



**THE JEWISH FEDERATIONS OF NORTH AMERICA'S  
RECOMMENDATIONS TO PRESIDENT-ELECT JOSEPH R. BIDEN,  
VICE PRESIDENT-ELECT KAMALA HARRIS  
AND THE BIDEN-HARRIS TRANSITION COMMITTEE  
NOVEMBER 2020**

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The Jewish Federations of North America (JFNA) is the umbrella organization for 146 local Jewish Federations and 300 independent communities across North America. Along with thousands of affiliated human services, educational and other partner agencies, the Federations encompass a philanthropic network and constituency as diverse as any in America. Collectively we raise and distribute more than \$2 billion dollars and leverage \$10 billion in government funding to serve people of all backgrounds.

We appreciate the opportunity to share our system's top priorities with the President-elect's transition team – namely, a COVID relief package we hope will pass this year, protections for the Jewish community, and increased support for human services.

As President-elect Biden so eloquently acknowledged on the campaign trail and afterwards, the past nine months have been exceptionally difficult for our country. The CARES Act was a lifeline, but more help is needed if we are going to weather the health and economic hardships brought on by this pandemic. We are committed to working with you and members of Congress –on both sides of the aisle—to pass a [COVID relief package](#) that includes:

- Second round of funding for the [Paycheck Protection Program](#) and simplified loan forgiveness provisions for nonprofit borrowers;
- Support for [Safe and Healthy Workplaces](#);
- An overall 14 percent increase in the [Federal Medical Assistance Percentage](#) and additional funding for [health staffing](#);
- A full federal backstop for [nonprofit unemployment insurance](#); and
- Enhancement of the [Universal Charitable Deduction](#).

We know that the President-elect's decision to run was in large part spurred by the upward trend in antisemitic and racist incidents. We look forward to working with the Biden Administration to put in place greater protections against domestic and international threats to our community, as well as maintaining a strong US-Israel relationship. Our top recommendations relating to [security and antisemitism](#) focus on:

- Increased support for DHS' [Nonprofit Security Grant Program](#);
- Promoting [the International Holocaust Remembrance Alliance's](#) definition of **antisemitism**; and

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- **Holocaust education.**

We also look forward to the Biden Administration's leadership in strengthening **services for vulnerable populations**, including for the **Holocaust Survivor Initiative** that President-elect launched in 2013:

- Promoting **telehealth** opportunities and extending the **Money Follows the Person** and **Independence at Home** demonstration projects;
- Enhancing the **Earned Income Tax Credit** and providing support for the **Supplemental Nutrition Assistance Program**, while
- Recognizing the importance of charitable giving and **Donor-Advised Funds**.

If you have questions or comments about these recommendations or to arrange a meeting with JFNA, please contact Stephan Kline, Associate Vice President for Public Policy, at [Stephan.Kline@JewishFederations.org](mailto:Stephan.Kline@JewishFederations.org).

## **I. COVID-19 RELIEF**

Although the COVID-19 relief packages enacted earlier this year provided a lifeline for Americans during this pandemic, much more is urgently needed to support the nonprofit sector and the desperate and vulnerable populations we serve.

### **A. Paycheck Protection Program**

The Paycheck Protection Program (PPP) is intended to provide small businesses and certain nonprofits with forgivable loans to keep workers employed during the COVID-19 crisis, providing payroll continuity, and serving as a financial lifeline for businesses. At a time when nonprofits are being asked to increase services and face the challenges across the country, it is essential that Congress take steps to sustain and improve this financial safety net. It also is critical that execution of the program does not undermine one of its original intents of supporting nonprofits' economic stability.

### **B. Safe and Healthy Workplace Funding**

As businesses, including nonprofits begin to fully reopen, they face daunting and unexpected costs that did not exist prior to the pandemic, such as additional levels of cleaning and sanitizing, reconfiguration of workplaces to provide adequate social distancing for employees and clients, and the provision of Personal Protective Equipment (PPE) and COVID-19 testing.

### **C. SBA Forms**



As the Small Business Administration seeks information about loans above \$2 million, it is contemplating issuing a form that fundamentally misunderstands nonprofits, contravenes Congressional intent, and places an undue burden on nonprofit organizations already stretched thin by their efforts to help communities during the pandemic.

