

submit an application to the Corporation at such time, in such manner, and accompanied by such information as the Corporation may reasonably require.

(2) Contents

Each application submitted pursuant to paragraph (1) shall contain—

(A)(i)¹ a description of the program that the applicant will provide;

(B) an assurance that the applicant will annually collect information on—

(i) the number of volunteers recruited for activities carried out under this section, using funds received under this section, and the type and amount of activities carried out by such volunteers; and

(ii) the number of volunteers managed or supported using funds received under this section, and the type and amount of activities carried out by such volunteers;

(C) a description of the outcomes the applicant will use to annually measure and track performance with regard to—

(i) activities carried out by volunteers; and

(ii) volunteers recruited, managed, or supported; and

(D) such additional assurances as the Corporation determines to be essential to ensure compliance with the requirements of this section.

(c) Eligible volunteer programs

A State Commission or nonprofit organization receiving a grant under this section shall use the assistance—

(1) directly to carry out volunteer programs or to develop and support community-based entities that recruit, manage, or support volunteers, by carrying out activities consistent with the goals of the subgrants described in paragraph (2); or

(2) through subgrants to community-based entities to carry out volunteer programs or develop and support such entities that recruit, manage, or support volunteers, through 1 or more of the following types of subgrants:

(A) A subgrant to a community-based entity for activities that are consistent with the priorities set by the State's national service plan as described in section 12638(e) of this title, or by the Corporation.

(B) A subgrant to recruit, manage, or support volunteers to a community-based entity such as a volunteer coordinating agency, a nonprofit resource center, a volunteer training clearinghouse, an institution of higher education, or a collaborative partnership of faith-based and community-based organizations.

(C) A subgrant to a community-based entity that provides technical assistance and support to—

(i) strengthen the capacity of local volunteer infrastructure organizations;

(ii) address areas of national need (as defined in section 12653b(a) of this title); and

(iii) expand the number of volunteers nationally.

¹ So in original. No cl. (ii) has been enacted.

(d) Allocation of funds

(1) In general

Of the funds allocated by the Corporation for provision of assistance under this section for a fiscal year—

(A) the Corporation shall use 50 percent of such funds to award grants, on a competitive basis, to State Commissions and nonprofit organizations for such fiscal year; and

(B) the Corporation shall use 50 percent of such funds make² an allotment to the State Commissions of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico based on the formula described in subsections (e) and (f) of section 12581 of this title, subject to paragraph (2).

(2) Minimum grant amount

In order to ensure that each State Commission is able to improve efforts to recruit, manage, or support volunteers, the Corporation may determine a minimum grant amount for allotments under paragraph (1)(B).

(e) Limitation on administrative costs

Not more than 5 percent of the amount of any grant provided under this section for a fiscal year may be used to pay for administrative costs incurred by either the recipient of the grant or any community-based entity receiving assistance or a subgrant under such grant.

(f) Matching fund requirements

The Corporation share of the cost of carrying out a program that receives assistance under this section, whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed—

(1) 80 percent of such cost for the first year in which the recipient receives such assistance;

(2) 70 percent of such cost for the second year in which the recipient receives such assistance;

(3) 60 percent of such cost for the third year in which the recipient receives such assistance; and

(4) 50 percent of such cost for the fourth year in which the recipient receives such assistance and each year thereafter.

(Pub. L. 101-610, title I, §198P, as added Pub. L. 111-13, title I, §1808, Apr. 21, 2009, 123 Stat. 1573.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111-13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

PART V—NONPROFIT CAPACITY BUILDING PROGRAM

§ 12653s. Nonprofit capacity building

(a) Definitions

In this section:

(1) Intermediary nonprofit grantee

The term “intermediary nonprofit grantee” means an intermediary nonprofit organization that receives a grant under subsection (b).

² So in original. Probably should be preceded by “to”.

(2) Intermediary nonprofit organization

The term “intermediary nonprofit organization” means an experienced and capable nonprofit entity with meaningful prior experience in providing organizational development assistance, or capacity building assistance, focused on small and midsize nonprofit organizations.

