

## 2021 Public Policy Agenda

Charitable nonprofit organizations throughout the United States improve lives, strengthen communities and the economy, and lighten the burdens of government, taxpayers, and society as a whole. They are a vital part of our social fabric. The National Council of Nonprofits advocates at all levels of government – federal, state, and local – in all three branches of government – legislative, executive, and judicial – to inform policymakers of the impact of nonprofits and to promote policies that enable nonprofits to advance their missions. The National Council of Nonprofits understands that consistent policies that advance diversity, equity, and inclusion enable the work of charitable nonprofits everywhere and are critical for nonprofits to effectively serve their missions, provide for the public good, and address community needs. The Council of Nonprofits is committed to rigorously reviewing its policy priorities from the perspective of advancing diversity, equity, and inclusion, removing implicit bias, and identifying public policy solutions on behalf of the broad nonprofit community.

Despite the promise of COVID-19 vaccines and treatments, the global pandemic is likely to adversely affect the health and economy of the nation for years. The charitable nonprofit community has made and will continue to make extraordinary contributions to the wellbeing of individuals and communities, immediate support from governments is needed. The close of 2020 leaves nearly one-million nonprofit workers unemployed, funds from the Paycheck Protection Program (PPP) loans have long since run out, unemployment bills have come due, and charitable giving continues to decline or failed to keep up with expenses. Many larger nonprofits, completely shut out of the job-saving programs contained in the CARES Act, have similarly running out of time and money. The National Council of Nonprofits is committed to securing enactment by Congress of solutions that provide relief for self-insured (or reimbursing) nonprofit employers from crippling unemployment costs, expansion of the Paycheck Protection Program, support for midsize organizations, increases in the amount and duration of the above-the-line charitable deduction in the CARES Act, extension of Coronavirus Relief Fund, and significant aid to state and local governments. These bipartisan solutions will save thousands of jobs and will empower frontline nonprofits to continue providing urgently needed relief and recovery for the remainder of the national crisis.

### **I. Tax Policy: Empowering Community Solutions through Nonprofits**

Sound tax policies that support nonprofits are one of the most important ways to help nonprofits secure the resources necessary to effectively serve the public good and address community needs. The National Council of Nonprofits is committed to preserving the tax-exempt status of organizations contributing to the well-being of their communities and strengthening and expanding incentives for individuals to give their time and money to the organizations whose missions they support. In practice, this commitment means:

1. Supporting tax and other incentives at all levels of government that encourage individuals to volunteer their time and contribute money to the missions of charitable nonprofits. This includes, but is not limited to, supporting universal or non-itemizer charitable deductions and opposing floors, caps, or limits that weaken existing charitable giving incentives.
2. Promoting nonprofit relief and recovery efforts of nonprofits through temporary, targeted tax incentives for contributions to charitable nonprofits affected by natural disasters or states of emergencies, tax credits that will help charitable nonprofits retain and pay their employees so that they may continue to serve their communities in the event of disruption of operations after natural disasters, and automatic extension of tax and other governmental filing deadlines for nonprofits affected by disasters,
3. Opposing the imposition of taxes on tax-exempt organizations, unreasonable fees, or involuntary fees or payments in lieu of taxes (PILOTs).
4. Maintaining and – where appropriate – expanding nonprofit sector exemptions from paying state and local property, sales, and use taxes and from collecting sales and use taxes.

5. Supporting and preserving the longstanding federal policy limiting the ability to receive tax-deductible charitable donations only to tax-exempt organizations that refrain from participating in or intervening in any political campaign on behalf of or in opposition to any candidate for public office.

## **II. Budget & Spending: Addressing Community Needs**

As front-line providers of services and as organizations grounded in their communities, charitable nonprofits have a stake in the strength and well-being of the economy, and of governments at all levels, and in ensuring that the needs of all of our residents, especially those that have been historically underserved and underrepresented, are heard and addressed.

The National Council of Nonprofits supports budget and spending decisions at all levels of government that encourage diversity, equity, and inclusion to build stronger, fairer communities and close resource gaps for marginalized people.

Budget and spending decisions by governments affect all Americans and these decisions can have immediate and significant consequences for the people nonprofits serve and the communities in which they operate.