#### **D. FMAP Fiscal Relief**

Although Medicaid plays a major role in mitigating health disparities in underserved and low-income communities, states across the country are already embracing or considering substantial cuts to social service programs. While the current 6.2 percent increase in the Federal Medical Assistance Percentage (FMAP) rate included in the Families First Coronavirus Response Act was a reasonable starting point (it was the same increase deployed by Congress in the Great Recession of 2008-2010), it is insufficient given the depth of this current economic and health crisis. Without more help, states will reduce spending (often by cutting Medicaid) which would further aggravate the economic downturn.

#### **E. Home-and Community-Based Services Staffing**

Providers of Medicaid-funded home-and community-based services (HCBS) serving our country's most vulnerable older adults and individuals with disabilities require additional, dedicated funding and resources to offset increased staffing costs. Funding would be used for a range of purposes, including overtime and hazard pay; paid sick leave and family leave; assistance with travel to work costs; PPE; and assistive technologies.

#### **F. Unemployment Insurance**

Nonprofits have the option of electing to self-insure for unemployment claims, rather than paying state unemployment taxes. This option historically has saved many nonprofits, particularly those that experience few layoffs, a significant amount of money. The appropriateness of this selection applies even during a modest economic downturn, but not during the type of economic catastrophe that we are experiencing. The CARES Act provides federal funds to states to reduce by half the liability of self-insured nonprofits to cover COVID-19 unemployment insurance claims (compared to a 100% federal backstop provided for most for-profits because they too faced economic catastrophe), but this support is insufficient as unemployment costs have sky-rocketed.

#### **G. Universal Charitable Deduction**

In response to the current pandemic, Congress included a \$300 universal charitable contribution deduction in the CARES Act for those who claim the standard deduction. By broadening the base of people who can deduct charitable donations, the Universal Charitable Deduction (UCD) empowers lower- and



middle-income earners to direct funds willingly to the charitable organizations they wish to support. Although encouraging all Americans to give to charity through an income tax incentive is a great start, the UCD needs to be greatly enhanced. The bipartisan S. 4032, the Universal Giving Pandemic Response Act, and its House counterpart H.R. 7324 would increase this deduction from \$300 up to one-third of the amount of the standard deduction (approximately \$4,000 for single taxpayers/\$8,000 for married taxpayers) and would make it available for tax years 2019 and 2020. 30 Senators and 144 Representatives signed letters endorsing a significant increase in the UCD.

## H. COVID-19 Recommendations

In any COVID-19 relief negotiations, the Biden Administration should:

- *Enable nonprofits, (including mid-sized nonprofits with between 500 and 4000 employees) to access a second round of Paycheck Protection Program (PPP) funding without imposing a gross receipts reduction test;*
- *Automatically forgive PPP loans of up to \$150,000; provide simplified loan forgiveness procedures for larger loans; and prohibit the SBA from requiring nonprofit borrowers of PPP loans greater than \$2 million to provide information other than the required good faith certification made at the time the original application was submitted that economic uncertainty made the loan request necessary to support ongoing operations;*
- *Establish “safe and healthy workplace” payroll tax credits or provide another source of funding for nonprofits with COVID-19 employee protection costs such as testing, Personal Protective Equipment (PPE), cleaning supplies, and qualified workplace reconfiguration expenses;*
- *Increase the Federal Medical Assistance Percentage (FMAP) rate by an additional 7.8 percentage points, for a total of 14 percent, through 2021;*
- *Provide additional Medicaid support for health care staffing to help with increased use of overtime and hardship pay, including for those working in healthcare and home-and community-based settings;*
- *Support 100% relief for self-insured nonprofits for COVID-19 unemployment insurance claims, rather than the 50% allowed in CARES; and*
- *Improve the support for charities included in the CARES Act by substantially increasing the \$300 deductible amount for charitable*



*contributions by taxpayers that do not itemize and extending this new giving incentive through at least 2021.*

## II. SECURITY AND ANTISEMITISM

### A. Nonprofit Security

The Federal Emergency Management Agency's (FEMA) Nonprofit Security Grant Program (NSGP) was established with bi-partisan support in FY 2005 and has become a critical component of FEMA's state and local Homeland Security grant programs. With nonprofits in every state now able to apply for this funding opportunity, NSGP supports the acquisition and installation of physical security enhancements and related preparedness planning and training for nonprofit organizations deemed to be at-risk of attack by terrorists or domestic violent extremists. Since its creation, the Department of Homeland Security (DHS) has assessed this program to be an efficient and effective means to accomplish a great deal of security enhancement and preparedness through modest resources, and earlier this year, with strong bipartisan support, Congress enacted a 5-year authorization of the program.

