

**§ 4954. Terms and periods of service****(a) Personal commitment; scope of commitment**

Volunteers serving under this part shall be required to make a full-time personal commitment to combating poverty and poverty-related problems. To the maximum extent practicable, the requirement for full-time commitment shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their periods of service, except for authorized periods of leave.

**(b) Minimum period of service; critical scarce-skill needs exception; reenrollment; limitation**

(1) Volunteers serving under this part may be enrolled initially for periods of service of not less than 1 year, nor more than 2 years, except as provided in paragraph (2) or subsection (e) of this section.

(2) Volunteers serving under this part may be enrolled for periods of service of less than 1 year if the Director determines, on an individual basis, that a period of service of less than 1 year is necessary to meet a critical scarce skill need.

(3) Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of 5 years under this part.

**(c) Oath or affirmation**

Volunteers under this part shall, upon enrollment, take the oath of office as prescribed for persons appointed to any office of honor or profit by section 3331 of title 5, and shall swear (or affirm) that the volunteer does not advocate the overthrow of the constitutional form of government of the United States and that the volunteer is not a member of an organization that advocates the overthrow of the constitutional form of government of the United States, knowing that such organization so advocates, except that persons legally residing within a State but who are not citizens or nationals of the United States, may serve under this part without taking or subscribing to such oath, if the Director determines that the service of such persons will further the interests of the United States. Such persons shall take such alternative oath or affirmation as the Director shall deem appropriate.

**(d) Grievance and personal view presentation procedure; notice and hearing; information**

The Director shall establish a procedure, including notice and opportunity to be heard, for volunteers under this part to present and obtain resolution of grievances and to present their views in connection with the terms and conditions of their service. The Director shall promptly provide to each volunteer in service on October 1, 1973, and to each such volunteer beginning service thereafter, information regarding such procedure and the terms and conditions of their service.

**(e) Summer associates**

(1) Notwithstanding any other provision of this part, the Director may enroll full-time

VISTA summer associates in a program for the summer months only, under such terms and conditions as the Director shall determine to be appropriate. Such individuals shall be assigned to projects that meet the criteria set forth in section 4953(a) of this title.

(2) In preparing reports relating to programs under this chapter, the Director shall report on participants, costs, and accomplishments under the summer program separately.

(3) The limitation on funds appropriated for grants and contracts, as contained in section 4958 of this title, shall not apply to the summer program.

(Pub. L. 93-113, title I, § 104, Oct. 1, 1973, 87 Stat. 397; Pub. L. 98-288, § 5, May 21, 1984, 98 Stat. 190; Pub. L. 101-204, title VII, § 702, Dec. 7, 1989, 103 Stat. 1821; Pub. L. 103-82, title III, § 324, Sept. 21, 1993, 107 Stat. 900.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(2), was in the original "this Act", meaning Pub. L. 93-113, Oct. 1, 1973, 87 Stat. 394, known as the Domestic Volunteer Service Act of 1973, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

## AMENDMENTS

1993—Subsec. (b). Pub. L. 103-82, § 324(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Volunteers serving under this part may be enrolled for periods of service not exceeding two years, but for not less than one-year periods of service, except that volunteers serving under this part may be enrolled for periods of service of less than one year when the Director determines, on an individual basis, that a period of service of less than one year is necessary to meet a critical scarce-skill need. Volunteers serving under this part may be reenrolled for periods of service totaling not more than two years. No volunteer shall serve for more than a total of five years under this part."

Subsec. (e). Pub. L. 103-82, § 324(b), added subsec. (e).

1989—Subsec. (c). Pub. L. 101-204 substituted "for persons appointed to any office of honor or profit by section 3331 of title 5, and shall swear (or affirm) that the volunteer does not advocate the overthrow of the constitutional form of government of the United States and that the volunteer is not a member of an organization that advocates the overthrow of the constitutional form of government of the United States, knowing that such organization so advocates, except" for "in section 2504(j) of title 22, except".

1984—Subsec. (a). Pub. L. 98-288 struck out "human, social, and environmental" in first sentence after "poverty-related", and substituted "the requirement for full-time commitment" for "this" in second sentence.

## EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 392 of Pub. L. 103-82, set out as a note under section 4951 of this title.

## TEMPORARY AUTHORITY FOR EXTENSIONS OF PERIOD OF SERVICE

Pub. L. 101-204, title I, § 101(c), Dec. 7, 1989, 103 Stat. 1810, as amended by Pub. L. 103-82, title IV, § 405(h), Sept. 21, 1993, 107 Stat. 921, provided that:

"(1) IN GENERAL.—Notwithstanding the limitations established in section 104(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954(b)) for the maximum period of service as a volunteer under part A of title I of such Act (42 U.S.C. 4951 et seq.), the Chief Executive Officer of the Corporation for National and Community Service may, subject to paragraphs (2) and (3), extend

beyond such maximum the period of service for such volunteer in any case in which—

“(A) such extension is requested by the project or program to which such volunteer involved is assigned; and

“(B) such Director determines that such extension is appropriate with respect to meeting the goals of such project or program.

