		59,647
Total expenses	\$	718,197	\$	84,313	\$	65,272	\$	867,782

(a wholly controlled entity)

Statements of Cash Flows

(See independent accountants' review report and notes to the financial statements)

	Year Ended A	August 31,	
	2022	2021	
Cash flows from operating activities:			
Change in net assets	\$ (1,444,727) \$	1,080,072	
Adjustments to reconcile change in net assets to net cash used in			
operating activities:			
Unrealized losses (gains) on investments	1,959,390	(1,455,408)	
Realized gains on sales of investments	(918,565)	(60,390)	
Changes in:			
Contributions receivable, net	-	579,513	
Due from investment manager and accrued income	(530,634)	(39,999)	
Due to New York University	524,444	(134,219)	
Accrued expenses		8,500	
Net cash used in operating activities	(410.092)	(21,931)	
Cash flows from investing activities:			
Purchases of investments	(624,271)	(97,582)	
Proceeds from sales of investments	1.034.363	99,513	
Net cash provided by investing activities	410.092	1,931	
Decrease in cash and cash equivalents	-	(20,000)	
Cash and cash equivalents at beginning of year	<u>-</u>	20,000	
Cash and cash equivalents at end of year	<u>s -</u> <u>\$</u>		

(a wholly controlled entity)

Notes to Financial Statements August 31, 2022 and 2021 (See independent accountants' review report)

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

[1] Organization:

The National Center for Philanthropy and the Law, Inc. (the "Center") was incorporated in New York in July 1996. The Center operates exclusively for charitable and educational purposes, including the promotion, encouragement, and sponsorship of study, research, and other educational activities in the area of philanthropy and the law. The Center achieves its purpose by (i) conducting or supporting activities for the benefit of New York University (the "University"), (ii) performing various functions of the University, and (iii) carrying out the purposes of the University. Members of the Board of Directors of the Center are appointed by the New York University School of Law Foundation and, accordingly, the Center is a wholly controlled entity of the University.

As a wholly controlled entity of the University, the Center has been determined by the Internal Revenue Service to qualify as a Type I supporting organization under Section 509(a)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), is exempt under 501(c)(3) of the Code from federal income taxes, and has been classified as an organization that is not a private foundation under Section 509(a) of the Code. In addition, the Center is exempt from state and local income taxes under comparable laws. The Center qualifies for the maximum charitable contribution deduction by donors.

[2] Basis of accounting:

The financial statements of the Center have been prepared using the accrual basis of accounting and conform to accounting principles generally accepted in the United States of America ("U.S. GAAP"), as applicable to not-for-profit entities.

[3] Use of estimates:

The preparation of financial statements in conformity with U.S. GAAP requires management to make estimates and assumptions that affect the reported amount of assets, liabilities, support and revenue, and expenses, as well as the disclosure of contingent assets and liabilities. Actual results could differ from those estimates.

[4] Cash and cash equivalents/due to New York University:

Cash and cash equivalents include all highly liquid debt instruments with a maturity of three months or less when purchased. As of August 31, 2022 and 2021, the Center had a liability to the University for \$682,520 and \$158,076, respectively.

[5] Due from investment managers and accrued income:

From time-to-time, investment transactions may be initiated prior to year-end, but may not be settled until the following year. Accordingly, amounts to be received by the Center are reported as "due from investment manager and accrued income" in the accompanying statements of financial position.

[6] Investments:

Investments comprise mutual funds and a money-market account. The multi-asset mutual fund consists of underlying investments with readily determinable fair values, such as global stocks and commodities. Additionally, the Center invests in debt-based mutual funds. All mutual funds are reported at fair value as of fiscal year-end in the statements of financial position.

(a wholly controlled entity)

Notes to Financial Statements
August 31, 2022 and 2021
(See independent accountants' review report)

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

[6] Investments: (continued)

Investment transactions are recorded on a trade-date basis. Realized gains and losses on investments sold, and unrealized appreciation and depreciation on investments held, are reported in the statements of activities as increases and decreases in net assets without restrictions unless their use is restricted through donor stipulations. Realized gains and losses on investments are determined by comparison of the cost at acquisition to proceeds at the time of disposition. Unrealized gains and losses on investments are determined by comparing each investment's cost to the fair value at fiscal year-end. Investment expenses include the services of bank trustees, investment managers and custodians. The balance of investment management fees disclosed in Note B are those specific fees charged by the Center's investment managers in the fiscal year; however, they do not include those fees that are embedded in mutual fund transactions.