(3) Nonprofit

The term “nonprofit”, used with respect to an entity or organization, means—

(A) an entity or organization described in section 501(c)(3) of title 26 and exempt from taxation under section 501(a) of such title; and

(B) an entity or organization described in paragraph (1) or (2) of section 170(c) of such title.

(4) State

The term “State” means each of the several States, and the District of Columbia.

(b) Grants

The Corporation shall establish a Nonprofit Capacity Building Program to make grants to intermediary nonprofit organizations to serve as intermediary nonprofit grantees. The Corporation shall make the grants to enable the intermediary nonprofit grantees to pay for the Federal share of the cost of delivering organizational development assistance, including training on best practices, financial planning, grantwriting, and compliance with the applicable tax laws, for small and midsize nonprofit organizations, especially those nonprofit organizations facing resource hardship challenges. Each of the grantees shall match the grant funds by providing a non-Federal share as described in subsection (f).

(c) Amount

To the extent practicable, the Corporation shall make such a grant to an intermediary nonprofit organization in each State, and shall make such grant in an amount of not less than \$200,000.

(d) Application

To be eligible to receive a grant under this section, an intermediary nonprofit organization shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require. The intermediary nonprofit organization shall submit in the application information demonstrating that the organization has secured sufficient resources to meet the requirements of subsection (f).

(e) Preference and considerations**(1) Preference**

In making such grants, the Corporation shall give preference to intermediary nonprofit organizations seeking to become intermediary nonprofit grantees in areas where nonprofit organizations face significant resource hardship challenges.

(2) Considerations

In determining whether to make a grant the Corporation shall consider—

(A) the number of small and midsize nonprofit organizations that will be served by the grant;

(B) the degree to which the activities proposed to be provided through the grant will assist a wide number of nonprofit organizations within a State, relative to the proposed amount of the grant; and

(C) the quality of the organizational development assistance to be delivered by the intermediary nonprofit grantee, including the qualifications of its administrators and representatives, and its record in providing services to small and midsize nonprofit organizations.

(f) Federal share**(1) In general**

The Federal share of the cost as referenced in subsection (b) shall be 50 percent.

(2) Non-Federal share**(A) In general**

The non-Federal share of the cost as referenced in subsection (b) shall be 50 percent and shall be provided in cash.

(B) Third party contributions**(i) In general**

Except as provided in clause (ii), an intermediary nonprofit grantee shall provide the non-Federal share of the cost through contributions from third parties. The third parties may include charitable grantmaking entities and grantmaking vehicles within existing organizations, entities of corporate philanthropy, corporations, individual donors, and regional, State, or local government agencies, or other non-Federal sources.

(ii) Exception

If the intermediary nonprofit grantee is a private foundation (as defined in section 509(a) of title 26), a donor advised fund (as defined in section 4966(d)(2) of such title), an organization which is described in section 4966(d)(4)(A)(i) of such title, or an organization which is described in section 4966(d)(4)(B) of such title, the grantee shall provide the non-Federal share from within that grantee’s own funds.

(iii) Maintenance of effort, prior year third-party funding levels

For purposes of maintaining private sector support levels for the activities specified by this program, a non-Federal share that includes donations by third parties shall be composed in a way that does not decrease prior levels of funding from the same third parties granted to the nonprofit intermediary grantee in the preceding year.

(g) Reservation

Of the amount authorized to provide financial assistance under this division, there shall be made available to carry out this section \$5,000,000 for each of fiscal years 2010 through 2014.

(Pub. L. 101-610, title I, §198S, as added Pub. L. 111-13, title I, §1809, Apr. 21, 2009, 123 Stat. 1575.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111-13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

Division I—American Conservation and Youth Service Corps

Editorial Notes

CODIFICATION

Subtitle I of title I of Pub. L. 101-610, comprising this division, was formerly classified to part C (§12541 et seq.) of this subchapter prior to the general amendment by Pub. L. 103-82, §101(a).