“(2) LIMITATIONS ON EXTENSIONS.—With respect to extensions under paragraph (1) for volunteers described in such paragraph—

“(A) such an extension shall not exceed a 1-year period;

“(B) not more than two of such extensions may be made for any one volunteer; and

“(C) not more than 1 percent of the total number of such volunteers serving for the fiscal year involved may receive such extensions.

“(2) [probably should be (3)] DURATION OF AUTHORITY.—The authority established in paragraph (1) shall be effective only for fiscal years 1990 through 1993.”

#### § 4955. Support services

##### (a) Stipend; limitation; volunteer leaders; payment upon completion of term; advancement of accrued stipend; beneficiary of deceased volunteer

(1)(A) The Director may provide a stipend to volunteers, while they are in training and during their assignments, enrolled for periods of service of not less than one year under this part, except that the Director may, on an individual basis, make an exception to provide a stipend to a volunteer enrolled under this part for an extended period of service not totaling one year.

(B) Such stipend shall be set at a rate that is not less than a minimum of \$125 per month and not more than a maximum of \$150 per month, subject to the availability of funds to provide such a maximum rate. The Director may provide a stipend set at a rate that is not more than a maximum of \$250 per month in the case of persons who have served as volunteers under this part for at least 1 year and who, in accordance with standards established in such regulations as the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

(C) The Director shall not provide a stipend under this subsection to an individual who elects to receive a national service educational award under subtitle D of title I of the National and Community Service Act of 1990 [42 U.S.C. 12601 et seq.].

(2) Stipends shall be payable only upon completion of a period of service, except that under such circumstances as the Director shall determine, in accordance with regulations which the Director shall prescribe, the accrued stipend, or any part of the accrued stipend, may be paid to the volunteer, or, on behalf of the volunteer, to members of the volunteer's family or others during the period of the volunteer's service. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5.

##### (b) Description of allowances and support services; determination of allowance; adjustments; methodology

(1) The Director shall also provide volunteers such living, travel (including travel to and from

places of training and to and from locations to which volunteers are assigned during periods of service) and leave allowances, and such housing, supplies, equipment, subsistence, clothing, health and dental care, transportation, supervision, pre-service training and where appropriate in-service training, technical assistance, and such other support as the Director deems necessary and appropriate to carry out the purpose and provisions of this part, and shall insure that each such volunteer has available such allowances and support as will enable the volunteer to carry out the purpose and provisions of this part and to effectively perform the work to which such volunteer is assigned.

(2) The Director shall set the subsistence allowance for volunteers under paragraph (1) for each fiscal year so that—

(A) the minimum allowance is not less than an amount equal to 95 percent of such poverty line (as defined in section 9902(2) of this title) for a single individual as expected for each fiscal year; and

(B) the average subsistence allowance, excluding allowances for Hawaii, Guam, American Samoa, and Alaska, is no less than 105 percent of such poverty line.

(3) The Director shall adjust the subsistence allowances for volunteers serving in areas that have a higher cost of living than the national average to reflect such higher cost. The Director shall review such adjustments on an annual basis to ensure that the adjustments are current.

##### (c) Child care

(1) The Director shall—

(A) make child care available for children of each volunteer enrolled under this part who need such child care in order to participate as volunteers; or

(B) provide a child care allowance to each such volunteer who needs such assistance in order to participate as volunteers.

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

(Pub. L. 93-113, title I, § 105, Oct. 1, 1973, 87 Stat. 398; Pub. L. 94-130, § 5(a), Nov. 14, 1975, 89 Stat. 684; Pub. L. 96-143, § 3, Dec. 13, 1979, 93 Stat. 1074; Pub. L. 98-288, § 6, May 21, 1984, 98 Stat. 191; Pub. L. 99-551, § 10(i)(1), Oct. 27, 1986, 100 Stat. 3078; Pub. L. 101-204, title I, § 102, Dec. 7, 1989, 103 Stat. 1811; Pub. L. 103-82, title III, § 325, Sept. 21, 1993, 107 Stat. 901; Pub. L. 111-13, title II, § 2103, Apr. 21, 2009, 123 Stat. 1583.)

#### REFERENCES IN TEXT

The National and Community Service Act of 1990, referred to in subsec. (a)(1)(C), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127. Subtitle D of title I of the Act is classified generally to division D (§12601 et seq.) of subchapter I of chapter 129 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of this title and Tables.

#### AMENDMENTS

2009—Subsec. (a)(1)(B). Pub. L. 111-13 substituted “Such stipend shall be set at a rate that is not less