

§ 12593. Terms of service**(a) In general**

As a condition of receiving a national service education award under division D of this subchapter, a participant in an approved national service position shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b) of this section.

(b) Term of service**(1) Full-time service**

An individual performing full-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of not more than 1 year.

(2) Part-time service

Except as provided in paragraph (3), an individual performing part-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 900 hours during a period of not more than 2 years.

(3) Reduction in hours of part-time service

The Corporation may reduce the number of hours required to be served to successfully complete part-time national service to a level determined by the Corporation, except that any reduction in the required term of service shall include a corresponding reduction in the amount of any national service educational award that may be available under division D of this subchapter with regard to that service.

(4) Extension of term for disaster purposes**(A) Extension**

An individual in an approved national service position performing service directly related to disaster relief efforts may continue in a term of service for a period of 90 days beyond the period otherwise specified in, as appropriate, this subsection or section 12613(d) of this title or in section 4954 of this title.

(B) Single term of service

A period of service performed by an individual in an originally-agreed to¹ term of service and service performed under this paragraph shall constitute a single term of service for purposes of subsections (b)(1) and (c) of section 12602 of this title.

(C) Benefits

An individual performing service under this paragraph may continue to receive a living allowance and other benefits under section 12594 of this title but may not receive an additional national service educational award under section 12595 of this title.

(c) Release from completing term of service**(1) Release authorized**

A recipient of assistance under section 12571 of this title or a program sponsoring an ap-

proved national service position may release a participant from completing a term of service in the position—

- (A) for compelling personal circumstances as determined by the organization responsible for granting the release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the term of service; or
- (B) for cause.

(2) Effect of release for compelling circumstances

If a participant eligible for release under paragraph (1)(A) is serving in an approved national service position, the recipient of assistance under section 12571 of this title or a program sponsoring an approved national service position may elect—

- (A) to grant such release and certify the participant's eligibility for that portion of the national service educational award corresponding to the portion of the term of service actually completed, as provided in section 12603(c) of this title; or
- (B) to permit the participant to temporarily suspend performance of the term of service for a period of up to 2 years (and such additional period as the Corporation may allow for extenuating circumstances) and, upon completion of such period, to complete the remainder of the term of service and obtain the entire national service educational award.

(3) Effect of release for cause

A participant released for cause may not receive any portion of the national service educational award.

(Pub. L. 101-610, title I, §139, as added Pub. L. 103-82, title I, §101(b), Sept. 21, 1993, 107 Stat. 810; amended Pub. L. 111-13, title I, §1314, Apr. 21, 2009, 123 Stat. 1510.)

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111-13, §1314(1)(A), struck out “not less than 9 months and” before “not more than 1 year”.

Subsec. (b)(2). Pub. L. 111-13, §1314(1)(B), substituted “during a period of not more than 2 years.” for “during a period of—

“(A) not more than 2 years; or

“(B) not more than 3 years if the individual is enrolled in an institute of higher education while performing all or a portion of the service.”

Subsec. (b)(4). Pub. L. 111-13, §1314(1)(C), added par. (4).

Subsec. (c)(1)(A). Pub. L. 111-13, §1314(2)(A), substituted “as determined by the organization responsible for granting the release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the term of service” for “as demonstrated by the participant”.

Subsec. (c)(2)(A). Pub. L. 111-13, §1314(2)(B)(i), substituted “certify the participant's eligibility for that portion of the national service educational award” for “provide to the participant that portion of the national service educational award”.

Subsec. (c)(2)(B). Pub. L. 111-13, §1314(2)(B)(ii), struck out “to allow return to the program with which the individual was serving in order” before “to complete the remainder”.

EFFECTIVE DATE OF 2009 AMENDMENT

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

¹ So in original. Probably should be “originally-agreed-to”.

§ 12594. Living allowances for national service participants

(a) Provision of living allowance

(1) Living allowance required

Subject to paragraphs (2) and (3), a national service program carried out using assistance provided under section 12571 of this title shall provide to each participant who participates on a full-time basis in the program a living allowance in an amount equal to or greater than the average annual subsistence allowance provided to VISTA volunteers under section 4955 of this title.

(2) Maximum living allowance

Except as provided in subsection (c) of this section, the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 4955 of this title.

(3) Federal work-study students

The living allowance that may be provided under paragraph (1) to an individual whose term of service includes hours for which the individual receives a Federal work-study award under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) shall be reduced by the amount of the individual's Federal work study award.

(4) Proration of living allowance

The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a term of service that is less than 12 months.

(5) Waiver or reduction of living allowance

The Corporation may waive or reduce the requirement of paragraph (1) with respect to such national service program if such program demonstrates that—

(A) such requirement is inconsistent with the objectives of the program; and

(B) the amount of the living allowance that will be provided to each full-time participant is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the program is located.

(6) Exemption

The requirement of paragraph (1) shall not apply to any program that was in existence on September 21, 1993.

(b) Coverage of certain employment-related taxes

To the extent a national service program that receives assistance under section 12571 of this title is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of title 26 and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 12571 of this title may be used to pay the taxes described in this subsection.

(c) Exception from maximum living allowance for certain assistance

A professional corps program described in section 12572(c)(1)(D) of this title that desires to provide a living allowance in excess of the maximum allowance authorized in subsection (a)(2) may still apply for such assistance, except that—

(1) any assistance provided to the applicant under section 12571 of this title may not be used to pay for any portion of the allowance; and

(2) the national service program shall be operated directly by the applicant and shall meet urgent, unmet human, educational, environmental, or public safety needs, as determined by the Corporation.

(d) Health insurance

(1) In general

A State or other recipient of assistance under section 12571 of this title shall provide or make available a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance, if the participant is not otherwise covered by a health care policy. The Corporation shall establish minimum standards that all plans must meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

(2) Option

A State or other recipient of assistance under section 12571 of this title may elect to provide from its own funds or make available a health care policy for participants that does not meet all of the standards established by the Corporation if the fair market value of such policy is equal to or greater than the fair market value of a plan that meets the minimum standards established by the Corporation, and is consistent with other applicable laws.

(e) Child care

(1) Availability

A State or other recipient of assistance under section 12571 of this title shall—

(A) make child care available for children of each full-time participant who needs child care in order to participate in a national service program carried out or supported by the recipient using the assistance; or

(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

(2) Guidelines

The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any allowance to be provided.

(f) Individualized support services

A State or other recipient of assistance under section 12571 of this title shall provide reason-