



AMENDMENT NO.

Calendar No.

Purpose: To establish a Nonprofit Capacity Building Program.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 1388

	AMENDMENT N^o 692		
T	By	Baucus	s.
	To:	Amdt. No. 687	
Refer		6	and
		Page(s)	

GPO: 2008 45-603 (mac)

AMENDMENT intended to be proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY)

Viz:

1 On page 297, between lines 16 and 17, insert the following:
2

3 **SEC. . NONPROFIT CAPACITY BUILDING PROGRAM.**

4 Subtitle H of title I (42 U.S.C. 12653 et seq.) is
5 amended by adding at the end the following:

6 **“PART V—NONPROFIT CAPACITY BUILDING**
7 **PROGRAM**

8 **“SEC. 198S. NONPROFIT CAPACITY BUILDING.**

9 **“(a) DEFINITIONS.—In this section:**

1 “(1) INTERMEDIARY NONPROFIT GRANTEE.—
2 The term ‘intermediary nonprofit grantee’ means an
3 intermediary nonprofit organization that receives a
4 grant under subsection (b).

5 “(2) INTERMEDIARY NONPROFIT ORGANIZA-
6 TION.—The term ‘intermediary nonprofit organiza-
7 tion’ means an experienced and capable nonprofit
8 entity with meaningful prior experience in providing
9 organizational development assistance, or capacity
10 building assistance, focused on small and midsize
11 nonprofit organizations.

12 “(3) NONPROFIT.—The term ‘nonprofit’, used
13 with respect to an entity or organization, means—

14 “(A) an entity or organization described in
15 section 501(c)(3) of the Internal Revenue Code
16 of 1986 and exempt from taxation under sec-
17 tion 501(a) of such Code; and

18 “(B) an entity or organization described in
19 paragraph (1) or (2) of section 170(c) of such
20 Code.

21 “(4) STATE.—The term ‘State’ means each of
22 the several States, and the District of Columbia.

23 “(b) GRANTS.—The Corporation shall establish a
24 Nonprofit Capacity Building Program to make grants to
25 intermediary nonprofit organizations to serve as inter-

1 intermediary nonprofit grantees. The Corporation shall make
2 the grants to enable the intermediary nonprofit grantees
3 to pay for the Federal share of the cost of delivering orga-
4 nizational development assistance, including training on
5 best practices, financial planning, grantwriting, and com-
6 pliance with the applicable tax laws, for small and midsize
7 nonprofit organizations, especially those nonprofit organi-
8 zations facing resource hardship challenges. Each of the
9 grantees shall match the grant funds by providing a non-
10 Federal share as described in subsection (f).

11 “(c) AMOUNT.—To the extent practicable, the Cor-
12 poration shall make such a grant to an intermediary non-
13 profit organization in each State, and shall make such
14 grant in an amount of not less than \$200,000.

15 “(d) APPLICATION.—To be eligible to receive a grant
16 under this section, an intermediary nonprofit organization
17 shall submit an application to the Corporation at such
18 time, in such manner, and containing such information as
19 the Corporation may require. The intermediary nonprofit
20 organization shall submit in the application information
21 demonstrating that the organization has secured sufficient
22 resources to meet the requirements of subsection (f).

23 “(e) PREFERENCE AND CONSIDERATIONS.—

24 “(1) PREFERENCE.—In making such grants,
25 the Corporation shall give preference to intermediary

1 nonprofit organizations seeking to become inter-
2 mediary nonprofit grantees in areas where nonprofit
3 organizations face significant resource hardship
4 challenges.

5 “(2) CONSIDERATIONS.—In determining wheth-
6 er to make a grant the Corporation shall consider—

7 “(A) the number of small and midsize non-
8 profit organizations that will be served by the
9 grant;

10 “(B) the degree to which the activities pro-
11 posed to be provided through the grant will as-
12 sist a wide number of nonprofit organizations
13 within a State, relative to the proposed amount
14 of the grant; and

15 “(C) the quality of the organizational de-
16 velopment assistance to be delivered by the
17 intermediary nonprofit grantee, including the
18 qualifications of its administrators and rep-
19 resentatives, and its record in providing services
20 to small and midsize nonprofit organizations.

21 “(f) FEDERAL SHARE.—

22 “(1) IN GENERAL.—The Federal share of the
23 cost as referenced in subsection (b) shall be 50 per-
24 cent.

25 “(2) NON-FEDERAL SHARE.—

1 “(A) IN GENERAL.—The non-Federal
2 share of the cost as referenced in subsection (b)
3 shall be 50 percent and shall be provided in
4 cash.

5 “(B) THIRD PARTY CONTRIBUTIONS.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in clause (ii), an intermediary non-
8 profit grantee shall provide the non-Fed-
9 eral share of the cost through contribu-
10 tions from third parties. The third parties
11 may include charitable grantmaking enti-
12 ties and grantmaking vehicles within exist-
13 ing organizations, entities of corporate phi-
14 lanthropy, corporations, individual donors,
15 and regional, State, or local government
16 agencies, or other non-Federal sources.

17 “(ii) EXCEPTION.—If the inter-
18 mediary nonprofit grantee is a private
19 foundation (as defined in section 509(a) of
20 the Internal Revenue Code of 1986), a
21 donor advised fund (as defined in section
22 4966(d)(2) of such Code), an organization
23 which is described in section
24 4966(d)(4)(A)(i) of such Code, or an orga-
25 nization which is described in section

1 4966(d)(4)(B) of such Code, the grantee
2 shall provide the non-Federal share from
3 within that grantee's own funds.

4 “(iii) MAINTENANCE OF EFFORT,
5 PRIOR YEAR THIRD-PARTY FUNDING LEV-
6 ELS.—For purposes of maintaining private
7 sector support levels for the activities spec-
8 ified by this program, a non-Federal share
9 that includes donations by third parties
10 shall be composed in a way that does not
11 decrease prior levels of funding from the
12 same third parties granted to the nonprofit
13 intermediary grantee in the preceding year.

14 “(g) RESERVATION.—Of the amount authorized to
15 provide financial assistance under this subtitle, there shall
16 be made available to carry out this section \$5,000,000 for
17 each of fiscal years 2010 through 2014.”.