The threats to Jewish communal security cross the ideological spectrum. While representing less than two percent of the U.S. population, anti-Jewish hate crimes represent the majority of anti-religious bias crimes reported by law enforcement, according to the Federal Bureau of Investigation (FBI). Numerous studies released by the Anti-Defamation League, American Jewish Committee, and other researchers also show that rates of antisemitism have risen dramatically in the United States and throughout the world. Organizations such as ISIS, Al Qaeda in the Arabian Peninsula, and similar terrorist organizations continue to use social media to spread anti-Jewish messages that incite violence against Jews at home and abroad. Similar tactics have been employed by domestic extremist groups, increasing during the Covid-19 pandemic. The severity of homegrown violent extremism came into focus after the October 2018 mass shooting at the Tree of Life Synagogue in Pittsburgh. The FBI, DHS and the National Counterterrorism Center have all concluded that domestic violent extremists and racially and ethnically motivated violent extremists will continue to pose a lethal threat to faith-based communities, particularly to the Jewish community in the U.S.

### B. IHRA Definition of Antisemitism

The 2019 ADL Audit of Antisemitic Incidents found that the total number of antisemitic incidents in 2019 in the United States increased 12 percent over the previous year. This troubling statistic is mirrored worldwide as the Kantor Center for the Study of Contemporary European Jewry at Tel Aviv University, in its own annual study, found an 18 percent increase in antisemitic violence in 2019. While there are multiple definitions of antisemitism, 28 nations and more than 200 U.S.



states, municipalities, universities, and nonprofits have now adopted the International Holocaust Remembrance Alliance (IHRA) *Working Definition of Antisemitism* (the “Definition”), since it was issued in 2016. The provision states that: “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.” Adoptees use this Definition and its accompanying examples to help identify and then combat instances of antisemitism. In December 2019, President Trump signed an Executive Order incorporating the IHRA Definition to formally define antisemitism as a form of discrimination under Title VI of the Civil Rights Act.

### C. Holocaust Education

A recent survey by the Claims Conference (<http://www.claimscon.org/millennial-study/>) shows that a high number of Millennials and members of Gen Z have limited knowledge of the Holocaust. 63 percent of all national survey respondents did not know that six million Jews were murdered, and 36 percent thought that “two million or fewer Jews” were killed during the Holocaust. Additionally, although there were more than 40,000 camps and ghettos in Europe during the Holocaust, 48 percent of national survey respondents could not name a single one. This lack of knowledge is particularly dangerous during an era when the number of antisemitic acts is rising domestically and internationally.

Last year, JFNA was a lead organizer in the successful national effort to pass the Never Again Education Act, a bill cosponsored by Vice President-elect Harris and designed to promote Holocaust education in this country by expanding the U.S. Holocaust Memorial Museum’s education programming. More than 1,800 Holocaust survivors joined our efforts to advance this bill as they told Congress: “We were permanently affected by the actions of the Nazi regime and their collaborators, and we now need your support to help stem the contemporary rise in antisemitism, which we believe can be ameliorated by providing resources to effectively teach students about the Holocaust. Although we have experienced the worst of human depravity, it is still remarkably difficult for us to see the resurgence of antisemitism sweeping across the United States and the world. Problematically, this comes at a time when, as shown by recent studies, the Holocaust is fading from public memory. We urge you to confront this problem and help provide middle and high school students with effective Holocaust education by supporting the Never Again Education Act.”

The bill requires the U.S. Holocaust Memorial Museum to develop and nationally disseminate accurate, relevant, and accessible resources to improve awareness and understanding of the Holocaust. It also authorizes various Holocaust education program activities to engage prospective and current teachers and educational



leaders. With online education now a norm, this provides additional opportunities for teacher trainings.

#### **D. Security and Antisemitism Recommendations**

The Biden Administration should:

- *Support funding for the Nonprofit Security Grant Program in the Biden Administration's FY 2022 budget that is no less than \$360 million/year, the amount approved by the House Appropriations Committee in its FY 2021 DHS appropriation draft bill.*
- *Support bipartisan legislation that will formally adopt the International Holocaust Remembrance Alliance definition of antisemitism as official policy of the United States and then, through Executive Action, broadly apply it throughout the federal government; and*
- *Support at least \$10 million in increased funding for Holocaust education activities in the Biden Administration's FY 2022 budget.*

