

**CORPORATION FOR NATIONAL
AND COMMUNITY SERVICE**

SOCIAL INNOVATION FUND

**COOPERATIVE AGREEMENT
TERMS AND CONDITIONS**

(CFDA No. 94:019)

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I. GOVERNING AUTHORITIES, TERMS AND CONDITIONS OF SOCIAL INNOVATION FUND COOPERATIVE AGREEMENTS

A. STATUTORY AUTHORITY.

This Cooperative Agreement is authorized by and subject to the National and Community Service Act of 1990, as amended by the Serve America Act (the “NCSA”), codified as 42 U.S.C. 12501 et seq. Awardees must comply with the requirements of the Act and its implementing regulations.

B. OTHER APPLICABLE STATUTORY AND ADMINISTRATIVE PROVISIONS

The following applicable federal cost principles, administrative requirements and audit requirements are incorporated by reference.

1. States, Indian Tribes, U.S. Territories, And Local Governments

The following circulars and their implementing regulations apply to states, Indian tribes, U.S. territories, and local governments:

- a.** OMB Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments – 45 CFR Part 2541.
- b.** OMB Circular A-87, Cost Principles for State and Local Governments – 2 CFR Part 225.
- c.** OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

2. Nonprofit Organizations

The following circulars and their implementing regulations apply to nonprofit organizations:

- a.** OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
- b.** OMB Circular A-122, Cost Principles for Nonprofit Organizations – 2 CFR Part 230.
- c.** OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

3. Educational Institutions

The following circulars and their implementing regulations apply to educational institutions:

- a. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
- b. OMB Circular A-21, Cost Principles for Educational Institutions – 2 CFR Part 220.
- c. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

These documents can be found here:

http://www.access.gpo.gov/nara/cfr/waisidx_07/2cfrv1_07.html#215

and here:

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=1289932cf6539210eb14f3d8d3052a8b&c=ecfr&tpl=/ecfrbrowse/Title02/2cfrv1_02.tpl#200

C. OTHER APPLICABLE STATUTES, REGULATIONS AND AUTHORITIES

The Awardee must comply with all other applicable statutes, executive orders, regulations, and policies governing the Cooperative Agreement, including, but not limited to, those cited in the Notice of Federal Funds Opportunity, these Terms and Conditions, the Cooperative Agreement Assurances and Certifications, and those cited in 45 CFR Parts 2541 and 2543.

D. OTHER DOCUMENTS GOVERNING THE COOPERATIVE AGREEMENT

In addition to the applicable statutes and regulations referred to and incorporated above, the Awardee must perform its Cooperative Agreement consistent with the requirements stated in:

1. The Notice of Grant Award and Signature Page;
2. These Social Innovation Fund Cooperative Agreement Terms and Conditions;
3. The Social Innovation Fund Notice of Federal Funds Opportunity;
4. The Awardee's approved Application (including the final approved budget).

E. ORDER OF PRECEDENCE

Any inconsistency in the documents governing this Cooperative Agreement shall be resolved by giving precedence in the following order (a) the NCSA and other applicable Federal Statutes, (b) CNCS and other Federal regulations, (c) Notice of Grant Award and Signature Page, (d) Social Innovation Fund Special Provisions (contained herein), (e) General Provisions (contained herein), (f) the Social Innovation Fund Notice of Federal Funds Opportunity, and (g) the approved Application (including all assurances, certifications, attachments, and pre-award negotiations).

II. SOCIAL INNOVATION FUND SPECIAL PROVISIONS

A. DEFINITIONS

For purposes of this Cooperative Agreement the following definitions apply:

- 1. Application** means all information and materials (including all assurances and certifications, the proposed budget as approved by CNCS, or any information incorporated by reference) submitted by the Awardee in CNCS's eGrants system in response to the Notice of Federal Funds Opportunity, including any amendments or modifications to the information and materials made in response to any CNCS request for clarification. Copies of the assurances and certifications agreed to in the eGrants system are included for reference as appendices to these Terms and Conditions.
- 2. Awardee** means the direct recipient of this award under section 198K of the NCSA (42 U.S.C. 12653k).
- 3. Competitive subgrant selection process** means an open and merit-based process to select subgrantees carried out by an Awardee in compliance with section 198k(j)(3) of the NCSA (42 U.S.C. 12653K9J)(3)), and in a manner which:
 - a.** Is open to all eligible nonprofit organizations (including nonprofit organizations previously funded or affiliated with the Awardee);
 - b.** Provides sufficient public notice of the availability of SIF subgrants to eligible nonprofit community organizations within the specific local geographic areas and issue area(s) covered under this Cooperative Agreement;
 - c.** Advises potential applicants of:
 - i.** What organizations are eligible for funding;
 - ii.** How to obtain and submit an application;
 - iii.** The criteria (including appropriate subcriteria) that will be considered in reviewing applications; and
 - iv.** Any relative percentages, weights, or other means used to distinguish among the criteria; and
 - d.** Ensures that subgrant applications will be reviewed consistent with the established criteria and will be free from any actual conflicts of interest (or the reasonable perception of any such conflict).
- 4. Low-income community** means either:
 - a.** A population of individuals or households being served by a subgrantee on the basis of having a household income that is 20 percent or less of the applicable Federal

poverty guideline, or

- b.** Either a population of individuals or households, or a specific local geographic area, with specific measurable indicators that correlate to low-income, such as, but not exclusive to, K-12 students qualifying for free- or reduced-lunch, long-term unemployment, risk of homelessness, low school achievement, persistent hunger, or serious mental illness. An application that proposes to rely on measurable indicators should fully describe the basis for relying upon those indicators (including citations to appropriate studies). The application also must describe and cite the source of data supporting the conclusion that the targeted community meets the indicators.

As specified in section 198K of the National Community Service Act (NCSA), Social Innovation Fund intermediary grantees must make subgrants and otherwise support programs that serve “low-income” communities

5. Subgrantee means a community organization receiving funds awarded by an Awardee under section 198K(j) of the NCSA (42 U.S.C. 12653k(j)).

B. ROLES AND RESPONSIBILITIES OF THE AWARDEE

1. General

The Awardee must perform the activities supported by this Cooperative Agreement in compliance with the statutes, regulations and administrative authorities cited or referred to in these Terms and Conditions, in conformance with its approved Application (including the approved budget), and consistent with any approvals or directions provided by CNCS in the course of carrying out the Cooperative Agreement. The Awardee is legally accountable to CNCS for the use of award funds and is bound by the provisions of the award. The Awardee is responsible for ensuring that subgrantees or other organizations carrying out activities under this award comply with these Terms and Conditions, including regulations and OMB circulars incorporated by reference.

2. Subgrants

- a.** The Awardee shall provide to CNCS a detailed plan for carrying out its competitive subgrant selection process within the timeline prescribed by the SIF Director. That detailed plan must:
 - i.** Fully comply with the requirements specified in section 198K((j)(3) of the NCSA (42 U.S.C. 12653k(j)(3)) and in the definition of “Competitive subgrant selection process” in these Terms and Conditions;
 - ii.** Result in awards to subgrantees to serve low-income communities (as defined in these Terms and Conditions) either:
 - (a)* In the case of an Awardee that applied as a geographic-based SIF, within the specific local geographic area and addressing the specific measurable outcomes in the specific issue area(s) identified in the Awardee’s Application;

or

(b) In the case of an Awardee that applied as an issue-based SIF—

(1) Addresses the specific measurable outcomes in the specific issue area identified in the Awardee's Application; and

(2) Are within the specific geographic areas of need related to that issue area, as identified in the Awardee's Application or as approved byCNCS;

iii. For the Social Innovation Fund competition, Social Innovation Fund intermediaries should award larger subgrants to programs that show higher levels of evidence, as defined below.

(1) CNCS expects that there will be a direct, positive relationship between the levels of growth that intermediaries propose for given subgrantees and the level of evidence the subgrantees possess at the time of their selection for funding.

(2) Adequately propose a means of allocating grant awards so that larger sums are given to those subgrantees with higher levels of evidence of effectiveness to support the growth of their program impact.

iv. Be otherwise consistent with the Awardee's application and approved budget.

b. The Awardee shall—

i. Make its subgrant awards consistent with its approved detailed plan and the requirements of sections 198K(j) and (k) of the NCSA (42 U.S.C. 12653k(j) and (k)), and the Terms and Conditions of this Cooperative Agreement;

ii. Complete its competitive subgrant selection process and make its subgrant awards within six-months of entering into this Cooperative Agreement; and

iii. Ensure that no less than 80% of the funds provided by CNCS under its Cooperative Agreement are awarded to subgrantees.

