

116TH CONGRESS  
2D SESSION

# S. 4302

To utilize national service programs to directly respond to the novel coronavirus disease (COVID–19) outbreak.

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IN THE SENATE OF THE UNITED STATES

JULY 23, 2020

Mr. YOUNG (for himself and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To utilize national service programs to directly respond to the novel coronavirus disease (COVID–19) outbreak.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Volunteers in Contract  
5 Tracing or Recovery Act” or the “VICTORY Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to utilize national service  
8 programs to directly respond to the novel coronavirus dis-  
9 ease (COVID–19) outbreak declared as a national emer-  
10 gency by President Trump.

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) National service members and volunteers in  
4 the United States are a critical part of addressing  
5 the COVID–19 outbreak, including response activi-  
6 ties related to health, education, nutrition, and in-  
7 frastructure.

8 (2) In accordance with section 177 of the Na-  
9 tional and Community Service Act of 1990 (42  
10 U.S.C. 12637), national service members and volun-  
11 teers should never displace workers from employ-  
12 ment in the United States.

13 (3) All volunteer activities should be carried out  
14 in a manner that complies with applicable privacy  
15 laws and laws relating to the protection of personal  
16 information.

17 **SEC. 4. DEFINITIONS.**

18 In this Act:

19 (1) CNCS TERMS.—The terms “approved na-  
20 tional service position”, “Corporation”, “Indian  
21 tribe”, “national service laws”, and “territory” have  
22 the meaning given those terms in section 101 of the  
23 National and Community Service Act of 1990 (42  
24 U.S.C. 12511).

25 (2) VISTA TERMS.—The terms “VISTA” and  
26 “VISTA volunteer” have the meaning given those

1 terms in section 421 of the Domestic Volunteer  
2 Service Act of 1973 (42 U.S.C. 5061)

3 (3) ELIGIBLE ACTIVITY.—The term “eligible  
4 activity” means—

5 (A) any activity directly related to the  
6 coronavirus pandemic emergency response that  
7 prioritizes public health needs, such as contact  
8 tracing; and

9 (B) any other activity directly related to  
10 the coronavirus pandemic emergency response  
11 and recovery, which may include tutoring, deliv-  
12 ering meals, or other activities.

13 (4) NATIONAL EMERGENCY.—The term “na-  
14 tional emergency” means—

15 (A) a public health emergency declared by  
16 the Secretary of Health and Human Services  
17 pursuant to section 319 of the Public Health  
18 Service Act (42 U.S.C. 247d);

19 (B) an event for which the President de-  
20 clared a major disaster or an emergency under  
21 section 401 or 501, respectively, of the Robert  
22 T. Stafford Disaster Relief and Emergency As-  
23 sistance Act (42 U.S.C. 5170 and 5191); or

1 (C) a national emergency declared by the  
2 President under section 201 of the National  
3 Emergencies Act (50 U.S.C. 1601 et seq.).

4 **SEC. 5. FLEXIBILITY FOR EXISTING GRANTS.**

5 (a) NATIONAL EMERGENCY.—An entity receiving fi-  
6 nancial assistance from a program authorized under the  
7 National and Community Service Act of 1990 (42 U.S.C.  
8 12501 et seq.) or the Domestic Volunteer Service Act of  
9 1973 (42 U.S.C. 4950 et seq.), including subgrant funds,  
10 that are appropriated for fiscal year 2020 or a subsequent  
11 fiscal year (referred to in this Act as “eligible funds”) may  
12 modify the purposes of the grant or subgrant and the ac-  
13 tivities carried out under the grant or subgrant in order  
14 to carry out activities to respond to a national emergency.

15 (b) FLEXIBILITY DURING NON-EMERGENCY  
16 TIMES.—

17 (1) IN GENERAL.—An entity receiving eligible  
18 funds may modify the purposes of the grant or  
19 subgrant and the activities carried out under the  
20 grant or subgrant during a time that is not a na-  
21 tional emergency if the entity submits a plan and  
22 the plan is approved in accordance with this sub-  
23 section.