[7] Net assets:

(i) Net Assets Without Donor Restrictions:

Net assets without donor restrictions are the remaining net assets of the Center that are used to carry out the Center's mission and are not subject to donor-imposed restrictions.

(ii) Net Assets With Donor Restrictions:

Net assets with donor restrictions represent those resources that are subject to donor-imposed restrictions, such as specific purposes and/or a specific period of time. Some donor-imposed restrictions are perpetual in nature, where the donor stipulates that resources be maintained permanently. These resources, as well as the earnings thereon, are subject to the requirements of the New York Prudent Management of Institutional Funds Act ("NYPMIFA"). The purposes for which the income and net capital appreciation arising from underlying assets may be used depend on the wishes of those donors.

Net assets released from restrictions represent one of the following: (i) appropriations for expenditure by the Board of Directors; (ii) the satisfaction of the restricted purposes specified by the donors; or (iii) the passage of time, and are reclassified as net assets without donor restrictions and are reported in the statements of activities as net assets released from restriction.

[8] Revenue recognition:

(i) Contributions:

Unconditional promises to contribute to the Center are recognized as revenue in the period the promise is received. Conditional contributions are recognized when the donor's conditions have been met by requisite actions of the Center's management or necessary events have taken place. Contributions receivable not expected to be collected within a year are reported at their discounted present values, at a rate commensurate with the risk involved.

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Notes to Financial Statements
August 31, 2022 and 2021
(See independent accountants' review report)

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

[8] Revenue recognition: (continued)

(ii) Other income:

Included in other income is financial support from the University, based on a matching agreement as further described in Note E.

In addition, in certain years other income may include income received from the Nonprofit Forum program. During fiscal-year 2016, the Nonprofit Forum became a program of the Center. The funds contributed for this program are included in net assets with donor restrictions and released upon expenditure in satisfaction of the program's activities. The funds are deposited within the operating cash account held by the University. The Nonprofit Forum is a group of approximately two dozen academics and lawyers, specializing in legal issues affecting not-for-profit organizations, who meet five times each year to present and discuss prepared papers on nonprofit legal topics. This is a self-sustaining program whereby the contributions received cover all related programmatic costs and, accordingly, these funds were fully expended during each fiscal year. In fiscal-years 2022 and 2021, there were no revenues related to the program. If the program were to be discontinued, the Center's annual revenues would continue to support its main program.

[9] Functional allocation of expenses:

The costs of providing the various programs and supporting services have been summarized on a functional basis in the statements of activities. The statements of functional expenses presents expenses by functional and natural classification. Natural expenses attributable to more than one functional expense category are allocated by management based on time and effort.

[10] Income taxes:

The Center is subject to the provisions of the Financial Accounting Standards Board's (the "FASB") Accounting Standards Codification ("ASC") Topic 740, *Income Taxes*, as it relates to accounting and reporting for uncertainty in income taxes. Because of the Center's general tax-exempt status, management believes ASC Topic 740 has not had, and is not anticipated to have, a material impact on the Center's financial statements.

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Notes to Financial Statements August 31, 2022 and 2021

(See independent accountants' review report)

NOTE B - INVESTMENTS

At each fiscal year-end, investments at fair value consisted of the following:

		Augu	st 31,
		2022	2021
Money-market fund	\$	382,470	\$ 341,605
Mutual funds	_	7,239,590	8,731,372
	<u>\$</u>	7,622,060	\$ 9,072,977

At each fiscal year-end, investment earnings consisted of the following:

	Augu	ıst 31,
	2022	2021
Interest and dividends	\$ 126,189	\$ 20,598
Realized gains	918,565	60,390
Unrealized (losses) gains	(1,959,390)	<u>1,455,408</u>
	(914,636)	1,536,396
Investment fees	(5,647)	(2,529)
Net investment income	<u>\$ (920,283)</u>	\$ 1,533,867

Authoritative guidance for fair-value measurements, ASC Topic 820, *Fair Value Measurement*, establishes a hierarchy of valuation methodologies based on the extent to which asset valuations are observable in the marketplace. The following describes the hierarchy of methodologies used to measure fair value of investments:

Fair value for Level 1 is based on quoted prices in actively traded markets that the Center has the ability to access for identical assets. Market price data is generally obtained from exchange or dealer markets. The Center does not adjust the quoted price for such assets.

