



NATIONAL CENTER FOR
FAMILY PHILANTHROPY

Community Conversation: Ask the Lawyer *March 29, 2020*

SESSION DESCRIPTION:

Andras Kosaras, Counsel at Arnold & Porter, for an open discussion on legal issues that have arisen for philanthropic families and foundations during COVID-19. Andras will present advice and updated guidance on topics including: Governance issues, establishing emergency grants (and loans) and/or discretionary grant authority, revising grant agreements and releasing/modifying restrictions and requirements, grants to individuals, and understanding “qualified disaster relief payments” under IRC Section 139 (employee assistance by company foundations and others).

TRANSCRIPT

Jason Born: Hello everyone. Thank you for joining us for today's *Ask the Lawyer* session featuring timely and essential advice from attorney Andras Kosaras. This is the first in our special series of Community Conversation learning opportunities for family funders navigating the increasingly complex COVID-19 crisis. The situation around us is changing daily and now more than ever NCFP aims to serve as a source of support, shared learning, and community. On our webinar today, we'll be exploring current and pressing legal questions and updates for the field.

Many families are undoubtedly thinking about adjusting their grants requirements, establishing emergency grants, and various governance issues in these times of urgency. Today we're so fortunate to be joined by Andras Kosaras, Counsel at Arnold & Porter, who represents domestic and international tax-exempt organizations on a broad range of regulatory, transactional, and operational matters. Andras has graciously lent us his expertise for the next hour. He'll start by giving a brief presentation on emerging legal issues for philanthropic families and foundations, and then we will open things up for audience Q&A.

Let me turn things over now to Andras. Thank you again so much for joining us. Can you share a little more about some of the questions you're seeing clients ask during the COVID-19 crisis, and share other thoughts you have on key emerging legal issues for philanthropic families?

Andras Kosaras: Thank you, Jason and good afternoon everyone and good morning for those on the west coast. Thank you for taking the opportunity to be with us.

We want to frame this hour as an update on the running list of issues that we're seeing, and the questions we're getting from foundations and philanthropists as they are dealing with their own internal governance issues during these unprecedented times, as well as many questions from grantees.

First, we'll discuss *governance issues*—internal issues that may come up and how you're administering and governing the foundation. Then we'll talk about *emergency grants and loans* that grantees may be asking about, and ways to help grantees and others. Then some logistics on how to *modify grant agreements*. If you want to *release restrictions*, or you want to *repurpose existing grants*, we will share tips that may be helpful as you are dealing with those issues. And then finally, we'll talk about *grants to individuals* and the special federal tax rules that applied to qualified disaster relief payments that may be helpful in certain contexts.

I'm not going to talk in detail about any of the stimulus packages that have been signed into law and that everybody is looking at and analyzing especially as they are helpful for grantees. A lot of foundations are thinking about how can we be helpful to grantees in providing capacity and technical expertise and applying for some of this assistance and thinking through and figuring out what programs to apply for because there are several of these programs and they interact in various ways and it's complex. Each individual piece of the puzzle may not be too complex, but figuring out how they interact and which program to apply for and what are the consequences; it gets rather complicated and a lot of organizations are trying to work through that.

I will mention that there have been some changes to the charitable deduction rules that suspend some of the limits on cash contributions, for example. Most of those rules, if not all of them, leave out donor-advised funds and private foundations, other than private operating foundation. So those favorable rules are not going to be helpful to you or a donor who's looking to provide some additional funding to a private non-operating foundation to then be able to push grants out. There were also some special rules with respect to IRA minimum distribution requirements and again, some of those rules and the rules that apply to IRAs distribution do not apply if you try to make distributions to the donor-advised fund.

Governance: Quorums and Voting

Fundamentally, questions around governance revolve around how do you hold board meetings and take action when everyone is working from home and you may have technological issues that make it difficult to have board meetings, to have quorums, to take votes. If you hold in-person meetings, depending on where all the board members are, that may not be possible anymore. For anything related to governance issues, you want to start first by looking through your Articles of Incorporation and bylaws if you're a nonprofit corporation, your trust agreement if you're a charitable trust, and the state nonprofit corporation statutes. Those are usually the documents that apply and where you should be looking for answers to these questions.