24 (2) APPROVAL REQUIRED FOR SUBGRANT RE-  
25 CIPIENTS.—In the case of an entity that receives eli-

1       gible funds as a subgrant that desires to modify the  
2       purposes of the subgrant and the activities carried  
3       out under the subgrant, the subgrant recipient may  
4       carry out such modification only after receiving ap-  
5       proval from the relevant entity that disburses funds  
6       for and oversees the subgrant.

7               (3) PLAN REQUIRED.—In the case of an entity  
8       that receives eligible funds as a grant that desires to  
9       modify the purposes of the grant and the activities  
10      carried out under the grant, the entity shall submit  
11      a plan to the Corporation. The plan shall include  
12      each of the following, with respect to each project  
13      that the entity desires to modify:

14               (A) A description of the existing project  
15               scheduled to be carried out using the eligible  
16               funds.

17               (B) A description of how the existing  
18               project is no longer relevant or is overly burden-  
19               some.

20               (C) A description of the phase down plan  
21               that involves—

22                       (i) incrementally decreasing the exist-  
23                       ing project activity to terminate the  
24                       project; or

1 (ii) modifying the project and using  
2 significantly less eligible funding.

3 (D) A description of the planned new use  
4 of eligible funds and an explanation of how  
5 those activities are needed.

6 (E) A description of how the entity will  
7 evaluate the modified project and how outcomes  
8 will be measured for the new activities carried  
9 out using eligible funds, including the evidence  
10 that will be required, if applicable.

11 (4) APPROVAL PROCESS.—As expeditiously as  
12 practicable after receipt of a plan under paragraph  
13 (3), the Corporation shall review the plan and issue  
14 an approval or denial notice to the entity that sub-  
15 mitted the plan. Upon approval of a plan under  
16 paragraph (3), the evaluation requirements and  
17 other requirements that applied to a project before  
18 termination or modification shall be waived and the  
19 entity may use the remaining eligible funds to carry  
20 out the activities described in the plan.

21 **SEC. 6. APPROVED NATIONAL SERVICE POSITIONS AU-**  
22 **THORIZED.**

23 (a) FUNDS APPROPRIATED.—There are authorized to  
24 be appropriated not less than \$825,000,000 to carry out  
25 this section.

1 (b) DISTRIBUTION OF FUNDS.—

2 (1) IN GENERAL.—Of the funds made available  
3 to carry out this section, the Corporation shall deter-  
4 mine the amount of funding necessary for eligible  
5 programs assisted under subtitle C and D of title I  
6 of the National and Community Service Act of 1990  
7 (42 U.S.C. 12571), programs assisted under the  
8 Volunteers in Service to America (VISTA) program  
9 established under part A of title I of the Domestic  
10 Volunteer Service Act of 1973 (42 U.S.C. 4951 et  
11 seq.), and eligible programs that are assisted under  
12 subtitle E of title I of the National and Community  
13 Service Act of 1990 (42 U.S.C. 12611).

14 (2) AMERICORPS.—Of the funds made available  
15 to carry out eligible programs assisted under subtitle  
16 C and D of title I of the National and Community  
17 Service Act of 1990 (42 U.S.C. 12571), 1 percent  
18 of funds shall be reserved for Indian tribes, 1 per-  
19 cent of funds shall be reserved for territories, and  
20 35.3 percent of funds shall be allocated to States,  
21 the District of Columbia, and the Commonwealth of  
22 Puerto Rico in an amount that bears the same ratio  
23 to the remaining funds as the population of the  
24 State, the District of Columbia, or the Common-  
25 wealth of Puerto Rico bears to the total population

1 of the several States, the District of Columbia, and  
2 the Commonwealth of Puerto Rico.