Fair value for Level 2 is based on quoted prices for instruments similar to those held by the Center in actively traded, markets, quoted prices for identical instruments held by the Center in markets that are not actively traded and model-based valuation techniques for which all significant assumptions are observable in the market or can be corroborated by observable market data. Inputs are obtained from various sources, including market participants, dealers, and brokers.

Fair value for Level 3 is based on valuation techniques used to assess prices that are unobservable, as the assets trade infrequently or not at all.

The availability of observable market data is monitored to assess the appropriate classification of financial instruments within the fair-value hierarchy. Changes in economic conditions or valuation techniques may require the transfer of financial instruments from one level to another. In such instances, the transfer is reported at the beginning of the reporting period.

The Center's investments at August 31, 2022 and 2021 were all considered to be in Level 1.

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Notes to Financial Statements August 31, 2022 and 2021

(See independent accountants' review report)

NOTE C - CONCENTRATION OF REVENUE

Approximately 89% and 70% of the Center's total support was provided by one donor during fiscal years 2022 and 2021, respectively. Due to the Center's history of receiving contributions from various donors annually, the Center is not solely reliant on any particular donor.

NOTE D - RETIREMENT PLAN

The employees of the University who are affiliated with the Center participate in an Internal Revenue Service Section 403(b) defined-contribution plan with the University. Retirement plan costs charged to operations were \$49,024 and \$48,663 for fiscal-years 2022 and 2021, respectively.

NOTE E - RELATED-PARTY TRANSACTIONS

The Center rents a furnished office from the University, and utilizes various services of the University's School of Law, including library resources and computer technology. The Center reimburses the University for the costs of the office and related services, as well as for the compensation of Center employees who are paid directly by the University. The University also provides the Center with some immaterial administrative support. In addition, the Center receives financial support from the University, based on a matching agreement, the amount of which was \$290,000 in each of the fiscal-years 2022 and 2021, and which is included as other income in the accompanying statements of activities.

NOTE F - NET ASSETS WITH DONOR RESTRICTIONS

At each fiscal year-end, net assets with donor restrictions were associated with the following:

		August 31,			
		2022	2021		
Perpetual in nature:					
Professorship	\$	2,000,000	\$ 2,000,000		
Other - general activities		285,400	285,400		
Total perpetual in nature		2,285,400	2,285,400		
Purpose restrictions:					
Scholarships and fellowships		250,216	280,026		
Conferences		125,585	125,585		
Scientific, literary, and education efforts		639	639		
Professorship		262,032	643,427		
Total purpose and time restricted		638,472	1,049,677		
	<u>\$</u>	2,923,872	\$ 3,335,077		

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Notes to Financial Statements August 31, 2022 and 2021

(See independent accountants' review report)

NOTE F - NET ASSETS WITH DONOR RESTRICTIONS (CONTINUED)

During each fiscal year, net assets released from restrictions as the result of satisfying donor restrictions were as follows:

		August 31,				
		2022		2021		
Purpose restrictions satisfied:						
Scholarships and fellowships	\$	59,810	\$	59,647		
Professorship		129,882		116,159		
Time restrictions satisfied				600,000		
	<u>\$</u>	189,692	\$	775,806		

NOTE G - ENDOWMENT

[1] The endowment:

The Center's endowment consists entirely of donor-restricted funds, of which \$2,000,000 was established for the purpose of a professorship and the balance was established to fund general activities. The Center does not have any funds designated by the Board of Directors to function as endowment.

[2] Interpretation of relevant law:

The terms of NYPMIFA are applicable to the Center. NYPMIFA principally addresses (i) the management and investment of all of a not-for-profit entity's "institutional funds" (which are mainly the financial assets of the entity and which exclude programmatic assets, such as buildings or operating facilities), and (ii) the appropriations by the governing board of earnings derived from both donor-restricted and board-designated endowment funds. In essence, NYPMIFA requires all of the financial resources of the entity to be used in a "prudent" fashion, with the express approval and action of the governing board. The Board of Directors continues to adhere to NYPMIFA's requirements. Under NYPMIFA, the Center is not required to maintain the purchasing power of the original gift amount contributed to an endowment fund, unless a donor stipulates the contrary.