Almost everybody has telephone board meetings these days, and that's not too complicated. For board actions, though, it's useful to remind everyone about the two fundamental ways that boards can act. For example: with respect to a nonprofit corporation, you're either going to be allowed to take action through a board meeting, in-person or on a phone call or video conference, but there is a quorum of board members present and then you take votes and have board minutes of that meeting. The second way is a unanimous written consent resolution, which all directors must sign, and sometimes it can be easier to have a consent resolution to take action.

But the question comes up, how do you get signatures from all directors? We know that many foundations and nonprofits often send around board action documents through email and just ask people to respond email by email: "Yay or nay, do you approve." Generally, an email can count as a

signature, but you have to be careful in documenting and making sure through the email thread that it is very clear as to what each board member is approving.

So, for example, if you just attach a document with the agenda and the resolutions that the board needs to approve and somebody responds “Yes, I approve”—that is going to be very tricky because you don't actually have any evidence of what that board member was approving or what action was being taken. So those are important nuances to keep in mind. And again, it's one of those things where you should check state law if there's any guidance with respect to how to do some of these votes.

I also wanted to call out member meetings because there are some foundations that have a two-tier structure where they have a board of directors, but they also have a member level above the board where the members approve and appoint board members and directors. Member meetings definitely need to check state laws around that because there are a lot more rules around how you can conduct member meetings.

Emergency Bylaws

For emergency bylaws, we received a few questions around this. Emergency bylaws and powers are usually not included in most foundation bylaws, but provisions related to this can be found in a state's nonprofit corporation statute. What they pertain to really is often times a natural disaster or some emergency where you can't reach directors and officers and you don't have a quorum to hold meetings, but you need to be able to continue operating and functioning your entity. This statute allows you to basically operate the entity and take action with the directors and officers that you can reach. It modifies notice of board meetings and quorum rules. These powers apply to good faith action taken by these remaining directors and officers to further the ordinary affairs of the corporation. It's not meant to be used to invoke emergency power to change the donor-restricted purposes of the foundation or do something radical. It's not a power grab—it's meant to allow the foundation to continue operating on its normal course.

Emergency and Discretionary Grants and Loans

The next topic is emergency and discretionary grants and loans. Right now what many foundations, and of course grantees, are thinking about and asking questions about is how can you simplify your grants process and be in a position to make emergency or discretionary grants to charities as well as businesses for charitable purposes. We're reading every day about various industries, and many of these are small businesses and there are ways to help them.

In thinking about this, I'd like to highlight the fact that a foundation can make grants as well as loans, both to charities and businesses. Recognize that foundations have a lot of flexibility with how you are able to help your grantees, nonprofits and businesses. You can make grants or loans to businesses for charitable purposes. You have to think through what is the charitable purpose you're carving out and inquire: What is the most effective here? Is it a grant is it a loan? Is it a bridge loan? Is it helpful for foundations to provide some bridge funding until those nonprofits are able to apply for those grants and loans?

You want to check again that you're organizing documents and any restrictions with respect to your purposes and missions. Are they legal restrictions? Are there restrictions that are binding on the foundation, so you cannot change them? Are there restrictions that have been approved by the board

that can be loosened or changed by the board at least temporarily? Don't forget that if you are considering giving assistance to businesses/for-profit entities, that will require [expenditure responsibility](#) which fundamentally boils down to good grantmaking. This requires first being able to find a charitable project to support at the business, and then having a written grant agreement that specifies how the money can be spent with a few key provisions that need to be included in the grant agreement from the federal tax regulations that apply. NCFP has good resources on this process and others as well on the provisions that need to be plugged into an expenditure responsibility and a grant agreement that would be compliant with expenditure responsibility rules.