### **III. HUMAN SERVICES FOR VULNERABLE POPULATIONS**

#### **A. Support for Holocaust Survivors**

##### **a. Holocaust Survivor Assistance Program**

The Holocaust Survivor Assistance Program was first envisioned by then-Vice President Biden in 2013 and was originally funded as part of the Obama-Biden Administration's FY 2015 budget and continued in the FY 2016–2020 budgets at \$5 million/year, leveraging public-private partnership opportunities with nonprofits, foundations, and the private sector to address the unique needs of Holocaust survivors. The program now administered by JFNA through an Administration for Community Living (ACL)/Administration on Aging (AoA) grant expands the capacity of community-based agencies to provide Person-Centered, Trauma-Informed (PCTI) services to Holocaust survivors and includes a national technical assistance center to expand the aging services network's capacity to deliver PCTI services to all clients. The program supports trauma-informed services for Holocaust survivors including socialization, transportation, case management, meal delivery, and dental care and other critical services. Demand for funding from this program consistently exceeds available resources, which have now funded over 400 PCTI programs and served over 15,000 Holocaust survivors and 4,000 of their family caregivers, while training over 10,000 professionals. This year AoA formally extended JFNA's program to include other older adult victims of trauma and their caregivers, and JFNA is



leading an initiative to educate diverse groups serving older adults with a history of trauma.

**b. Special Envoy for U.S. Holocaust Survivor Services**

With interest from then-Vice President Biden, the Obama-Biden Administration created the new Executive Branch position in 2014 of Special Envoy for U.S. Holocaust Survivor Services at the U.S. Department of Health and Human Services (HHS). This position was established to assist victims of Nazi persecution living in the United States. The Special Envoy coordinated with colleagues at HHS and across the federal government to advance programs that help Holocaust survivors, including national service programs such as AmeriCorps/VISTA. The Trump Administration did not fill this position.

**c. Corporation for National and Community Services (CNCS)  
Support for Holocaust Survivors**

As another original part of the Biden Holocaust survivors initiative, the Corporation for National and Community Services (CNCS) supported a small program for Americorps/VISTA volunteers in 2014-2017, recruiting about a dozen VISTAs per year, to help build capacity in local organizations to serve Holocaust survivors and other older adults living in poverty. This program aligned directly with CNCS's goals of helping people who are living in poverty or are at risk of falling into poverty and developing new, sustainable programs and systems for this population. This program enhanced the aging network's ability to support Holocaust survivors and led to the recruitment of excellent volunteers, many of whom are still employed to support Holocaust survivors and other older adults. The Trump Administration did not continue this program.

**d. Holocaust Survivor Recommendations**

The Biden Administration should:

- *Support the Holocaust Survivors Assistance Program by increasing funding to \$10 million in the Biden Administration's FY 2022 budget;*
- *Designate a senior White House staffer or a senior member of the Administration for Community Living staff to serve as Special Envoy for U.S. Holocaust Survivor Services; and*
- *Recreate and then expand the Corporation for National and Community Service VISTA program focused on Holocaust survivors and other older victims of trauma to increase capacity to serve these diverse individuals.*





## **B. Healthcare Innovation**

### **a. Expanding Telehealth Options**

Prior to the COVID-19 pandemic, federal healthcare safety net programs like Medicaid and Medicare paid for telehealth on a very limited basis. Medicare, for example, only allowed it to be used in designated rural or underserved areas, when the client was located in a healthcare setting (e.g., a clinic or hospital) and had a pre-existing relationship with the provider, and only if the telehealth service was provided through dual audio-video devices, such as smartphones or tablets. Based on new authority included in the Coronavirus Preparedness and Response Supplemental Appropriations Act and the CARES Act, the Centers for Medicare and Medicaid Services (CMS) waived these restrictions on Medicare telehealth coverage during the public health emergency. CMS also paved the way for parallel changes in Medicaid, which all states adopted, and many private insurance companies followed suit as well. There is currently broad bipartisan consensus that the need for and benefits of telehealth should and will live beyond the COVID-19 pandemic.

### **b. Money Follows the Person and Independence at Home Demonstrations**

Two demonstration projects with particular impact on older adults and individuals with disabilities are scheduled to expire on December 11, 2020 and must be extended. Money Follows the Person (MFP) has helped more than 101,000 individuals with disabilities and older adults transition from living in institutions (such as nursing homes) to living in their communities with appropriate housing, services and supports. Reauthorization of MFP is necessary to stabilize the program and permit its expansion to all interested states and beneficiaries. The Independence at Home (IAH) Medicare demonstration provides chronically ill patients with a complete range of primary care services in home settings. The IAH model has helped more than 10,000 older adults with severe chronic illness and functional limitations. The bipartisan Independence at Home Act (S. 1202/H.R. 3644) would establish a national and permanent IAH program within Medicare, allowing more than two million Medicare beneficiaries living with multiple chronic and disabling conditions to utilize this innovative model of care.