3. Evaluation, Replication and Expansion

a. With input from the Awardee, CNCS will reasonably set the date by which the Awardee shall provide to CNCS the Awardee's detailed plans for evaluation of its subgrantees. The detailed plans shall include;

i. the specific questions the evaluation(s) intend to answer;

ii. the type of research design, timeline, and estimated budget for evaluation;

iii. the selection of who will conduct the evaluations and the process to be employed to maintain independence, objectivity, and high-quality reports; and

iv. any additional elements specified by CNCS.

b. With input from the Awardee, CNCS will establish required elements of a detailed plan for an Awardee's replication or expansion of subgrantees and set a reasonable deadline for submission by the Awardee.

4. SIF Learning Community

The Awardee shall participate in SIF Learning Community activities as reasonably requested by CNCS from time to time and shall work collaboratively with CNCS to develop such activities.

C. ROLES AND RESPONSIBILITIES OF CNCS

Performance under this Cooperative Agreement is subject to the general oversight and monitoring of CNCS. Additional substantial involvement of CNCS will include:

1. Subgrants

- a.** Reviewing and approving the Awardee's final detailed plan for carrying out its competitive subgrant selection process within approximately 15 business days of receipt of the plan; and
- b.** Reviewing the Awardee's execution of its approved competitive subgrant selection process for compliance with applicable requirements under the grant award.

2. Evaluation and Replication or Expansion

- a.** Reviewing and reaching mutual agreement with the Awardee on the Awardee's final, detailed plans for evaluation of major subgrantees; and
- b.** Reviewing and reaching mutual agreement with the Awardee on the Awardee's final, detailed plans for replication or expansion of subgrantees.

3. SIF Learning Community

- a.** Coordination of activities between the Awardee, CNCS, other Social Innovation Fund awardees, other recipients of assistance from CNCS, public agencies, and other invited public or private organizations; and
- b.** The development of best practices deliverables.

D. BUDGET AND PROGRAMMATIC CHANGES

1. Programmatic Changes

The Awardee must first obtain the prior written approval of CNCS's Social Innovation Fund Program Office before making the following changes:

- a.** Changes in the scope, objectives or goals of the Awardee's program, whether or not they involve budgetary changes;
- b.** Entering into subgrants for Social Innovation Fund activities funded by the Cooperative Agreement which had not been previously identified or included in the approved application, budget or plan.
- c.** Changes in deadlines identified in these Terms and Conditions. Deadlines may be reasonably extended or revised upon mutual agreement of the parties.

Programmatic changes also require final approval of CNCS's Office of Grants Management after written recommendation for approval is received from the Social Innovation Fund Program Office. The Grants Officers will execute written amendments, and Awardees should not assume approvals have been granted unless documentation from the Grants Office has been received. Changes in deadlines require prior approval, but are not considered programmatic changes requiring a grant amendment.

2. Budgetary Changes

The Awardee must obtain the prior written approval of CNCS's Office of Grants Management before amending the approved budget in any of the following ways:

- a.** Specific Costs Requiring Prior Approval before Incurrence under OMB Circulars A-21 (2 CFR Part 220), A-87 (2 CFR Part 225) or A-122 (2 CFR Part 230). For certain cost items, the cost circulars require approval of the awarding agency for the cost to be allowable. Examples of these costs are overtime pay, rearrangement and alteration costs, and pre-award costs.
- b.** Purchases of Equipment over \$5,000 using Cooperative Agreement funds, unless specified in the approved Application and budget.
- c.** Changes to cumulative and/or aggregate budget line items that amount to 10 per cent or more of the total budget must be approved in writing in advance by CNCS. The total budget includes both CNCS and Awardee shares. Awardees may transfer funds among approved direct cost categories when the cumulative amount of such transfers does not exceed 10 percent of the total budget.

E. NOTIFICATION OF STAFFING AND MANAGEMENT CHANGES

Within 5 business days, the Awardee must notify CNCS of any change in the staffing of any key position included (in whole or in part) as a cost in the award budget. This requirement applies regardless of whether the position is included in the federal or matching cost portions of the

budget. The Awardee must also notify CNCS of any changes in any positions which are not included in the approved budget, but which involve leadership oversight of the activity under this award. The Awardee must also notify CNCS of any change in the senior leadership of the Awardee.

F. MATCHING FUND REQUIREMENTS

As provided in section 198K(i) of the NCSA (42 U.S.C. 12653k(i)), the Awardee must provide at least fifty percent (50%) of the overall cost of carrying out the activities supported under its Cooperative Agreement. In addition, under section 198K(k) of the NCSA (42 U.S.C.12653k(k)), all subgrantees must provide at least fifty percent (50%) of the cost of carrying out the activities supported under their subgrants. In both cases, the matching funds must be provided in cash. References in any of the applicable OMB Cost Principles to providing matching funds in-kind do NOT apply to Social Innovation Fund award or subgrants.

Subgrants are required to meet a dollar for dollar match expenditure every 12 months beginning at the start of their first award period. Failure to meet the match at any of the 12 month increments will result in termination. The subgrant may complete the current cycle but may not receive subsequent funding.

G. REPORTING REQUIREMENTS

1. Awardee Progress Reports

Each Awardee must submit quarterly reports in the appropriate electronic system summarizing progress on the specific measurable outcomes identified in the Awardee's Application during the quarter. Each Awardee shall also report on other measures established by CNCS in consultation with the Awardee. At the discretion of CNCS deadlines are as follows:

| <u>Due Date</u> | <u>Reporting Period Covered</u> |
|-----------------|-------------------------------------|
| October 31 | Start of Award through September 30 |
| January 31 | October 1 through December 31 |
| April 30 | January 1 through March 31 |
| July 31 | April 1 through June 30 |

2. Financial Reports

The Awardee must submit semi-annual cumulative Federal Financial Reports (FFR), summarizing expenditures during the reporting period. These reports will be submitted through the appropriate electronic system. At the discretion of CNCS the FFR deadlines are as follows:

| <u>Due Date</u> | <u>Reporting Period Covered</u> |
|-----------------|-------------------------------------|
| October 31 | Start of Award through September 30 |
| April 30 | October 1 – March 31 |

An Awardee must set its own submission deadlines for its respective subgrantees sufficient to enable the Awardee to report on-time.

All Awardees must also submit an FFR - Cash Transactions Report on a quarterly basis to the Department of Health and Human Services Payment Management System per the Electronic Funds Transfer Agreement.

3. Requests for Extensions

Requests for extensions of reporting deadlines will be granted when 1) the report cannot be furnished in a timely manner for reasons legitimately beyond the control of the Awardee and 2) CNCS receives a request explaining the need for an extension before the due date of the report. Extensions of deadlines for financial reports may only be granted by the Office of Grants Management, and extensions of deadlines for Progress Reports may only be granted by the Social Innovation Fund Program Office.

4. Final Financial Reports

An Awardee completing the final year of its Cooperative Agreement must submit, in lieu of the last semi-annual financial report, a final financial report that is due within 90 days after the end of the Cooperative Agreement.

H. COOPERATIVE AGREEMENT PERIOD AND INCREMENTAL FUNDING

For the purpose of Social Innovation Fund Cooperative Agreements, a project period is the complete length of time an Awardee is proposed to be funded to complete approved activities under the agreement. A project period may contain one or more budget periods. A budget period is a specific interval of time for which Federal funds are being provided to fund an Awardee's approved activities and budget.

Unless otherwise specified, the Awardee's Cooperative Agreement covers a five-year project period. In approving a multi-year project period, CNCS generally makes an initial award for the first year of operation. Additional funding is contingent upon satisfactory performance as determined by CNCS and the availability of funds. The project period and the budget period are noted on the Notice of Grant Award.

I. SITE VISITS

CNCS reserves the right to make site visits to review and evaluate Awardee and sub-grantee records, activities, organizational procedures and financial control systems; to conduct interviews; to request additional information; and to provide technical assistance as necessary.