Finally, with an emergency and discretionary grants program, if the goal is to be able to make quick decisions, that doesn't mean they have to be ad hoc and done in an inconsistent manner. It can be a simple written policy or description as to what kind of emergency/discretionary grants or loans that you are able and willing to make during these times. Just sketch that out and then have it written in a policy so you can apply it consistently.

Streamlining Grants Applications and Reporting

A few comments on streamlining applications. For your purposes, think through what is your normal grant-making process, and what are ways that you can change that? How can you simplify the process? Are grants approved by the full board? Is there a way that you can have maybe a smaller committee approve those or even delegate approval to one or two board members, who then report back the full board and cuts down the processing time.

Often foundations have thresholds: if it's a small grant below X amount of dollars, then the level of due diligence or the approval process is not as complicated as a multi-year or very large grant. Again, that allows you to simplify some of those things, like creating a simple and single point of contact for grantees. Many foundations have also started using online platforms to process applications to allow grantees to submit documents electronically.

Certainly during these times you should be thinking about not using the mail, since grantees are not in offices. Creating a process that relies on electronic documents would be very helpful. On due diligence, think about what is the minimum level of due diligence that you really need to engage in to approve some of these grants. And again, it depends on the amount and type of grant that you are considering. I don't think anybody is trying to push foundations to not undertake any due diligence, but again, recognize that foundations have a lot of flexibility as to what they're doing and what information they're asking for. From the legal perspective, from the IRS rules, a foundation really just has to confirm a grantee's (c)(3) tax exempt status to confirm that it is a public charity. You can look through GuideStar or the IRS charity check, the tax-exempt organization search function. There's not much that really is required of Foundations from a legal perspective.

Everybody knows about general operating grants versus project grants, and there can be a balance of different levels of due diligence that you may want to engage in depending on those two types of grants. The same applies for documentation or a grant agreement.

Think through whether there are ways to simplify your grant agreement based on the amount and type of grant that you're doing. Is it sufficient to just send a transmittal letter, especially for general operating grants? How can you simplify the logistics of that? Are you trying to get a grantee to sign an agreement,

and is an email acknowledgement sufficient or are there ways that you can facilitate the documentation of a grant?

Finally the reporting. What kind of information do you need in terms of reporting on how the grant has been used? Think about all the things that we like to have a grantee's report on and then consider, during times of crisis and emergencies, what information do you really need to have?

Modifying Grant Agreements

We've gotten a number of questions on modifying grant agreements and how best to do that. I think the first thing that you really need to work through is communication with grantees—get feedback, and understand their needs and concerns. You really are in a stage one of an unprecedented crisis here, and I have talked to folks both on the grantee side as well as funders where they are thinking through all of this in triage. What are your emergency needs in the next two weeks? In the next four weeks? Nonprofits—small ones, and even the huge ones—on a weekly basis, are making real-time decisions about laying off and furloughing people. For arts and cultural organizations, their entire season has gone, and their summer season is basically suspended as well, and they're trying to figure out whether there is even a next season in the Fall. So, think through what are the real needs now? What are the needs in this 3-6 months, and what does long-term sustainability look like? Just communicate and get feedback as to ways that a foundation may be able to assist as well as just help grantees think through some of these issues.

Some logistics around processing payment: to the extent that you're in a position to not mail checks right now and switch to electronic wire transfers that will make things a lot easier for grantees.

Processing grant applications: I'm sure that you're getting questions about if you are still accepting applications, as well about applications that have already been submitted—are you processing these? Questions about due dates for grant reports: can you change them? Can you extend them? What happens if a grantee is unable to complete a project? What are the options? For example, obtaining an extension. What about clawing back funds because the project may be indefinitely suspended or repurposing grants? As I mentioned before, there is real need right now for nonprofits to have assistance in navigating the various financial assistance programs that are available through the CARES Act, the federal bill, as well as local and state financial assistance.

And at the same time, foundations are looking at their portfolios and trying to understand what their grantmaking budget looks like.