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Notes to Financial Statements
August 31, 2022 and 2021
(See independent accountants' review report)

NOTE G - ENDOWMENT (CONTINUED)

[3] Changes in endowment net assets with donor restrictions during each fiscal year:

		August 31,			
		2022		2021	
Endowment net assets and the earnings					
thereon, beginning of the fiscal year	<u>\$</u>	2,928,827	\$	2,598,631	
Investment return:					
Investment earnings, net		32,944		5,258	
Net (depreciation) appreciation (realized and unrealized)	_	(284,457)		441,097	
Total net investment return	_	(251,513)		446,355	
Appropriation of endowment assets for expenditure	_	(129,882)		(116,159)	
Endowment net assets and the earnings					
thereon, end of the fiscal year	\$	2,547,432	\$	2,928,827	

[4] Endowment objectives:

The Board of Directors of the Center has adopted investment and spending policies for endowment assets that attempt to provide a predictable stream of funding to objectives supported by its endowment, while seeking to maintain the purchasing power of the endowment assets.

[5] Funds with deficiencies:

Due to unfavorable market fluctuations, from time-to-time the fair value of assets associated with individual donor-restricted endowment funds may decline below the historical dollar value of the donors' original restricted contributions, or the amount required to be maintained under state law, referred to as underwater endowment. As of August 31, 2022 and 2021, there were no deficiencies in any of the donor-restricted endowment funds. Under the terms of NYPMIFA, the Center has no responsibility to restore such decreases in value.

[6] Spending policy and relationship to underwater endowments:

With respect to the \$2,000,000 component of the endowment restricted for professorship, the donor has specified a spend policy whereby appropriation in each fiscal year is to be the lesser of 5% of the beginning value of the endowment in a particular year, or the expense related to professorship. The Board of Directors of the Center adheres to this spend formula each year. For the remaining portion of the endowment, in 2012, the Board adopted a spending policy in the context of the Center's overall financial performance to maintain a prudent investment of the endowment assets. Each year, the Center's Board of Directors plans to appropriate for expenditure an amount from the Center's endowment funds that is determined to be prudent, after consideration of the eight factors listed in NYPMIFA. The Center has a policy that permits spending from underwater endowment funds depending on the degree to which the fund is underwater, unless otherwise precluded by donor intent. During fiscal-years 2022 and 2021, there were no underwater endowment funds.

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Notes to Financial Statements August 31, 2022 and 2021

(See independent accountants' review report)

NOTE H - LIQUIDITY AND AVAILABILITY OF RESOURCES

The following reflects the Center's financial assets available within one year of the statements of financial position date for general expenditure, such as operating expenses:

	August 31,			
	2022	2021		
Due from investment manager and accrued income	\$ 570,636	\$ 40,002		
Investments	7,622,060	9,072,977		
Total financial assets available within one year	<u>8,192,696</u>	9,112,979		
Less: amounts unavailable for general expenditures within				
one year, due to:				
Restrictions by donors as follows:				
Perpetual in nature	(2,285,400)	(2,285,400)		
Purpose and time restrictions	(638,472)	(1,049,677)		
Total amounts unavailable for general				
expenditure within one year	(2,923,872)	(3,335,077)		
Total financial assets available to meet cash needs for				
general expenditures within one year	<u>\$ 5,268,824</u>	<u>\$5,777,902</u>		

Liquidity policy:

As part of the Center's liquidity management, it maintains a sufficient level of operating cash and investments to be available as its general expenditures come due.

NOTE I - SUBSEQUENT EVENTS

The Center performed an evaluation of subsequent events through May 1, 2023, which is the date the financial statements were available to be issued.

NOTE J - RISK AND OTHER UNCERTAINTY

The extent of the impact of the worldwide pandemic and other global events and conflicts on the operational and financial performance of the Center will depend on the continued future developments, including the continued duration and spread of the outbreak and the impact on the overall availability of contributions towards the Center's programs, all of which are highly uncertain and cannot be predicted. If contributions towards the Center's programs are impacted for an extended period, results of operations may be materially adversely affected.