III. GENERAL PROVISIONS

A. RESPONSIBILITIES FOR COOPERATIVE AGREEMENT ADMINISTRATION

1. Accountability of the Awardee

The Awardee has full responsibility for managing all aspects of the Cooperative Agreement and agreement-supported activities, subject to the oversight of CNCS. The Awardee is accountable to CNCS for its operation of the Social Innovation Fund program and the use of CNCS funds. The Awardee must expend Cooperative Agreement funds in a judicious and reasonable manner, and it must record accurately the activities performed and outcomes achieved under the grant. Although Awardees are encouraged to seek the advice and opinion of CNCS on special problems that may arise, such advice does not diminish the Awardee's responsibility for making sound judgments and does not mean that the responsibility for operational decisions has shifted to CNCS.

2. Notice to CNCS

The Awardee will notify the appropriate CNCS Program or Grants Officer immediately of any developments or delays that have a significant impact on funded activities, any significant problems relating to the administrative or financial aspects of the award, or any suspected misconduct or malfeasance related to the award or Awardee. The Awardee will inform CNCS official about the corrective action taken or contemplated by the Awardee and any assistance needed to resolve the situation.

B. FINANCIAL MANAGEMENT STANDARDS

1. General

The Awardee must maintain financial management systems that include standard accounting practices, sufficient internal controls, a clear audit trail, and written cost allocation procedures, as necessary. The Awardee's financial management systems must be capable of distinguishing expenditures attributable to its award from expenditures not attributable to its award. The systems must be able to identify costs by programmatic year and by budget category and to differentiate between direct and indirect costs or administrative costs. For further details about the Awardee's financial management responsibilities, refer to OMB Circular A-102 and its implementing regulations (45 CFR Part 2541) or A-110 (2 CFR Part 215) and its implementing regulations (45 CFR Part 2543), as other applicable OMB regulations. These regulations are currently under review and likely to be amended.

2. Consistency of Treatment

To be allowable under an award, costs must be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the Awardee. Furthermore, the costs must be accorded consistent treatment in both federally financed and other activities, as well as between activities, supported by different sources of funds.

3. Audits

Organizations that expend \$500,000 or more in a year in Federal awards (grants or cooperative agreements) shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act, as amended, 31 U.S.C. 7501, et seq., and OMB Circular A-133. This regulation is currently under review and likely to be amended. If the Awardee expends federal awards under only one federal program, it may elect to have a program specific audit, if it is otherwise eligible. A grantee that does not expend \$500,000 in federal awards is exempt from the single audit requirements of OMB Circular A-133 for that year. However, it must continue to conduct financial management reviews of its subgrantees, and records must be available for review and audit. A recipient of a Federal grant (pass-through entity) is required in accordance with paragraph 400(d) of OMB Circular A-133, to do the following with regard to its subrecipients: (1) identify the Federal award and funding source; (2) advise sub-recipients of all requirements imposed on them; (3) monitor subrecipient activities and compliance; (4) ensure subrecipients have A-133 audits when required; (5) issue decisions and ensure follow-up on audit findings in a timely manner; (6) where necessary, adjust its own records and financial statements based on audits; and (7) require subrecipients to permit access by the pass-through entity and auditors to records and financial statements, as necessary, for the pass-through entity to comply with A-133.

4. Indirect Cost Rates

Reimbursement for indirect costs, general and administrative costs, overhead, or any similar cost rate type agreement, will be at the rate(s) and on the base(s) specified in the approved award budget. These amounts are subject to finalization by the cognizant federal agency or CNCS. Any provisional rate(s) is subject to downward adjustment only under this award. Accordingly, final approved rate(s) charged to this award may not exceed the maximum provisional rate(s). If the cognizant federal agency or CNCS does not approve a final rate, then the maximum provisional rate will be considered the final rate.

5. Payments Under The Cooperative Agreement

- a. Advance Payments.** The Awardee may receive advance payments of Agreement funds provided the Awardee meets the financial management standards specified in OMB Circular A-102 and its implementing regulations (45 CFR Part 2541) or A-110 and its implementing regulations (45 CFR Part 2543), as applicable.
- b. Immediate Cash Flow Needs.** The amount of advance payments requested by the Awardee must be based on actual and immediate cash needs in order to minimize federal cash on hand, in accordance with policies established by the U.S. Department of the Treasury in 31 CFR Part 205.
- c. Discontinuing Advance Payments.** If an Awardee does not establish procedures to minimize the time elapsing between the receipt of the cash advance and its

disbursement, CNCS may, after providing due notice to the Awardee, discontinue the advance payment method and allow payments by reimbursement, or in advance only by individual request and approval.

d. Interest-Bearing Accounts. The Awardee must deposit advance funds received from CNCS in federally-insured, interest bearing accounts. The exceptions to this requirement are:

i. Institutions of Higher Education and Other Non-Profit Organizations.

If an Awardee is covered by 45 CFR Part 2543 it must maintain advance funds in interest-bearing accounts unless:

- (a) It receives less than \$120,000 in federal funds per year;
- (b) The best reasonably available account would not be expected to earn interest in excess of \$250 per year on federal cash balances; or
- (c) The required minimum balance is so high that it would not be feasible within expected federal and non-federal cash resources. Earned interest must be remitted annually to HHS-PMS, Rockville, MD 20852. Awardees may keep up to \$250 of interest per year to offset administrative expenses.

ii. State and Local Governments. All Awardees and sub-awardees covered by 45 CFR Part 2541, with the exception of State Governments and Indian Tribes, must remit earned interest quarterly to CNCS. Awardees may keep up to \$100 of the earned interest per year to offset administrative expenses.

6. Program Income

a. General. Income, including any fees for service earned as a direct result of the Cooperative Agreement-funded program activities during the award period, must be retained by the Awardee and used to finance the Cooperative Agreement's non-CNCS share.

b. Excess Program Income. Program income earned in excess of the amount needed to finance the Awardee share must be added to funds committed to the project by CNCS and the Awardee and used to further expand eligible program activities and objectives.

C. AWARDEE PRODUCTS

1. Sharing Cooperative Agreement Products

To the extent practicable, the Awardee agrees to make products produced under the grant available to others in the field at the cost of reproduction.

2. Acknowledgment of Support

Publications created or developed by staff funded under the award must be consistent with the purposes of the grant. CNCS's logo may be included on such documents. The Awardee is responsible for assuring that the following acknowledgment and disclaimer appears in any external report or publication of material based upon work supported by this award.

“This material is based upon work supported by CNCS for National and Community Service under Social Innovation Fund Grant No. Opinions or points of view expressed in this document are those of the authors and do not necessarily reflect the official position of, or a position that is endorsed by, CNCS or the Social Innovation Fund program.”

D. PROHIBITED PROGRAM ACTIVITIES

The Awardee must comply with, and require all subgrantees to comply with, the prohibitions on use of CNCS funds in section 174 of the NCSA (42 U.S.C. §12634).

While charging time to this Award, the Awardee, and anyone acting under the supervision or authority of the Awardee, may not engage in the following activities:

1. Attempting to influence legislation.
2. Organizing or engaging in protests, petitions, boycotts, or strikes.
3. Assisting, promoting or deterring union organizing.
4. Impairing existing contracts for services or collective bargaining agreements.
5. Engaging in partisan political activities or other activities designed to influence the outcome of an election to any public office.
6. Participating, in or endorsing, events or activities that is likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected Officers.
7. Engaging in religious instruction; conducting worship services; providing instruction as part of a program that includes mandatory religious instruction or worship; constructing or operating facilities devoted to religious instruction or worship; maintaining facilities primarily or inherently devoted to religious instruction or worship; or engaging in any form of religious proselytization.
8. Providing a direct benefit to:
 - a. A for-profit entity;
 - b. A labor union;
 - c. A partisan political organization;
 - d. An organization engaged in the religious activities described in the preceding

sub- clause, unless Agreement funds are not used to support the religious activities; or

e. A nonprofit entity that fails to comply with the restrictions contained in section(c)(3) of U.S.C. Title 26.

E. CRIMINAL HISTORY CHECKS

The grantee must comply with, and require all subgrantees to comply with, the requirements of 45 CFR sections 2540.200 – 2540.207 and related CNCS implementing guidance in effect at the time of award, and with any amendments to the requirements and guidance adopted during the period of performance.