For modifying grant agreements, you need to look at what the existing agreement looks like. What does it say in whatever form you may have an agreement, transmittal letter, fully executed agreement, or a simple agreement or complicated agreement. Then look at which terms and conditions and requirements can be modified unilaterally or waived. This would typically apply to you as a foundation or funder. What are the things that you can waive or you can change? "Yes, we don't need a report. Thank you very much." And you could maybe do that through an email that says we're waiving this reporting requirement. And then what are the terms and conditions that can be modified only by mutual agreement: if you're fundamentally repurposing the grant or doing something more radical with the agreement. Again, this is just figuring out a decision tree for how can you simplify the process of modification.

Documenting modifications. There are two issues here: What is the objective of documenting a modification? And how do you do it?

The objective when I think about this is to avoid subsequent misunderstandings. In the same way that you have an initial grant agreement, ensure that everybody's on the same page, and everybody knows what they're supposed to be doing. When you're modifying an agreement, there's a similar objective: you want to make sure that everybody has a clear understanding about what the modification is. It depends on the circumstances, but I have suggested language where you basically just reference an entire section of an agreement and say that this is replaced in its entirety with a new section. Then it's very clear. The second objective is obviously to make it binding. You want to have some sort of written documentation, some evidence as to what you've agreed on so that you can make it binding.

How to do it? In ideal circumstances, you might have an amended grant agreement that's signed by both parties and is all neat and tidy, but you may not be in a position to do that now. You could, for example, send a letter or an email that outlines and clearly explains what the modifications are, and then ask the grantee to agree and acknowledge that. The grantee could sign and maybe scan the document or again use an email and typically an email is going to under most circumstances qualify as a sufficient electronic signature. Most state laws have adopted rules around electronic contracts and signatures, but you want to be clear about that. Especially with respect to email, you want to have clear correspondence that at some point says this is the final modification. If you have a lot of back and forth and exchanges, at a certain point you want to make sure that it's not too confusing and that there's a final correspondence saying "this is what we have agreed on after three days of talking about this and exchanging emails," so it's very clear what the final modification.

Converting Special Project Grants into General Operating Grants

There was one other question that I wanted to address with respect to general operating grants and project grants—flipping and repurposing a project grant into a general operating grant and having some frank conversations with grantees about that. You have many foundations giving both general operating support grants as well as project grants. There may be donor-imposed restrictions or mission-related reasons why it is important for a foundation to have those project grants and those project restrictions, yet during these times a grantee may need general operating support and you have questions about the grantee's ability to complete a project and in these cases you can certainly reach out to them and I would encourage you to do so. Just have a conversation: is it realistic for the grantee to continue and to expect that the grantee will be able to complete this project? If it is not, then what are your options? One option on the table could certainly be that you claw back or ask the grantee to repay those funds. It would be obviously a very uncomfortable conversation, but it doesn't mean that you as a fiduciary (the board member, officer) of the foundation shouldn't be having those conversations. Because you might have donor-imposed restrictions or a donor intent issue that you would be struggling with, that may tie your hands, and make the foundation unable to just simply say yes and repurpose a project grant as a general operating support grant. I think everybody needs to understand that, depending on the circumstances of the foundation, it may not be as simple to do so even if you really wanted it. So, something to keep in mind.

And I think that's why it's important to have these transparent communications with grantees, especially during these times. Things change certainly on a weekly basis for everyone.

Grants to Individuals

Of course, everybody's thinking about how to help individuals, not just organizations, for emergency assistance with folks being out of work. To set the baseline, as a reminder: **private foundations can make grants to individuals**. If the foundation is making a direct grant for study or travel, that requires advance approval by the IRS. If you set up a scholarship program, which is the typical example, or a research fellowship program to make grants to individuals directly, then you need to get advance approval of that program by the IRS. This is if the foundation is doing the selection, doing the vetting, and making the grants to the individuals. This does not apply when the foundation is making a grant to a university's scholarship fund and the university is the one selecting grantees and paying the recipients. That type of program does not require advanced approval. Other types of grants do not require pre-approval by the IRS; emergency assistance programs do not require pre-approval.

