

EFFECTIVE DATE

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

§ 12653b. ServeAmerica Fellowships**(a) Definitions**

In this section:

(1) Area of national need

The term “area of national need” means an area involved in efforts to—

- (A) improve education in schools for economically disadvantaged students;
- (B) expand and improve access to health care;
- (C) improve energy efficiency and conserve natural resources;
- (D) improve economic opportunities for economically disadvantaged individuals; or
- (E) improve disaster preparedness and response.

(2) Eligible fellowship recipient

The term “eligible fellowship recipient” means an individual who is selected by a State Commission under subsection (c) and, as a result of such selection, is eligible for a ServeAmerica Fellowship.

(3) Fellow

The term “fellow” means an eligible fellowship recipient who is awarded a ServeAmerica Fellowship and is designated a fellow under subsection (e)(2).

(4) Small service sponsor organization

The term “small service sponsor organization” means a service sponsor organization described in subsection (d)(1) that has not more than 10 full-time employees and 10 part-time employees.

(b) Grants**(1) In general**

From the amounts appropriated under section 12681(a)(4)(B) of this title and allotted under paragraph (2)(A), the Corporation shall make grants (including financial assistance and a corresponding allotment of approved national service positions), to the State Commission of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico with an application approved under this section, to enable such State Commissions to award ServeAmerica Fellowships under subsection (e).

(2) Allotment; administrative costs**(A) Allotment**

The amount allotted to a State Commission for a fiscal year shall be equal to an amount that bears the same ratio to the amount appropriated under section 12681(a)(4)(B) of this title, as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(B) Reallotment

If a State Commission does not apply for an allotment under this subsection for any

fiscal year, or if the State Commission’s application is not approved, the Corporation shall reallot the amount of the State Commission’s allotment to the remaining State Commissions in accordance with subparagraph (A).

(C) Administrative costs

Of the amount allotted to a State Commission under subparagraph (A), not more than 1.5 percent of such amount may be used for administrative costs.

(3) Number of positions

The Corporation shall—

- (A) establish or increase the number of approved national service positions under this subsection during each of fiscal years 2010 through 2014;
- (B) establish the number of approved positions at 500 for fiscal year 2010; and
- (C) increase the number of the approved positions to—
 - (i) 750 for fiscal year 2011;
 - (ii) 1,000 for fiscal year 2012;
 - (iii) 1,250 for fiscal year 2013; and
 - (iv) 1,500 for fiscal year 2014.

(4) Uses of grant funds**(A) Required uses**

A grant awarded under this subsection shall be used to enable fellows to carry out service projects in areas of national need.

(B) Permitted uses

A grant awarded under this subsection may be used for—

- (i) oversight activities and mechanisms for the service sites of the fellows, as determined necessary by the State Commission or the Corporation, which may include site visits;
- (ii) activities to augment the experience of fellows, including activities to engage the fellows in networking opportunities with other national service participants; and
- (iii) recruitment or training activities for fellows.

(5) Applications

To be eligible to receive a grant under this subsection, a State Commission shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including information on the criteria and procedures that the State Commission will use for overseeing ServeAmerica Fellowship placements for service projects, under subsection (e).

(c) Eligible fellowship recipients**(1) Application****(A) In general**

An applicant desiring to become an eligible fellowship recipient shall submit an application to a State Commission that has elected to participate in the program authorized under this section, at such time and in such manner as the Commission may require, and containing the information de-

scribed in subparagraph (B) and such additional information as the Commission may require. An applicant may submit such application to only 1 State Commission for a fiscal year.

(B) Contents

The Corporation shall specify information to be provided in an application submitted under this subsection, which—

(i) shall include—

(I) a description of the area of national need that the applicant intends to address in the service project;

(II) a description of the skills and experience the applicant has to address the area of national need;

(III) a description of the type of service the applicant plans to provide as a fellow; and

(IV) information identifying the local area within the State served by the Commission in which the applicant plans to serve for the service project; and

(ii) may include, if the applicant chooses, the size of the registered service sponsor organization with which the applicant hopes to serve.

(2) Selection

Each State Commission shall—

(A) select, from the applications received by the State Commission for a fiscal year, the number of eligible fellowship recipients that may be supported for that fiscal year based on the amount of the grant received by the State Commission under subsection (b); and

(B) make an effort to award one-third of the fellowships available to the State Commission for a fiscal year, based on the amount of the grant received under subsection (b), to applicants who propose to serve the fellowship with small service sponsor organizations registered under subsection (d).

(d) Service sponsor organizations

(1) In general

Each service sponsor organization shall—

(A) be a nonprofit organization;

(B) satisfy qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight;

(C) not be a recipient of other assistance, approved national service positions, or approved summer of service positions under the national service laws; and

(D) at the time of registration with a State Commission, enter into an agreement providing that the service sponsor organization shall—

(i) abide by all program requirements;

(ii) provide an amount described in subsection (e)(3)(b)¹ for each fellow serving with the organization through the ServeAmerica Fellowship;

(iii) be responsible for certifying whether each fellow serving with the organization

successfully completed the ServeAmerica Fellowship, and record and certify in a manner specified by the Corporation the number of hours served by a fellow for purposes of determining the fellow's eligibility for benefits; and

(iv) provide timely access to records relating to the ServeAmerica Fellowship to the State Commission, the Corporation, and the Inspector General of the Corporation.