Under the Serve America Act (SAA), all grantees must conduct criminal history checks on all employees and others who receive a salary under CNCS grants, even if the activities don't involve service with vulnerable populations. Therefore, this award is a covered program subject to these requirements. Further information, guidance and resources are found at <http://nationalserviceresources.org/criminal-history>.

F. SUSPENSION OR TERMINATION OF GRANT

Regulations related to CNCS's authority to suspend or terminate this award are contained in 45 CFR § 2540.400. In addition, an Awardee may suspend or terminate assistance to one of its subgrantees, provided that such action affords the subgrantee, at a minimum, the notice and hearing rights described in 45 CFR § 2540.400.

G. THE OFFICE OF INSPECTOR GENERAL

CNCS's Office of Inspector General (OIG) conducts and supervises independent and objective audits, evaluations, and investigations of CNCS programs and operations. Based on the results of these audits, reviews, and investigations, the OIG recommends policies to promote economy and efficiency and to prevent and detect fraud, waste, and abuse in CNCS's programs and operations.

The OIG conducts and supervises audits of CNCS grantees, as well as legislatively mandated audits and reviews. The legislatively mandated audits include the annual financial statement audit, and fulfilling the requirements of the Government Information Security Reform Act and its successor, the Federal Information Security Management Act. A risk- based approach, along with input received from CNCS management, is used to select grantees and grants for audit. The OIG hires audit firms to conduct some of its audits. The OIG audit staff is available to discuss its audit function, and can be reached at (202) 606-9390.

The OIG is available to offer assistance to CNCS grantees that become aware of suspected criminal activity in connection with CNCS's programs. Awardees should immediately contact OIG when they first suspect that a criminal violation has occurred. The OIG investigative staff is available to provide guidance and ensure that the appropriate law enforcement agency is notified, if required. The OIG may be reached by email at

hotline@cncsig.gov or by telephone at (800) 452-8210.

H. FEDERAL GRANT POLICIES

1. Nonprocurement Debarment And Suspension

The Awardee must comply with, and require all subgrantees to comply with, the requirements of 2 CFR Part 180, as implemented by 2 CFR Part 2200.

2. Drug-Free Workplace

The Awardee must comply with, and require all subgrantees to comply with, the requirements of 45 CFR Part 2545.

3. Non-Discrimination

- a. Assurances.** The Awardee must assure that its program or activity, including those of its subgrantees, will be conducted, and facilities operated, in compliance with the applicable statutes set forth below, as well as with their implementing regulations. The Awardee must obtain an assurance of such compliance prior to extending federal financial assistance to subgrantees. The U.S. Government shall have the right to seek judicial enforcement of these assurances.
- b. Discrimination Prohibited.** A person, a service recipient, or Program staff, may not, on the grounds of race, color, national origin, sex, age, political affiliation, disability, or religion be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination, directly or through contractual or other arrangements, under any program or activity receiving federal financial assistance. The prohibition on discrimination on the basis of disability protects otherwise qualified individuals with disabilities. The prohibition against discrimination on the basis of religion, with respect to Program staff, applies only to Program staff paid with CNCS funds but excludes staff paid with CNCS funds who were employed by the Awardee on the date CNCS Agreement was awarded. This prohibition against discrimination includes, but is not limited to:
 - i.* Denying an opportunity to participate in, benefit from, or provide a service, financial aid, or other benefit;
 - ii.* Providing an opportunity which is different or provided differently;
 - iii.* Denying an opportunity to participate as a member of a planning or advisory body integral to the program;
 - iv.* Segregating or subjecting a person to separate treatment;
 - v.* Providing an aid, benefit, or service to a qualified disabled person that is less effective in affording opportunity to obtain the same result,

gain the same benefit, or reach the same level of achievement; *vi.* Denying a qualified-disabled person the opportunity to participate in integrated programs or activities, even though permissibly separate or different programs or activities exist;

vii. Restricting a person's enjoyment of an advantage or privilege enjoyed by others;

viii. Providing different or separate aid, benefits, or services to disabled persons, unless necessary in order to provide them as effectively as provided to others;

ix. Treating a person differently in determining admission, enrollment, quota, eligibility, membership or other requirements;

x. Using criteria or administrative methods, including failing to provide needed auxiliary aids for disabled persons, which have the effect of subjecting persons to discrimination, or defeating or substantially impairing achievement of the objectives of the program for a person;

xi. Selecting a site or location of facilities with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under the program;

xii. Denying a qualified-disabled person a benefit, aid, or participation because facilities whose groundbreaking occurred after May 30, 1979 are inaccessible to or unusable by disabled persons or because programs or activities in facilities predating May 30, 1979, when viewed in their entirety, are inaccessible to or unusable by disabled persons; and

xiii. Failing to provide reasonable accommodation to otherwise qualified individuals with disabilities.

CNCS's "Grant Program Civil Rights and Non-Harassment Policy," which include additional discrimination prohibitions, is attached and incorporated herein in its entirety.

c. Public Notice of Nondiscrimination. The Awardee must notify service recipients, applicants, Program staff, and the public, including those with impaired vision or hearing, that it operates its program or its activity subject to the nondiscrimination requirements of the applicable statutes. The notice must summarize the requirements, note the availability of compliance information from the Awardee and CNCS, and briefly explain procedures for filing discrimination complaints with CNCS. Sample language is:

It is against the law for organizations that receive federal financial assistance from CNCS for National & Community Service to discriminate on the basis of

race, color, national origin, disability, sex, age, political affiliation, or, in most programs, religion. It is also unlawful to retaliate against any person who, or organization that, files a complaint about such discrimination.

In addition to filing a complaint with local and state agencies that are responsible for resolving discrimination complaints, you may bring a complaint to the attention of the Corporation for National & Community Service. If you believe that you or others have been discriminated against, or if you want more information, contact:

(Name, address, phone number – both voice and TDD, and preferably toll free – FAX number and e-mail address of the Awardee) or

*Office of Civil Rights and Inclusiveness
Corporation for National Service
1201 New York Avenue, NW
Washington, D.C. 20525
(202) 606-7503 (voice); (202) 565-2799 (TDD)
(202) 606-3465 (FAX); eo@cns.gov (e-mail)*

The Awardee must include information on civil rights requirements, complaint procedures, and the rights of beneficiaries in handbooks, manuals, pamphlets, and post information in prominent locations, as appropriate. The Awardee must also notify the public in recruitment material and application forms that it operates its Program or activity subject to the nondiscrimination requirements. Sample language, in bold print, is “This program is available to all, without regard to race, color, national origin, disability, age, sex, political affiliation, or, in most instances, religion.” Where a significant portion of the population eligible to be served needs services or information in a language other than English, the Awardee shall take reasonable steps to provide written material of the type ordinarily available to the public in appropriate languages.

- d. Records and Compliance Information.** The Awardee must keep records and make available to CNCS timely, complete and accurate compliance information to allow CNCS to determine if the Awardee is complying with the civil rights statutes and implementing regulations. Where an Awardee extends federal financial assistance to sub-awardees, the sub-awardees must make available compliance information to the Awardee so it can carry out its civil rights obligations. CNCS will provide specific guidance regarding records and compliance information.
- e. Obligation to Cooperate.** The Awardee must cooperate with CNCS so that CNCS can ensure compliance with the civil rights statutes and implementing regulations. The Awardee shall permit access by CNCS during normal business hours to its books, records, accounts, staff, facilities, and other sources of information as may be needed to determine compliance.
- f. Discrimination Complaints, Investigations and Compliance Reviews.** CNCS may review the practices of the Awardee to determine civil rights compliance. Any person who believes discrimination has

occurred may file a discrimination complaint with CNCS's Office of Civil Rights and Inclusiveness. The Awardee may not intimidate, threaten, coerce, or discriminate against an individual to interfere with a right or privilege secured by the civil rights acts or because the person made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing. CNCS will keep the identity of complainants and witnesses confidential, except as necessary to conduct an investigation, hearing, or judicial proceeding.

CNCS will investigate whenever a compliance review, report, complaint, or other information indicates a possible failure to comply with the statutes and their implementing regulations. If an investigation indicates a failure to comply, CNCS will so inform the Awardee and any applicable sub-awardees and will attempt to resolve the matter by voluntary means. If the matter cannot be resolved by voluntary means, CNCS will initiate formal enforcement action.

