

**(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 make<sup>2</sup> 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) 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—

<sup>2</sup>So in original. Probably should be preceded by “to”.

(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 programs<sup>1</sup> 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.

<sup>1</sup> So in original. Probably should be followed by a period.