The Council of Nonprofits opposes arbitrary and across-the-board budget cuts at any level of government and will work to inform policymakers of the impact of budget proposals on communities. The Council of Nonprofits likewise opposes policies or gimmicks that institutionalize restrictions on lawmakers' fiscal options.

The National Council of Nonprofits opposes the offloading of government services onto nonprofits without paying nonprofits the cost of providing these services. When federal, state, and local revenue is reduced, nonprofits providing public services through grants and contracts with government typically receive disproportionate cuts.

When disasters and emergencies strike, many nonprofits are directly affected, sustaining damage to their facilities or disruption of their operations. In addition, many nonprofits provide relief and recovery services to individuals, businesses, and communities affected by these disasters. As policymakers develop solutions to assist with disaster relief, recovery, and resilience, it is important that they include policies that support the recovery of charitable nonprofits, including adequate government funding for nonprofits' disaster relief and recovery efforts.

## **III. The Economy: Strengthening Communities through Job Creation and Economic Development**

Charitable nonprofit organizations are integrally involved in the economies of their communities, their states, and the country. Prior to the pandemic, charitable organizations employed more than 12.3 million individuals nationally, paid \$826 billion in wages, benefits, and payroll every year, and spent nearly \$2 trillion annually. Nonprofits collectively employ more Americans than the construction, finance, and insurance industries combined. In many states, nonprofit employment exceeds 10 percent of the workforce and employs more people than all but the top one or two industries.

The nonprofit sector not only provides invaluable programs and services that impact the economy but is a significant employer, making it a vital part of the economy. Data consistently show that charitable organizations could perform even more effectively with sufficient financial and human resources to meet the needs of our nation's communities. As proven job creators, nonprofits can and should participate in the development of job growth policies at the federal, state, and local levels. The National Council of Nonprofits strongly endorses policies that promote job creation in all sectors of the economy, especially policies that promote and incentivize employment at charitable nonprofits and that promote workplace diversity, equity, and inclusion and pathways to growth and advancement. Incentives to encourage job creation by employers in general, or by specific industries, should apply equally to nonprofit employers. As they do for for-profit employers, governments have a responsibility to collect and disseminate nonprofit employment and economic data that identify the impact of nonprofit organizations in their jurisdictions.

Federal, state, and local government changes to employment laws and rules (minimum wage, overtime, family/medical leave) affect the work of and people served by charitable nonprofits differently depending on each organization's mission and focus area. Fundamental fairness dictates that any changes in governmental employment policies must incorporate revisions to existing and future contracts and grants through which charitable nonprofits perform services in communities on behalf of governments.

An overwhelming majority of nonprofits are able to attract and retain the quality of workers needed to advance your missions by providing some form of health insurance coverage. Rising health care costs add significantly to the operational costs of nonprofits, taking away resources that nonprofits could otherwise use to provide vital programs and services. The National Council of Nonprofits strongly encourages federal and state policymakers to adopt policies that provide access to high quality and affordable health coverage and promote cost savings and increased flexibility.

#### **IV. Public-Private Collaborations for the Public Good**

Charitable nonprofits are private organizations that share a commitment with governments to improving lives and communities throughout the country. The National Council of Nonprofits is dedicated to improving government-nonprofit contracting systems, and to strengthening the public-private partnership at all levels through collaboration and direct engagement. Specifically, the National Council of Nonprofits supports:

##### Federal

1. Reforms to government-nonprofit grants processes that streamline policies and procedures to avoid duplication and waste, develop standardized definitions for contracting and grant language, ensure that payments to nonprofit organizations for direct and indirect costs from the federal government through state and local governments are applied consistently, fairly, and in a timely manner, and eliminate from federal statutes and regulations arbitrary caps on reimbursement of nonprofit indirect, administrative, or overhead costs.
2. Adoption of reforms that help make the federal government a more productive and collaborative partner with nonprofit organizations.