Discrimination complaints may be raised through the Awardee's grievance procedure. Use of the Awardee's grievance procedure may not be a required precursor to filing a federal discrimination complaint with CNCS. Use of the Awardee's grievance procedure does not preclude filing a federal discrimination complaint. The Awardee's grievance procedure should advise individuals that use of the grievance procedure does not stop the running of CNCS time frames for filing a discrimination complaint with CNCS. In all cases where discrimination allegations have been raised with the Awardee, the Awardee must submit a written report to CNCS's Equal Opportunity Office, which has a review authority over the investigation and disposition of all discrimination complaints.

g. Self-Evaluation Requirements. The Awardee must comply with (1) the self-evaluation requirements under section 504 of the Rehabilitation Act regarding accessibility for individuals with disabilities; (2) the self-evaluation requirements of the Age Discrimination Act of 1975; and (3) the self-evaluation requirements under title IX of the Education Amendments of 1972 regarding discrimination based on sex. Guidance regarding the self-evaluation requirements may be obtained from CNCS's Office of Civil Rights and Inclusiveness, 1201 New York Avenue, NW, Washington, D.C. 20525, (202) 606-7503 (voice); (202) 565-2799 (TDD); (202) 606-3465 (FAX); or eo@cns.gov (e-mail).

h. Applicable Statutes. In accordance with its assurances, the Awardee must comply with all federal statutes relating to non-discrimination to the extent applicable, including, but not limited to titles VI and VIII of the Civil Rights Act of 1964 (42 U.S.C. 2000d and 3601 *et seq.*); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*); the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*); the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255); the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616); the Public Health Service Act of 1912 (42 U.S.C. 290dd-3 and 290ee-3); and the requirements of any other non-discrimination provision in the

NCSA (42 U.S.C. 12635), or any other applicable non-discrimination provision.

4. Trafficking In Persons

This Grant is subject to requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104).

a. Provisions applicable to a recipient that is a private entity.

i. You as the Awardee and your employees may not:

- (a) Engage in severe forms of trafficking in persons during the period of time that the Grant is in effect;
- (b) Procure a commercial sex act during the period of time that the Grant is in effect; or
- (c) Use forced labor in the performance of the Grant.

ii. We as the Federal awarding agency may unilaterally terminate this Grant, without penalty, if it,

- (a) Is determined you have violated a prohibition in paragraph a.1 of this Grant term; or
- (b) Has an employee who is determined by the agency official authorized to terminate the Grant to have violated a prohibition in paragraph a.i of this Grant term through conduct that is either:
 - (1) Associated with performance under this Grant; or
 - (2) Imputed to you using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement),” as implemented by our agency at 2 CFR Part 2200.

b. Provisions applicable to an Awardee other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

i. Is determined to have violated an applicable prohibition of paragraph a.i of this Grant term; **or**

ii. has an employee who is determined by the agency official authorized to terminate the Grant to have violated an applicable prohibition in paragraph a.1 of this Grant term through conduct that is –

- (a) Associated with performance under this Grant; or

(b) Imputed to you using the standards and due process for imputing conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 2200.

c. Provisions applicable to any grantee.

- i.* You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.i of this grant term.
- ii.* Our right to terminate unilaterally that is described in paragraph a.ii or b of this section:
 - (a) Implements section 106(g) of the TVPA of 2000, as amended (22 U.S.C. 7104(g)), and
 - (b) Is in addition to all other remedies for noncompliance that are available to us under this Grant.
- iii.* You must include the requirements of paragraph a.i of this Grant term in any subgrant you make to a private entity.

d. Definitions. For purposes of this grant term:

- i.* “Employee” means either:
 - (a) An individual employed by you or a subgrantee who is engaged in the performance of the project or program under this Grant; or
 - (b) Another person engaged in the performance of the project or program under this Grant and not compensated by you including, but not limited to, a volunteer or individual whose service are contributed by a third part as an in-kind contribution toward cost sharing or matching requirements.
- ii.* “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- iii.* “Private entity”:
 - (a) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR Part 175.25.

(b) Includes:

(1) A non-profit organization, including any non-profit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR Part 175.25(b).

(2) A for-profit organization.

“Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

5. Central Contractor Registration (CCR) and Universal Identifier Requirements

a. Requirement for Central Contractor Registration (CCR): Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

b. Requirement for Data Universal Numbering System (DUNS) Numbers. If you are authorized to make subawards under this award, you:

i. Must notify potential subrecipients that no entity (see definition in paragraph 3. of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.

ii. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

iii. Definitions. For purposes of this award term:

(a) Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).

(b) Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

(c) Entity, as it is used in this award term, means all of the following, as

defined at 2 CFR part 25, subpart C:

- (1) A Governmental organization, which is a State, local government, or Indian Tribe;
- (2) A foreign public entity;
- (3) A domestic or foreign nonprofit organization;
- (4) A domestic or foreign for-profit organization; and
- (5) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

(d) Subaward:

- (1) This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- (2) The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ----.210 of the attachment to OMB Circular A-133, ``Audits of States, Local Governments, and Non-Profit Organizations").
- (3) A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

(e) Subrecipient means an entity that:

- (1) Receives a subaward from you under this award; and
- (2) Is accountable to you for the use of the Federal funds provided by the subaward.

6. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

- i.* Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph 5. of this award term).

ii. Where and when to report.

(a) You must report each obligating action described in paragraph a.i. of this award term to <http://www.fsrs.gov>.

(b) For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

iii. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

i. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if--

(a) the total Federal funding authorized to date under this award is \$25,000 or more;

(b) in the preceding fiscal year, you received--

(1) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(2) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(c) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

ii. Where and when to report. You must report executive total compensation described in paragraph 2.a. of this award term:

(a) As part of your registration profile at <http://www.ccr.gov>.

(b) By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

i. Applicability and what to report. Unless you are exempt as provided in paragraph 4. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if--

(a) in the subrecipient's preceding fiscal year, the subrecipient received--

(1) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(2) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

(b) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

ii. Where and when to report. You must report subrecipient executive total compensation described in paragraph 3.a. of this award term:

(a) To the recipient.

(b) By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of

any subrecipient.

e. Definitions. For purposes of this award term:

i. Entity means all of the following, as defined in 2 CFR part 25:

- (a) A Governmental organization, which is a State, local government, or Indian tribe;
- (b) A foreign public entity;
- (c) A domestic or foreign nonprofit organization;
- (d) A domestic or foreign for-profit organization;
- (e) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

ii. Executive means officers, managing partners, or any other employees in management positions.

iii. Subaward:

- (a) This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- (b) The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ---- .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- (c) A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

iv. Subrecipient means an entity that:

- (a) Receives a subaward from you (the recipient) under this award; and
- (b) Is accountable to you for the use of the Federal funds provided by the subaward.

v. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- (a) Salary and bonus.

- (b) Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- (c) Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- (d) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- (e) Above-market earnings on deferred compensation which is not tax-qualified.
- (f) Other compensation, if the aggregate value of all such other
- (g) Compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

Appendices

ASSURANCES

As the duly authorized representative of the applicant, I assure, to the best of my knowledge and belief, that the applicant:

- ☐ Has the legal authority to apply for federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
- ☐ Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- ☐ Will establish safeguards to prohibit employees from using their position for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- ☐ Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- ☐ Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
- ☐ Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of disability (d) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the National and Community Service Act of 1990, as amended; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- ☐ Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
- ☐ Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- ☐ Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C 276a and 276a-77), the Copeland Act (40 U.S.C 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for Federally assisted construction sub-agreements.
- ☐ Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires the recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- ☐ Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of

project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

- ☐ Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- ☐ Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16U.S.C. 469a-l et seq.).
- ☐ Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- ☐ Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- ☐ Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
- ☐ Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984, as amended, and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.
- ☐ Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, application guidelines, and policies governing this program.

For Social Innovation Fund Applicants ONLY

- ☐ Will use the funds received through the award in order to make subgrants to community organizations that will use the funds to replicate or expand proven initiatives, or support new initiatives, in low-income communities.
- ☐ Will consult with a diverse cross section of community representatives in making decisions about subgrants for communities (including individuals from the public, nonprofit private, and for-profit private sectors).
- ☐ Will make subgrants of a sufficient size and scope to enable the community organizations to build their capacity to manage initiatives, and sustain replication or expansion of the initiatives;
- ☐ Will not make any subgrants to--
 - ☐ the parent organizations of the applicant,
 - ☐ a subsidiary organization of the parent organization of the applicant, or,
 - ☐ if the applicant applied for a SIF award as a partnership, any member of the partnership.
- ☐ Commits to meeting the matching cash fund requirements of section 198k(i) of the National and Community Service Act of 1990 (42 U.S.C. §12653k(i)).
- ☐ Commits to use data and evaluations to improve the applicant's own model and to improve the initiatives funded by the applicant.
- ☐ Commits to cooperate with any evaluation activities undertaken by CNCS.