(2) Registration

(A) Requirement

No service sponsor organization may receive a fellow under this section until the organization registers with the State Commission.

(B) Clearinghouse

The State Commission shall maintain a list of registered service sponsor organizations on a public website.

(C) Revocation

If a State Commission determines that a service sponsor organization is in violation of any of the applicable provisions of this section—

(i) the State Commission shall revoke the registration of the organization;

(ii) the organization shall not be eligible to receive assistance, approved national service positions, or approved summer of service positions under this subchapter for not less than 5 years; and

(iii) the State Commission shall have the right to remove a fellow from the organization and relocate the fellow to another site.

(e) Fellows

(1) In general

To be eligible to participate in a service project as a fellow and receive a ServeAmerica Fellowship, an eligible fellowship recipient shall—

(A) within 3 months after being selected as an eligible fellowship recipient by a State Commission, select a registered service sponsor organization described in subsection (d)—

(i) with which the recipient is interested in serving under this section; and

(ii) that is located in the State served by the State Commission;

(B) enter into an agreement with the organization—

(i) that specifies the service the recipient will provide if the placement is approved; and

(ii) in which the recipient agrees to serve for 1 year on a full-time or part-time basis (as determined by the Corporation); and

(C) submit such agreement to the State Commission.

(2) Award

Upon receiving the eligible fellowship recipient's agreement under paragraph (1), the State Commission shall award a ServeAmerica Fel-

¹ So in original. Probably should be "(e)(3)(B)".

lowship to the recipient and designate the recipient as a fellow.

(3) Fellowship amount

(A) In general

From amounts received under subsection (b), each State Commission shall award each of the State's fellows a ServeAmerica Fellowship amount that is equal to 50 percent of the amount of the average annual VISTA subsistence allowance.

(B) Amount from service sponsor organization

(i) In general

Except as provided in clause (ii) and subparagraph (E), the service sponsor organization shall award to the fellow serving such organization an amount that will ensure that the total award received by the fellow for service in the service project (consisting of such amount and the ServeAmerica Fellowship amount the fellow receives under subparagraph (A)) is equal to or greater than 70 percent of the average annual VISTA subsistence allowance.

(ii) Small service sponsor organizations

In the case of a small service sponsor organization, the small service sponsor organization may decrease the amount of the service sponsor organization award required under clause (i) to not less than an amount that will ensure that the total award received by the fellow for service in the service project (as calculated in clause (i)) is equal to or greater than 60 percent of the average annual VISTA subsistence allowance.

(C) Maximum living allowance

The total amount that may be provided to a fellow under this subparagraph shall not exceed 100 percent of the average annual VISTA subsistence allowance.

(D) Proration of amount

In the case of a fellow who is authorized to serve a part-time term of service under the agreement described in paragraph (1)(B)(ii), the amount provided to a fellow under this paragraph shall be prorated accordingly.

(E) Waiver

The Corporation may allow a State Commission to waive the amount required under subparagraph (B) from the service sponsor organization for a fellow serving the organization if—

(i) such requirement is inconsistent with the objectives of the ServeAmerica Fellowship program; and

(ii) the amount provided to the fellow under subparagraph (A) is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the ServeAmerica Fellowship program is located.

(F) Definition

In this paragraph, the term "average annual VISTA subsistence allowance" means

the total average annual subsistence allowance provided to VISTA volunteers under section 4955 of this title.

(f) Compliance with ineligible service categories

Service under a ServeAmerica Fellowship shall comply with section 12584(a) of this title. For purposes of applying that section to this subsection, a reference to assistance shall be considered to be a reference to assistance provided under this section.

(g) Reports

Each service sponsor organization that receives a fellow under this section shall, on a bi-weekly basis, report to the Corporation on the number of hours served and the services provided by that fellow. The Corporation shall establish a web portal for the organizations to use in reporting the information.

(h) Educational awards

A fellow who serves in a service project under this section shall be considered to have served in an approved national service position and, upon meeting the requirements of section 12603 of this title for full-time or part-time national service, shall be eligible for a national service educational award described in such section. The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational award for such fellow.

(Pub. L. 101-610, title I, §198B, as added Pub. L. 111-13, title I, §1805, Apr. 21, 2009, 123 Stat. 1554.)

Editorial Notes

PRIOR PROVISIONS

A prior section 12653b, Pub. L. 101-610, title I, §198B, as added Pub. L. 103-82, title I, §104(c), Sept. 21, 1993, 107 Stat. 843, which related to Presidential awards for service to individuals providing significant service and to outstanding service programs, was renumbered section 198A of Pub. L. 101-610 by Pub. L. 111-13, title I, §1803(b), Apr. 21, 2009, 123 Stat. 1554, and transferred to section 12653a of this title.

Another prior section 12653b, Pub. L. 101-610, title I, §195B, as added Pub. L. 102-484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2523, which related to national service program component of Civilian Community Corps Demonstration Program, was renumbered section 153 of Pub. L. 101-610 by Pub. L. 103-82, title I, §104(b), Sept. 21, 1993, 107 Stat. 840, and transferred to section 12613 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 12653c. Silver Scholarships and Encore Fellowships

(a) Silver Scholarship Grant Program

(1) Establishment

The Corporation may award fixed-amount grants (in accordance with section 12581(l) of this title) to community-based entities to carry out a Silver Scholarship Grant Program for individuals age 55 or older, in which such individuals complete not less than 350 hours of