### **c. Healthcare Innovation Recommendations**

The Biden Administration should:

- *Make telehealth a permanent option in Medicare and for large, private group plans and health insurers that are subject to regulation by the Department of Labor; authorize audio-only telehealth on a permanent basis as appropriate, particularly for behavioral health care and long-*



*term services and supports; and permanently eliminate the existing statutory geographic and site restrictions on Medicare-covered telehealth;*

- *Support efforts to eliminate state health professional licensure barriers during the public health emergency; and*
- *Extend the Money Follows the Person Demonstration Project and seek permanent authorization of the Independence at Home Demonstration and expand it to all eligible Medicare beneficiaries.*

### **C. Support for the Economically Vulnerable**

#### **a. Earned Income Tax Credit**

The Earned Income Tax Credit (EITC) provides substantial support to low- and moderate-income working parents, but very little support to workers without qualifying children (often called childless workers). The EITC is one of the most effective anti-poverty programs available for working families, but there are a number of administrative and substantive changes that could improve it.

#### **b. Nutrition**

The Supplemental Nutrition Assistance Program (SNAP) is the nation's most important anti-hunger program. In 2019, it helped tens of millions of low-income Americans afford a nutritionally adequate diet in a typical month and now more than 80 million low-income children, families, and older adults are at risk of hunger in the midst of COVID-19. Close to 70 percent of SNAP participants are in families with children and more than one-quarter are in households with older adults or individuals with disabilities. Increasing the minimum SNAP benefit from \$16 to \$30 and the maximum benefit by 15% will help struggling families put food on their tables.

Three rules proposed by the Trump Administration seek to restrict SNAP access for individuals who are in dire need of nutrition assistance, and they should be immediately rescinded. These include the Broad-Based Categorical Eligibility rule, which eliminates state flexibility in calculating SNAP eligibility based on a family or individual's net income rather than gross income; the State Heating and Cooling Standard Utility Allowances rule, which previously had allowed states to take into account the utility expenses in a geographical area of each SNAP household; and the Able-bodied Adults without Dependents (ABAWDs) rule that previously had allowed waivers from the work requirement in times of economic distress in high unemployment areas. The first two rules are still going through



the administrative process, while the ABAWD rule was struck down in court earlier this fall.

### **c. Economic Vulnerability Recommendations**

The Biden Administration should:

- *Make regulatory changes and support legislation that reform and expand eligibility for the Earned Income Tax Credit (EITC) by increasing targeted outreach to improve participation by deploying grants to national and local nonprofits to reach eligible workers; clarifying EITC compliance procedures for filers and the IRS by simplifying residency, custody and other qualifying rules; expanding the EITC credit amounts and income thresholds in order to boost the maximum credit for workers with children and increase the maximum credit for childless workers; broadening the age requirements for EITC recipients including by lowering the minimum and raising the maximum age; and instituting period payments of EITC benefits either quarterly or monthly rather than retain the current once-a-year single lump sum payment at tax filing.*
- *Increase the minimum SNAP benefit from \$16 to \$30 and increase the maximum SNAP benefit by 15% to help struggling families put food on their tables; and*
- *Withdraw the U.S. Department of Agriculture SNAP rules relating to Able-Bodied Adults Without Dependents, Standard Utility Allowance, and Broad-Based Categorical Eligibility.*

### **D. Charitable Giving**

JFNA and the social service network we fund are active partners along with government in providing essential services to the most vulnerable Americans. This partnership supports an active civil society and allows government to leverage the nonprofit sector to fill the gaps in public services. These activities deserve and require favorable tax treatment to encourage effective philanthropy, which supports vulnerable community members.

#### **a. Donor-Advised Funds**

Donor-Advised Funds (DAF) represent the fastest-growing philanthropic vehicle in the domestic charitable sector. These flexible and well-regulated vehicles offer an efficient and economical means for benefiting community and encouraging family philanthropy. In the case of Jewish Federations, DAFs are advanced through continued dialogue between donors and Federation leadership regarding communal priorities, challenges, and funding needs, enabling Federations to



provide donor education and grant oversight that are not present in other charitable giving vehicles.

### **b. Charitable Giving Recommendation**

The Biden Administration should:

- *Support participatory philanthropy in the form of Donor-Advised Funds and oppose any new regulations or limitations that diminish the impact of this form of charity.*