§ 12655. General authority

The Corporation may make grants to States or local applicants and may transfer funds to the Secretary of Agriculture or to the Secretary of the Interior for the creation or expansion of full-time, part-time, year-round, or summer, youth corps programs¹ To the extent practicable, the Corporation shall apply the provisions of division C in making grants under this section.

(Pub. L. 101-610, title I, §199A, formerly §121, Nov. 16, 1990, 104 Stat. 3140; Pub. L. 102-384, §5, Oct. 5, 1992, 106 Stat. 1455; renumbered §199A and amended Pub. L. 103-82, title I, §101(a), (e)(1), (2), Sept. 21, 1993, 107 Stat. 788, 815.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 12541 of this title prior to renumbering by Pub. L. 103-82, §101(a).

AMENDMENTS

1993—Pub. L. 103-82, §101(e)(1), (2), substituted “Corporation” for “Commission”, substituted “or to the Secretary of the Interior” for “, to the Secretary of the Interior, or to the Director of ACTION”, struck out “under section 12512 of this title” after “may make grants”, and inserted at end “To the extent practicable, the Corporation shall apply the provisions of division C in making grants under this section.”

1992—Pub. L. 102-384 amended section generally. Prior to amendment, section read as follows: “The Commission may make grants under section 12512 of this title to States or local applicants, to the Secretary of Agriculture, to the Secretary of the Interior, or to the Director of ACTION for the creation or expansion of full-time or summer youth corps programs.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 123 of Pub. L. 103-82, set out as a note under section 1701 of Title 16, Conservation.

SHORT TITLE

For short title of subtitle I of title I of Pub. L. 101-610 which enacted this division, as the American Conservation and Youth Service Corps Act of 1990, see section 199 of Pub. L. 101-610, set out as a note under section 12501 of this title.

¹ So in original. Probably should be followed by a period.

§ 12655a. Limitation on purchase of capital equipment

Not to exceed 10 percent of the amount of assistance made available to a program agency under this division shall be used for the purchase of major capital equipment.

(Pub. L. 101-610, title I, §199B, formerly §122, Nov. 16, 1990, 104 Stat. 3140; Pub. L. 102-10, §5(2), Mar. 12, 1991, 105 Stat. 30; renumbered §199B and amended Pub. L. 103-82, title I, §101(a), (e)(3), Sept. 21, 1993, 107 Stat. 788, 815.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 12542 of this title prior to renumbering by Pub. L. 103-82, §101(a).

AMENDMENTS

1993—Pub. L. 103-82, §101(e)(3), amended section generally, substituting provisions relating to limitation on purchase of capital equipment for provisions relating to allocation of funds.

1991—Subsec. (e). Pub. L. 102-10 inserted “service” after “youth”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 123 of Pub. L. 103-82, set out as a note under section 1701 of Title 16, Conservation.

§ 12655b. State application**(a) Submission**

To be eligible to receive a grant under this division, a State or Indian tribe (or a local applicant if section 12655 of this title applies) shall prepare and submit to the Corporation, an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

(b) General content

An application submitted under subsection (a) shall describe—

(1) any youth corps program proposed to be conducted directly by such applicant with assistance provided under this division; and

(2) any grant program proposed to be conducted by such State with assistance provided under this division for the benefit of entities within such State.

(Pub. L. 101-610, title I, §199C, formerly §123, Nov. 16, 1990, 104 Stat. 3141; Pub. L. 102-10, §5(3), Mar. 12, 1991, 105 Stat. 30; renumbered §199C and amended Pub. L. 103-82, title I, §101(a), (e)(1), (4), Sept. 21, 1993, 107 Stat. 788, 815.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 12543 of this title prior to renumbering by Pub. L. 103-82, §101(a).

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-82, §101(e)(1), (4)(A), substituted “Corporation” for “Commission” in two places and “section 12655 of this title” for “section 12542(b) of