CERTIFICATIONS

Certification – Debarment, Suspension, and Other Responsibility Matters

This certification is required by the government-wide regulations implementing Executive Order 12549, Debarment and Suspension, 2 CFR Part 180, Section 180.335, *What information must I provide before entering into a covered transaction with a Federal agency?*

As the duly authorized representative of the applicant, I certify, to the best of my knowledge and belief, that neither the applicant nor its principals:

- ☐ Is presently excluded or disqualified;
- ☐ Has been convicted within the preceding three years of any of the offenses listed in § 180.800(a) or had a civil judgment rendered against it for one of those offenses within that time period;
- ☐ Is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission or any of the offenses listed in § 180.800(a); or
- ☐ Has had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.

Definitions

The terms “debarment”, “suspension”, “excluded”, “disqualified”, “ineligible”, “participant”, “person”, “principal”, and “voluntarily excluded” as used in this document have the meanings set out in 2 CFR Part 180, subpart I, “Definitions.” A transaction shall be considered a “covered transaction” if it meets the definition in 2 CFR part 180 subpart B, “Covered Transactions.”

- ☐ **Assurance requirement for subgrant agreements**
You agree by submitting this proposal that if we approve your application you shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by us.
- ☐ **Assurance inclusion in subgrant agreements**
You agree by submitting this proposal that you will obtain an assurance from prospective participants in all lower tier covered transactions and in all solicitations for lower tier covered transactions that the participants are not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction.
- ☐ **Assurance of subgrant principals**
You may rely upon an assurance of a prospective participant in a lower-tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless you know that the assurance is erroneous. You may decide the method and frequency by which you determine the eligibility of your principals. You may, but are not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
- ☐ **Non-assurance in subgrant agreements**
If you knowingly enter into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, we may terminate this transaction for cause or default.

Certification – Drug Free Workplace

This certification is required by CNCS’s regulations implementing sections 5150-5160 of the Drug-Free Workplace Act of 1988 (P.L. 100-690), 2 CFR Parts 182 and 2245. The regulations require certification by grantees, prior to award, that they will make a good faith effort, on a continuing basis, to maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification may be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension or debarment (see 2 CFR Part 180, Subparts G and H).

As the duly authorized representative of the grantee, I certify, to the best of my knowledge and belief, that the grantee will provide a drug-free workplace by:

- A. Publishing a drug-free workplace statement that:
 - a. Notifies employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace;
 - b. Specifies the actions that the grantee will take against employees for violating that prohibition; and
 - c. Informs employees that, as a condition of employment under any award, each employee will abide by the terms of the statement and notify the grantee in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace within five days of the conviction;
- B. Requiring that a copy of the statement described in paragraph (A) be given to each employee who will be engaged in the performance of any Federal award;
- C. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that the grantee may impose upon them for drug abuse violations occurring in the workplace;
- D. Providing us, as well as any other Federal agency on whose award the convicted employee was working, with written notification within 10 calendar days of learning that an employee has been convicted of a drug violation in the workplace;
- E. Taking one of the following actions within 30 calendar days of learning that an employee has been convicted of a drug violation in the workplace:
 - a. Taking appropriate personnel action against the employee, up to and including termination; or
 - b. Requiring that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- F. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A) through (E).

Certification - Lobbying Activities

As required by Section 1352, Title 31 of the U.S. Code, as the duly authorized representative of the applicant, I certify, to the best of my knowledge and belief, that:

- ☐ No funds received from CNCS have been or will be paid, by or on behalf of the applicant, to any person or agent acting for the applicant, related to activity designed to influence the enactment of legislation, appropriations, administrative action, proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body.
- ☐ If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the applicant will submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- ☐ The applicant will require that the language of this certification be included in the award documents for all subcontracts at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients will certify and disclose accordingly.

Erroneous certification or assurance

The assurances and certifications are material representations of fact upon which we rely in determining whether to enter into this transaction. If we later determine that you knowingly submitted an erroneous certification or assurance, in addition to other remedies available to the federal government, we may terminate this transaction for cause or default.

Notice of error in certification or assurance

You must provide immediate written notice to us if at any time you learn that a certification or assurance was erroneous when submitted or has become erroneous because of changed circumstances.

Prudent person standard

Nothing contained in the aforementioned may be construed to require establishment of a system of records in order to render in good faith the assurances and certifications required. Your knowledge and information is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

Grant Program Civil Rights and Non-Harassment Policy

The Corporation for National and Community Service (CNCS) has zero tolerance for the harassment of any individual or group of individuals for any reason. CNCS is committed to treating all persons with dignity and respect. CNCS prohibits all forms of discrimination based upon race, color, national origin, gender, age, religion, sexual orientation, disability, gender identity or expression, political affiliation, marital or parental status, or military service. All programs administered by, or receiving Federal financial assistance from CNCS, must be free from all forms of harassment. Whether in CNCS offices or campuses, in other service-related settings such as training sessions or service sites, or at service-related social events, such harassment is unacceptable. Any such harassment, if found, will result in immediate corrective action, up to and including removal or termination of any CNCS employee or volunteer. Recipients of Federal financial assistance, be they individuals, organizations, programs and/or projects are also subject to this zero tolerance policy. Where a violation is found, and subject to regulatory procedures, appropriate corrective action will be taken, up to and including termination of Federal financial assistance from all Federal sources.

Slurs and other verbal or physical conduct relating to an individual's gender, race, ethnicity, religion, sexual orientation or any other basis constitute harassment when it has the purpose or effect of interfering with service performance or creating an intimidating, hostile, or offensive service environment. Harassment includes, but is not limited to: explicit or implicit demands for sexual favors; pressure for dates; deliberate touching, leaning over, or cornering; offensive teasing, jokes, remarks, or questions; letters, phone calls, or distribution or display of offensive materials; offensive looks or gestures; gender, racial, ethnic, or religious baiting; physical assaults or other threatening behavior; or demeaning, debasing or abusive comments or actions that intimidate.

CNCS does not tolerate harassment by anyone including persons of the same or different races, sexes, religions, or ethnic origins; or from a CNCS employee or supervisor; a project, or site employee or supervisor; a non-employee (e.g., client); a co-worker or service member.

I expect supervisors and managers of CNCS programs and projects, when made aware of alleged harassment by employees, service participants, or other individuals, to immediately take swift and appropriate action. CNCS will not tolerate retaliation against a person who raises harassment concerns in good faith. Any CNCS employee who violates this policy will be subject to discipline, up to and including termination, and any grantee that permits harassment in violation of this policy will be subject to a finding of non-compliance and administrative procedures that may result in termination of Federal financial assistance from CNCS and all other Federal agencies.

Any person who believes that he or she has been discriminated against in violation of civil rights laws, regulations, or this policy, or in retaliation for opposition to discrimination or participation in discrimination complaint proceedings (e.g., as a complainant or witness) in any CNCS program or project, may raise his or her concerns with our Office of Civil Rights and Inclusiveness (OCRI). Discrimination claims not brought to the attention of OCRI within 45 days of their occurrence may not be accepted in a formal complaint of discrimination. No one can be required to use a program, project or sponsor dispute resolution procedure before contacting OCRI. If another procedure is used, it does not affect the 45-day time limit. OCRI may be reached at (202) 606-7503 (voice), (202) 606-3472 (TTY), eo@cns.gov, or through www.nationalservice.gov.

5/15/2013
Date


Wendy Spencer, Chief Executive Officer

DISASTER SERVICES | ECONOMIC OPPORTUNITY | EDUCATION | ENVIRONMENTAL STEWARDSHIP | HEALTHY FUTURES | VETERANS AND MILITARY FAMILIES

AMERICORPS | SENIOR CORPS | SOCIAL INNOVATION FUND

42 U.S.C.

United States Code, 2011 Edition

Title 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 129 - NATIONAL AND COMMUNITY SERVICE

SUBCHAPTER I - NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Division H - Investment for Quality and Innovation

Part III - Social Innovation Funds Pilot Program

Sec. 12653k - Funds

From the U.S. Government Printing Office, www.gpo.gov

§12653k. Funds

(A) FINDINGS

Congress finds the following:

(1) Social entrepreneurs and other nonprofit community organizations are developing innovative and effective solutions to national and local challenges.