Most foundations thinking about doing emergency assistance use an intermediary public charity. There are obviously thousands of funds being set up. We've spent the last three weeks helping set up a variety of funds for various industries, and that is usually the simplest way to do it. Those are typically run by other public charities—you just help support the public charity's emergency relief fund. Community foundations often step into the fray in these times and they have amazing resources on disaster relief funds and ones that they run as well.

If you're doing emergency assistance directly, you have to make sure that there's [a sufficiently large share of world class](#), whether it's the number of individuals being supported or that the class is open-ended. So, it applies to a current state of emergency and disaster as well as open to future emergencies. Recipients have to be selected on an objective determination of financial need.

If you're providing immediate assistance (food, shelter, things of that sort), that does not require determination of financial need; but other types of assistance and long-term assistance does.

Certainly, many of these emergency relief funds being set up right now are finding ways to figure out proxy metrics to determine financial needs. Instead of trying to get people to submit tax returns to provide all this sort of information, the goal in this past month and probably in April has been to get money out the door as quickly as possible to help folks. Payments to recipients are usually considered gifts and are not taxable to the recipient.

In the case of emergencies, what ends up happening is an emergency is declared (as the President declared at the beginning of March) related to the current pandemic, or as in prior years when there's a natural disaster, the IRS or the Treasury Department declares that the situation is what's called a "qualified disaster" under Section 139 of the tax code. Once that happens, a couple of favorable provisions kick in. When there's a qualified disaster and a company makes a qualified disaster relief payment to (usually) their employees, it is not considered compensation or wages to that employee but is tax free.

What is important to keep in mind is that, although qualified disasters come up usually in the context of a business wanting to make some payments to its employees, it's not limited to for-profit companies. A nonprofit organization or a foundation is a business/company for purposes of [Section 139](#) and can make these types of assistance payments directly to its own employees on a tax-free basis. Second, once these rules are invoked, it allows a company foundation to provide financial assistance to the employees of

the company. Often times you have companies setting up their own private foundations for grantmaking purposes, and in times of emergency those company foundations are sometimes sources for emergency relief assistance payments to the company employees, and this can be done on a tax-free basis and within the private foundation rules.

Similarly, instead of setting up their own private foundations, companies sometimes set up a disaster relief fund at a public charity, such as a community foundation, and then use Section 139. Those disaster relief funds can again provide assistance to employees on a tax-free basis.

There are specific rules as to criteria used to provide assistance, but I wanted to highlight this section because you might see information about this qualified disaster relief payments and Section 139 and wanted to explain how it fits together and how it works.

Jason: Sure, we have a couple of quick questions. First, have they changed the timing deadline for filing 990 PFs?

Andras: That's a great question and I'm not entirely certain of the answer because the 990 tax returns are not really tax returns—they are information returns. It's a question that doesn't have a very clear answer just yet. Hopefully everybody has either applied for their normal six-month extension or will do so; if you haven't I certainly urge you to use the normal course currently of applying for your automatic six months extension. That's something that I believe does require some further clarification as to the rules of extending the tax deadlines for businesses and individuals and how they apply to s because they're not the same type of tax return as business and individual tax returns.

Jason: Thank you. What happens if one of our grantees closes or ceases operations, and we currently have a grant out to them?

Andras: Hopefully you're hearing this from the grantee and not through hearsay. I think you need to reach out to them directly, you need to talk to them and look at what the grant agreement says. If you have a project grant, then it's restricted funding and theoretically you might be in a position to [“claw back”](#) those funds. At the same time, the grantee is usually going to have other bills to creditors who would usually be first in line to get paid out before a foundation might be able to get its funding back.

