

## **42 USC 12594: Living allowances for national service participants**

Text contains those laws in effect on February 19, 2025

### **From Title 42-THE PUBLIC HEALTH AND WELFARE**

CHAPTER 129-NATIONAL AND COMMUNITY SERVICE

SUBCHAPTER I-NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Division C-National Service Trust Program

Part III-National Service Participants

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## **§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), 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.)<sup>1</sup> 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 reasonable accommodation, including auxiliary aids and services (as defined in section 12102(1) <sup>1</sup> of this title), based on the individualized need of a participant who is a qualified individual with a disability (as defined in section 12111(8) of this title).

(Pub. L. 101–610, title I, §140, as added Pub. L. 103–82, title I, §101(b), Sept. 21, 1993, 107 Stat. 811 ; amended Pub. L. 111–13, title I, §1315, Apr. 21, 2009, 123 Stat. 1511 .)

#### **EDITORIAL NOTES**

#### **REFERENCES IN TEXT**

The Higher Education Act of 1965, referred to in subsec. (a)(3), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219 . Part C of title IV of the Act was formerly classified generally to part C (§2751 et seq.) of subchapter I of chapter 34 of this title prior to transfer to part C (§1087–51 et seq.) of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

Section 12102 of this title, referred to in subsec. (f), was amended generally by Pub. L. 110–325, §4(a), Sept. 25, 2008, 122 Stat. 3555 , and, as so amended, no longer defines "auxiliary aids and services". However, such term is defined in section 12103(1) of this title.

#### **PRIOR PROVISIONS**

A prior section 140 of Pub. L. 101–610 was set out as a note under section 12501 of this title, prior to the general amendment of subtitle D of title I of Pub. L. 101–610 [former part D of this subchapter] by Pub. L. 103–82, §102(a).

#### **AMENDMENTS**

**2009-**Subsec. (a)(1). Pub. L. 111–13, §1315(1)(A), substituted "paragraphs (2) and (3)" for "paragraph (3)".

Subsec. (a)(2), (3). Pub. L. 111–13, §1315(1)(B)–(D), added par. (3), redesignated former par. (3) as (2), and struck out former par. (2). Text of former par. (2) read as follows: "The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 12571 of this title and using any other Federal funds shall not exceed 85 percent of the total average annual provided to VISTA volunteers under section 4955 of this title."

Subsec. (a)(4). Pub. L. 111–13, §1315(1)(E), substituted "a term of service that is less than 12 months" for "a reduced term of service under section 12593(b)(3) of this title".

Subsec. (b). Pub. L. 111–13, §1315(2), substituted "may be used to pay the taxes described in this subsection." for "shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of-

"(1) the total average annual subsistence allowance provided to VISTA volunteers under section 4955 of this title; and

"(2) the annual living allowance established by the program."

Subsec. (c). Pub. L. 111–13, §1315(3), substituted "section 12572(c)(1)(D)" for "section 12572(a)(8)" and "subsection (a)(2)" for "subsection (a)(3) of this section" in introductory provisions, redesignated par. (3) as (2), and struck out former par. (2) which read as follows: "the applicant shall apply for such assistance only by submitting an application to the Corporation for assistance on a competitive basis; and".

Subsec. (d)(1). Pub. L. 111–13, §1315(4)(A), substituted "shall provide or make available" for "shall provide" and struck out second sentence which read as follows: "Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 12571 of this title."

Subsec. (d)(2). Pub. L. 111–13, §1315(4)(B), substituted "provide from its own funds or make available" for "provide from its own funds".

Subsecs. (g), (h). Pub. L. 111–13, §1315(5), struck out subsecs. (g) and (h) which allowed waiver in whole or in part of limitation on Federal share and limited number of terms of service for federally subsidized living allowance, respectively.

#### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

#### **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.

#### **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.

<sup>1</sup> See References in Text note below.