(2) Increased public and private investment in replicating and expanding proven effective solutions, and supporting new solutions, developed by social entrepreneurs and other nonprofit community organizations could allow those entrepreneurs and organizations to replicate and expand proven initiatives, and support new initiatives, in communities.

(3) A network of Social Innovation Funds could leverage Federal investments to increase State, local, business, and philanthropic resources to replicate and expand proven solutions and invest in supporting new innovations to tackle specific identified community challenges.

(B) PURPOSES

The purposes of this section are—

(1) to recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in tackling national and local challenges;

(2) to stimulate the development of a network of Social Innovation Funds that will increase private and public investment in nonprofit community organizations that are effectively addressing national and local challenges to allow such organizations to replicate and expand proven initiatives or support new initiatives;

(3) to assess the effectiveness of such Funds in—

(A) leveraging Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

(B) providing resources to replicate and expand effective initiatives; and

(C) seeding experimental initiatives focused on improving outcomes in the areas described in subsection (f)(3); and

(4) to strengthen the infrastructure to identify, invest in, replicate, and expand initiatives with effective solutions to national and local challenges.

(C) DEFINITIONS

In this section:

(1) COMMUNITY ORGANIZATION

The term “community organization” means a nonprofit organization that carries out innovative, effective initiatives to address community challenges.

(2) COVERED ENTITY

The term “covered entity” means—

(A) an existing grantmaking institution (existing as of the date on which the institution applies for a grant under this section); or

(B) a partnership between—

(i) such an existing grantmaking institution; and

(ii) an additional grantmaking institution, a State Commission, or a chief executive officer of a unit of general local government.

(3) ISSUE AREA

The term “issue area” means an area described in subsection (f)(3).

(D) PROGRAM

From the amounts appropriated to carry out this section that are not reserved under subsections (l) and (m), the Corporation shall establish a Social Innovation Funds grant program to make grants on a competitive basis to eligible entities for Social Innovation Funds.

(E) PERIODS; AMOUNTS

The Corporation shall make such grants for periods of 5 years, and may renew the grants for additional periods of 5 years, in amounts of not less than \$1,000,000 and not more than \$10,000,000 per year.

(F) ELIGIBILITY

To be eligible to receive a grant under subsection (d), an entity shall—

(1) be a covered entity;

(2) propose to focus on—

(A) serving a specific local geographical area; or

(B) addressing a specific issue area;

(3) propose to focus on improving measurable outcomes relating to—

(A) education for economically disadvantaged elementary or secondary school students;

(B) child and youth development;

(C) reductions in poverty or increases in economic opportunity for economically disadvantaged individuals;

(D) health, including access to health services and health education;

(E) resource conservation and local environmental quality;

(F) individual or community energy efficiency;

(G) civic engagement; or

(H) reductions in crime;

(4) have an evidence-based decisionmaking strategy, including—

(A) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; and

(B) a well-articulated plan to—

(i)(I) replicate and expand research-proven initiatives that have been shown to produce sizeable, sustained benefits to participants or society; or

(II) support new initiatives with a substantial likelihood of significant impact; or

(ii) partner with a research organization to carry out rigorous evaluations to assess the effectiveness of such initiatives; and

(5) have appropriate policies, as determined by the Corporation, that protect against conflict of interest, self-dealing, and other improper practices.

(G) APPLICATION

To be eligible to receive a grant under subsection (d) for national leveraging capital, an eligible entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may specify, including, at a minimum—

(1) an assurance that the eligible entity will—

(A) use the funds received through that capital in order to make subgrants to community organizations that will use the funds to replicate or expand proven initiatives, or support new initiatives, in low-income communities;

(B) in making decisions about subgrants for communities, consult with a diverse cross section of community representatives in the decisions, including individuals from the public, nonprofit private, and for-profit private sectors; and

(C) make subgrants of a sufficient size and scope to enable the community organizations to build their capacity to manage initiatives, and sustain replication or expansion of the initiatives;

(2) an assurance that the eligible entity will not make any subgrants to the parent organizations of the eligible entity, a subsidiary organization of the parent organization, or, if the eligible entity applied for funds under this section as a partnership, any member of the partnership;

(3) an identification of, as appropriate—

(A) the specific local geographical area referred to in subsection (f)(2)(A) that the eligible entity is proposing to serve; or

(B) the issue area referred to in subsection (f)(2)(B) that the eligible entity will address, and the geographical areas that the eligible entity is likely to serve in addressing such issue area;

(4)(A) information identifying the issue areas in which the eligible entity will work to improve measurable outcomes;

(B) statistics on the needs related to those issue areas in, as appropriate—

(i) the specific local geographical area described in paragraph (3)(A); or

(ii) the geographical areas described in paragraph (3)(B), including statistics demonstrating that those geographical areas have high need in the specific issue area that the eligible entity is proposing to address; and

(C) information on the specific measurable outcomes related to the issue areas involved that the eligible entity will seek to improve;

(5) information describing the process by which the eligible entity selected, or will select, community organizations to receive the subgrants, to ensure that the community organizations—

(A) are institutions—

(i) with proven initiatives and a demonstrated track record of achieving specific outcomes related to the measurable outcomes for the eligible entity; or

(ii) that articulate a new solution with a significant likelihood for substantial impact;

(B) articulate measurable outcomes for the use of the subgrant funds that are connected to the measurable outcomes for the eligible entity;

(C) will use the funds to replicate, expand, or support their initiatives;

(D) provide a well-defined plan for replicating, expanding, or supporting the initiatives funded;

(E) can sustain the initiatives after the subgrant period concludes through reliable public revenues, earned income, or private sector funding;

(F) have strong leadership and financial and management systems;

(G) are committed to the use of data collection and evaluation for improvement of the initiatives;

(H) will implement and evaluate innovative initiatives, to be important contributors to knowledge in their fields; and

(I) will meet the requirements for providing matching funds specified in subsection (k);

(6) information about the eligible entity, including its experience managing collaborative initiatives, or assessing applicants for grants and evaluating the performance of grant recipients for outcome-focused initiatives, and any other relevant information;

(7) a commitment to meet the requirements of subsection (i) and a plan for meeting the requirements, including information on any funding that the eligible entity has secured to provide the matching funds required under that subsection;

(8) a description of the eligible entity's plan for providing technical assistance and support, other than financial support, to the community organizations that will increase the ability of the community organizations to achieve their measurable outcomes;

(9) information on the commitment, institutional capacity, and expertise of the eligible entity concerning—

(A) collecting and analyzing data required for evaluations, compliance efforts, and other purposes;

(B) supporting relevant research; and

(C) submitting regular reports to the Corporation, including information on the initiatives of the community organizations, and the replication or expansion of such initiatives;

(10) a commitment to use data and evaluations to improve the eligible entity's own model and to improve the initiatives funded by the eligible entity; and

(11) a commitment to cooperate with any evaluation activities undertaken by the Corporation.

(H) SELECTION CRITERIA

In selecting eligible entities to receive grants under subsection (d), the Corporation shall—

(1) select eligible entities on a competitive basis;

(2) select eligible entities on the basis of the quality of their selection process, as described in subsection (g)(5), the capacity of the eligible entities to manage Social Innovation Funds, and the potential of the eligible entities to sustain the Funds after the conclusion of the grant period;

(3) include among the grant recipients eligible entities that propose to provide subgrants to serve communities (such as rural low-income communities) that the eligible entities can demonstrate are significantly philanthropically underserved;

(4) select a geographically diverse set of eligible entities; and

(5) take into account broad community perspectives and support.

(I) MATCHING FUNDS FOR GRANTS

(1) IN GENERAL

The Corporation may not make a grant to an eligible entity under subsection (d) for a Social Innovation Fund unless the entity agrees that, with respect to the cost described in subsection (d) for that Fund, the entity will make available matching funds in an amount equal to not less than \$1 for every \$1 of funds provided under the grant.