##### State

1. Creation of a senior Executive Branch Liaison to the Nonprofit Sector, with the goal of ensuring collaboration between government and charitable nonprofits. This includes, but is not limited to a full cabinet level official, special advisory council, or as a senior advisor in the Governor's Office, and/or in the office of the state's primary nonprofit regulator and other cabinet-level departments.
2. The commitment of governments and nonprofit providers to collaborate in streamlining and reforming the existing flawed grants and contracting systems that deprive individuals of the services they need, deny taxpayers the full value of the programs they fund, and prevent nonprofit organizations from achieving their full impact.
3. Collaboration between state and local governments and nonprofit contractors and grantees to ensure full and fair implementation at the state and local levels of the cost principles and other federal grants reforms contained in the Office of Management and Budget Uniform Guidance, adoption of a uniform system based on the federal cost principles and reforms in the Uniform Guidance, and elimination from state statutes and local ordinances arbitrary caps on reimbursement of nonprofit indirect, administrative, or overhead costs, or other unreasonable and burdensome statutory or procedural requirements for.
4. Creation of bi-partisan Nonprofit Caucuses in State Legislatures to serve as resources for information on the nonprofit sector through which lawmakers can work together on legislative and regulatory issues impacting charitable nonprofits and the people they serve in their states and tap ideas and solutions tested in the real world by organizations dedicated to serving their communities.

#### **V. Advocacy Rights: Promoting Civic Engagement**

The nonprofit sector is vital to the success of democracy in America; the rights of the people to gather through nonprofits to speak freely about public policies is essential to our country's future. Nonprofits serve as safe havens for people to gather to amplify their collective voices and recognize their duty to stand up

and speak out for the public good and promote a more diverse, inclusive, and equitable society. Nonprofits often provide a voice for those individuals and groups who are unable to speak for themselves. Likewise, nonprofits share the responsibility to promote greater engagement of the citizenry, civic dialogue, open elections, and open government.

The National Council of Nonprofits works to create a culture in support of nonprofit advocacy and to maintain the advocacy rights of nonprofit organizations in the following ways that promote, support, and protect nonprofit advocacy:

1. Supporting and preserving the longstanding federal policy limiting the ability to receive tax-deductible charitable donations only to tax-exempt organizations that refrain from participating in or intervening in any political campaign on behalf of or in opposition to any candidate for public office.
2. Opposing new restrictions on the advocacy rights of charitable nonprofits.
3. Correcting misperceptions and clarifying lobbying laws and regulations to empower 501(c)(3) nonprofits to advocate fully and freely within the law.
4. Supporting an increase to the financial thresholds for nonprofit lobbying activities and the elimination of the separate and more restrictive limits on grassroots lobbying for nonprofits that have taken the Section 501(h) election.

## **VI. Public Accountability and Nonprofit Independence: Ensuring Public Trust**

The charitable nonprofit community recognizes that mission-driven nonprofits can be successful only by earning and maintaining public trust through appropriate transparency, which can be guided by reasonable regulation that recognizes the unique role of these organizations in communities. For these reasons, the National Council of Nonprofits supports reasonable and non-burdensome regulations and policies that already make the nonprofit community the most transparent sector of the U.S. economy. An appropriate balance must be struck that recognizes and respects the independent activities of nonprofits as public-spirited yet still private organizations. The National Council of Nonprofits also supports:

### Federal

1. Maintaining the proper balance between protecting and informing the public and preventing excessive and disruptive regulatory burdens that hinder the ability of charitable organizations to advance their missions.
2. Adequate funding for quality education, transparent oversight, and fair enforcement of nonprofit laws by the IRS.
3. Maintaining state primacy in the regulation and enforcement of consumer protections related to charitable nonprofit organizations.

### State

1. Adequate funding for quality education, transparent oversight, and fair enforcement activities by state regulators charged with promoting charitable nonprofit compliance and protecting the public.
2. Setting reasonable thresholds for state-mandated audits of nonprofit finances.
3. Developing clear, uniform and cost-free or inexpensive registration requirements, such as streamlining/standardizing multi-state charitable registration requirements, for nonprofits that engage in fundraising in more than one state.
4. Programs that promote volunteering activities that mutually benefit individuals and the people served through nonprofits, but opposes proposals to condition receipt of government provided benefits on requirements that individuals volunteer at nonprofit organizations, a policy known as "mandatory volunteerism," that imposes increased costs, burdens, and liabilities on nonprofits by an influx of coerced individuals.
5. Protecting the decision-making autonomy and self-governance authority of charitable nonprofits.
6. Recognizing that, as in the case of for-profit businesses, receipt of public funding through arms-length transactions involving contracts or grants does not convert private independent nonprofit organizations into governmental instrumentalities.