Jason: We have a couple questions around spending policy and payout. The first one is: “We have a written spending policy and are interested in updating this policy to provide us with more flexibility in these extraordinary times. Are there any legal issues or concerns that we need to consider?”

Andras: Your spending policy is going to be very flexible and should allow you to make grants and spend from your corpus really as much as you like. The guardrails are going to be around your internal written policy. If you do have an internal written policy and you're going to make exceptions to it or update it, then you want to have the board approve that. You also need to consider whether there are any donor- or founder-imposed restrictions on any spending.

Some foundations do have these, while many do not, so you do want to check your organizing documents and anything related to that to make sure there aren't any legally imposed requirements.

And then with respect to or even art institutions and universities—organizations that hold endowment funds—those are donor-restricted assets and the [Uniform Prudent Management of Institutional Funds Act](#) applies to that. Every state has adopted a version of UPMIF. Those organizations that are struggling

may be looking at UPMIFA as guidance as to what they can and cannot do. Those rules are generally not going to apply to a private foundation in changing its spending policy.

There is one other thing which is a slightly different situation right now than in prior years with foundations. If you recall, the excise tax on net investment income—the Section 4940, 1-2% excise tax that foundations pay—has been changed effective this year to a fixed flat 1.39% rate. That's from a prior act last year that was changed finally after 40 or 50 years of lobbying Congress around that. But what the 1-2% percent difference allowed foundations to do is increase their grantmaking especially in times of emergency and they're able to then decrease their excise tax rate to 1%. Now that won't apply, it's just that fixed 1% rate; nonetheless during these times of crisis is often when foundations really step in and increase their grants and distribution.

Jason: There are lots of calls right now for endowed foundations to spend far more than the 5% minimum payout. If our foundation does this, is there any potential for legal exposure? Could other family members sue for us not following donor intent, or could they sue for us not ensuring intergenerational equity of the assets? Is there any chance that the Attorney General might step in in a case like this?

Those are all very good questions. Let me start with the last one. I would say that it is very unlikely that the Attorney General would step in in this kind of case. I have not heard of a state attorney general doing that even with the more activist state AGs (California, New York, Massachusetts, Illinois and others). But it's certainly a valid question to raise and think through because unless the donor said that this foundation is going to sunset after 10 years or five years or whatever it may be, most foundations are set up to be perpetual.

So, is it a legal requirement? To some extent yes, although depending on how the foundation was set up, unless there is there's a specific provision that donor or founder restrictions would prevent, a subsequent board could say that this foundation has been around for years, but now we're going to sunset it. Under normal circumstances, the board often does have the power to sunset the foundation, but those donor intent and restrictions are important to consider. But I would say that it would be very unlikely for the Attorney General to step into an interfamily dispute over that unless there is very clear founder/donor restriction that is legally binding on the foundation.

Jason: Great. You talked a little bit about virtual board meetings. One question is should we be taking votes virtually and recording the results of board votes?

Andras: Yes. If you mean virtually by email, you need to be careful to make sure that the email reflects what is being approved. For purposes of a board meeting—and again I think you do have to look at state law first—from the rules that I've generally seen, you can't just have a board meeting via email. If five people get on a phone call and then confirm voting through only email, the concept of voting by email does not work. It's generally not allowed unless it's a unanimous consent resolution that is signed by all board members, and not just the board members attending a board meeting for quorum purposes. It usually works for the signatures for purposes of the unanimous consent resolution to be done by electronic signature or email. But what usually doesn't work, again based on state law, is if you, for instance, have nine board members, and six of them are able to show up to a phone call or a meeting, and we say we need a majority for approval. In this case, if we got six email approvals back from folks, then we're good. However, that usually doesn't work. From a legal perspective, I think there are

potential holes and it's not quite the right way of doing it, but if nobody raises an objection, you may never have any issues around it. But I think you do need to think carefully whether it is a legally proper way of doing that.

It's a complicated answer because again, there are many nonprofits and foundations that use this email voting concept and it can be complicated.