(2) ADDITIONAL REQUIREMENTS

(A) TYPE AND SOURCES

The eligible entity shall provide the matching funds in cash. The eligible entity shall provide the matching funds from State, local, or private sources, which may include State or local agencies, businesses, private philanthropic organizations, or individuals.

(B) ELIGIBLE ENTITIES INCLUDING STATE COMMISSIONS OR LOCAL GOVERNMENT OFFICES

(I) IN GENERAL

In a case in which a State Commission, a local government office, or both entities are a part of the eligible entity, the State involved, the local government involved, or both entities, respectively, shall contribute not less than 30 percent and not more than 50 percent of the matching funds.

(II) LOCAL GOVERNMENT OFFICE

In this subparagraph, the term “local government office” means the office of the chief executive officer of a unit of general local government.

(3) REDUCTION

The Corporation may reduce by 50 percent the matching funds required by paragraph (1) for an eligible entity serving a community (such as a rural low-income community) that the eligible entity can demonstrate is significantly philanthropically underserved.

(J) SUBGRANTS

(1) SUBGRANTS AUTHORIZED

An eligible entity receiving a grant under subsection (d) is authorized to use the funds made available through the grant to award, on a competitive basis, subgrants to expand or replicate proven initiatives, or support new initiatives with a substantial likelihood of success, to—

(A) community organizations serving low-income communities within the specific local geographical area described in the eligible entity's application in accordance with subsection (g)(3)(A); or

(B) community organizations addressing a specific issue area described in the eligible entity's application in accordance with subsection (g)(3)(B), in low-income communities in the geographical areas described in the application.

(2) PERIODS; AMOUNTS

The eligible entity shall make such subgrants for periods of not less than 3 and not more than 5 years, and may renew the subgrants for such periods, in amounts of not less than \$100,000 per year.

(3) APPLICATIONS

To be eligible to receive a subgrant from an eligible entity under this section, including receiving a payment for that subgrant each year, a community organization shall submit an application to an eligible entity that serves the specific local geographical area, or geographical areas, that the community organization proposes to serve, at such time, in such manner, and containing such information as the eligible entity may require, including—

(A) a description of the initiative the community organization carries out and plans to replicate or expand, or of the new initiative the community organization intends to support, using funds received from the eligible entity, and how the initiative relates to the issue areas in which the eligible entity has committed to work in the eligible entity's application, in accordance with subsection (g)(4)(A);

(B) data on the measurable outcomes the community organization has improved, and information on the measurable outcomes the community organization seeks to improve by

replicating or expanding a proven initiative or supporting a new initiative, which shall be among the measurable outcomes that the eligible entity identified in the eligible entity's application, in accordance with subsection (g)(4)(C);

(C) an identification of the community in which the community organization proposes to carry out an initiative, which shall be within a local geographical area described in the eligible entity's application in accordance with subparagraph (A) or (B) of subsection (g)(3), as applicable;

(D) a description of the evidence-based decisionmaking strategies the community organization uses to improve the measurable outcomes, including—

(i) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; or

(ii) a well-articulated plan to conduct, or partner with a research organization to conduct, rigorous evaluations to assess the effectiveness of initiatives addressing national or local challenges;

(E) a description of how the community organization uses data to analyze and improve its initiatives;

(F) specific evidence of how the community organization will meet the requirements for providing matching funds specified in subsection (k);

(G) a description of how the community organization will sustain the replicated or expanded initiative after the conclusion of the subgrant period; and

(H) any other information the eligible entity may require, including information necessary for the eligible entity to fulfill the requirements of subsection (g)(5).

(K) MATCHING FUNDS FOR SUBGRANTS

(1) IN GENERAL

An eligible entity may not make a subgrant to a community organization under this section for an initiative described in subsection (j)(3)(A) unless the organization agrees that, with respect to the cost of carrying out that initiative, the organization will make available, on an annual basis, matching funds in an amount equal to not less than \$1 for every \$1 of funds provided under the subgrant. If the community organization fails to make such matching funds available for a fiscal year, the eligible entity shall not make payments for the remaining fiscal years of the subgrant period, notwithstanding any other provision of this part.

(2) TYPES AND SOURCES

The community organization shall provide the matching funds in cash. The community organization shall provide the matching funds from State, local, or private sources, which may include funds from State or local agencies or private sector funding.

(L) DIRECT SUPPORT

(1) PROGRAM AUTHORIZED

The Corporation may use not more than 10 percent of the funds appropriated for this section to award grants to community organizations serving low-income communities or addressing a specific issue area in geographical areas that have the highest need in that issue area, to enable such community organizations to replicate or expand proven initiatives or support new initiatives.

(2) TERMS AND CONDITIONS

A grant awarded under this subsection shall be subject to the same terms and conditions as a subgrant awarded under subsection (j).

(3) APPLICATION; MATCHING FUNDS

Paragraphs (2) and (3) of subsection (j) and subsection (k) shall apply to a community organization receiving or applying for a grant under this subsection in the same manner as such subsections apply to a community organization receiving or applying for a subgrant under subsection (j), except that references to a subgrant shall mean a grant and references to an eligible entity shall mean the Corporation.

(M) RESEARCH AND EVALUATION

(1) IN GENERAL

The Corporation may reserve not more than 5 percent of the funds appropriated for this section for a fiscal year to support, directly or through contract with an independent entity, research and evaluation activities to evaluate the eligible entities and community organizations receiving grants under subsections (d) and (l) and the initiatives supported by the grants.

(2) RESEARCH AND EVALUATION ACTIVITIES

(A) RESEARCH AND REPORTS

(i) IN GENERAL

The entity carrying out this subsection shall collect data and conduct or support research with respect to the eligible entities and community organizations receiving grants under subsections (d) and (l), and the initiatives supported by such eligible entities and community organizations, to determine the success of the program carried out under this section in replicating, expanding, and supporting initiatives, including—

- (I) the success of the initiatives in improving measurable outcomes; and
- (II) the success of the program in increasing philanthropic investments in philanthropically underserved communities.

(ii) REPORTS

The Corporation shall submit periodic reports to the authorizing committees including—

- (I) the data collected and the results of the research under this subsection;
- (II) information on lessons learned about best practices from the activities carried out under this section, to improve those activities; and
- (III) a list of all eligible entities and community organizations receiving funds under this section.

(iii) PUBLIC INFORMATION

The Corporation shall annually post the list described in clause (ii)(III) on the Corporation's website.

(B) TECHNICAL ASSISTANCE

The Corporation shall, directly or through contract, provide technical assistance to the eligible entities and community organizations that receive grants under subsections (d) and (l).

(C) KNOWLEDGE MANAGEMENT

The Corporation shall, directly or through contract, maintain a clearinghouse for information on best practices resulting from initiatives supported by the eligible entities and community organizations.

(D) RESERVATION

Of the funds appropriated under section 12681(a)(4)(E) of this title for a fiscal year, not more than 5 percent may be used to carry out this subsection.

(Pub. L. 101–610, title I, §198K, as added Pub. L. 111–13, title I, §1807, Apr. 21, 2009, 123 Stat. 1564.)

PRIOR PROVISIONS

A prior section 12653k, Pub. L. 101–610, title I, §195K, as added Pub. L. 102–484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2531, which set out other departments' responsibilities to the Corps, was renumbered section 162 of Pub. L. 101–610 and transferred to section 12622 of this title.

Prior sections 12653l to 12653n were renumbered by section 104(b) of Pub. L. 103–82 and transferred as follows:

Section 12653l, Pub. L. 101–610, title I, §195L, as added Pub. L. 102–484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2532, which related to Advisory Board for the Corps, was renumbered section 163 of Pub. L. 101–610 and transferred to section 12623 of this title.

Section 12653m, Pub. L. 101–610, title I, §195M, as added Pub. L. 102–484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2532, which provided for annual evaluations of Corps programs, was renumbered section 164 of Pub. L. 101–610 and transferred to section 12624 of this title.

Section 12653n, Pub. L. 101–610, title I, §195N, as added Pub. L. 102–484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2532, which limited funding for Corps programs, was renumbered section 165 of Pub. L. 101–610 and transferred to section 12625 of this title, prior to repeal by Pub. L. 111–13, title I, §1515, Apr. 21, 2009, 123 Stat. 1528.

EFFECTIVE DATE

Part 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.