Jason: Great, thank you. We have two additional questions and then we can wrap-up. Our foundation is non-endowed, and the founding donor gives to the foundation each year. Our donor is considering ceasing giving to the private foundation for 2020, because of changes to tax laws for individuals. He would instead give those dollars directly to nonprofits, instead of via the foundation. We still will be giving the minimum 5%. Two questions: Is there a conflict of interest if staff of the foundation also oversee grantmaking of our individual donor? How do you address grant agreements for an individual donor when they are used to giving via private foundation?

Andras: The overall strategy of giving directly to grantees to take advantage of the higher deduction limit under the CARES Act, rather than funding the private foundation, is good and sound.

There is a self-dealing concern if the private foundation staff assist the donor in making the individual gift because that would be using the foundation's assets (i.e., staff) to provide a benefit to the donor (a disqualified person) in his/her individual capacity. So there needs to be some way that the foundation can say that the foundation is doing the work on its own behalf. Here are a couple of ways that might allow the foundation to do that:

- If the donor agreement includes a provision that gives the foundation standing to enforce the terms of the agreement. In this case, the foundation has legal rights, so it would make sense for the foundation to be involved in overseeing the grantmaking.
- If the donor agreement includes a provision that assigns the agreement, at a future time, to the foundation. This should be done carefully, however, to make sure that the foundation does not have any legal obligations in terms of paying the gift as a result, because that could result in self-dealing.
- The donor could work from the template grant agreement that the foundation uses for its grantmaking and modify it to be a grant from an individual donor. But many of the provisions of a foundation grant agreement should generally still apply even if the donor is now the individual donor.

As mentioned above, it is also helpful to give the foundation standing, so that the foundation will always have standing to enforce the terms of the gift, as opposed to just the individual donor.

Jason: Thank you. Last question: Can a PF apply for PPP and regrant funds to nonprofits?

Andras: No. There are specific rules related to how the recipient of a PPP loan may use the loan proceeds. In general, this includes using the loan proceeds for the recipient's own payroll and benefits, rent and utilities.

Jason: Thanks, Andras. We have just a few moments left—do you have any closing comments, or parting words of advice related to the legal issues that the families are facing now and anything you want to close out the webinar with?

Andras: Thank you everyone. It's a tough time for everybody. I really encourage you to be in close communication with grantees and send questions and comments and what you are seeing to NCFP. It's really important for all of us advisors and for your peers and colleagues to really get quick feedback as to what questions are coming up, what you're seeing, what are the needs, so we have information available.

It's likely that there's another stimulus package working through Congress in the next month. Some of that may include technical corrections to the CARES Act that was signed into law on Friday. Getting information from grantees about their needs and what works and doesn't work, especially with respect to some of the stimulus packages that are being put together, because information is really key right now.

Jason: Thanks, Andras, it certainly is. Thank you so much for sharing this information today. As a reminder, we're going to be sending this recording and slides to all who registered. We're also going to be posting a written transcript of Andras' answers to your questions. Thank you all so much, especially you Andras, for making time to join us. Please stay tuned for future NCFP Community Conversations around the COVID-19 crisis. We are thinking of all of you, and please let us know how we can support you in the days and months ahead. Stay safe everyone. Have a great day.

About the Presenter



Andras Kosaras represents domestic and international tax-exempt organizations on a broad range of regulatory, transactional and operational matters, including structuring domestic and international programs, grantmaking, and business ventures. He also represents individuals and corporate donors on charitable giving. In addition, working with the firm's legislative team, Mr. Kosaras monitors and provides advice on legislative and regulatory tax proposals affecting tax-exempt organizations.

He advises exempt organizations on executive compensation, private foundation rules, unrelated business income tax, mergers, joint ventures and the establishment of for-profit subsidiaries, as well as on managing investments and endowments, including mission- and program-related investments. He advises exempt organizations involved in tax and governance controversies, including internal investigations, disputes over charitable gifts and gift restrictions, internal investigations, and examinations by the IRS and state charity regulators.