3 (3) VISTA.—Of the funds made available to  
4 carry out the Volunteers in Service to America  
5 (VISTA) program established under part A of title  
6 I of the Domestic Volunteer Service Act of 1973 (42  
7 U.S.C. 4951 et seq.), the Corporation shall, to the  
8 extent practicable, endeavor to award funds to  
9 States, the District of Columbia, and the Common-  
10 wealth of Puerto Rico in an amount that bears the  
11 same ratio to such available funds as the population  
12 of the State, the District of Columbia, or the Com-  
13 monwealth of Puerto Rico bears to the total popu-  
14 lation of the several States, the District of Columbia,  
15 and the Commonwealth of Puerto Rico.

16 (c) APPROVED NATIONAL.—Before the date that is  
17 3 years after the date of enactment of this Act, the Cor-  
18 poration shall increase the number of approved national  
19 service positions by 55,000. Those additional approved na-  
20 tional service positions shall be allocated as follows:

21 (1) 48,000 approved national service positions  
22 shall be made available for eligible programs assisted  
23 under subtitle C of title I of the National and Com-  
24 munity Service Act of 1990 (42 U.S.C. 12571);



1           (2) 6,000 approved national service positions  
2 shall be made available for eligible programs assisted  
3 under the Volunteers in Service to America (VISTA)  
4 program established under part A of title I of the  
5 Domestic Volunteer Service Act of 1973 (42 U.S.C.  
6 4951 et seq.); and

7           (3) 1,000 approved national service positions  
8 shall be made available for eligible programs for in-  
9 dividuals who will deploy to regions across the  
10 United States based on emergency need through eli-  
11 gible programs that are assisted under subtitle E of  
12 title I of the National and Community Service Act  
13 of 1990 (42 U.S.C. 12611).

14       (d) REDISTRIBUTION.—In the case of a State that  
15 does not want to accept additional approved national serv-  
16 ice positions in accordance with this section, such positions  
17 shall be reallocated evenly to the remainder of States ac-  
18 cepting such additional positions.

19       (e) ELIGIBLE PROGRAMS.—In this section, the term  
20 “eligible program” means a national service program  
21 under subtitle C or subtitle E of title I of the National  
22 and Community Service Act of 1990 (42 U.S.C. 12571  
23 et seq; 42 U.S.C. 12611 et seq.) or part A of title I of  
24 the Domestic Volunteer Service Act of 1973 (42 U.S.C.  
25 4951 et seq.), as the case may be.

1 (f) PRIORITY.—In allocating approved national serv-  
2 ice positions under this section, the Corporation shall give  
3 priority to eligible programs that are carrying out eligible  
4 activities.

5 (g) APPROVED NATIONAL SERVICE POSITION BENE-  
6 FITS.—An individual in an approved national service posi-  
7 tion established under this section shall have the same  
8 benefits as an individual in an approved national service  
9 position established under the National and Community  
10 Service Act of 1990 (42 U.S.C. 12501 et seq.).

11 **SEC. 7. VISTA WAIVER AUTHORITY.**

12 Notwithstanding section 108 of the Domestic Volun-  
13 teer Service Act of 1973 (42 U.S.C. 4958), in order to  
14 address the needs of underserved communities during the  
15 COVID–19 pandemic, not more than 75 percent of funds  
16 appropriated under section 501 of that Act to carry out  
17 part A of title I of that Act may be obligated for the direct  
18 cost of supporting VISTA volunteers in programs and  
19 projects, including new programs and projects, carried out  
20 pursuant to grants or contracts made under part A of title  
21 I of that Act, and such funds may be obligated without  
22 competition regardless of when grant recipients com-  
23 menced such programs and projects.

1 **SEC. 8. INCREASED COORDINATION.**

2 The Corporation shall ensure that recipients of funds  
3 under the national service laws—

4 (1) that are carrying out health related services,  
5 have coordinated with the appropriate State and  
6 local health departments; and

7 (2) that are carrying out other eligible activi-  
8 ties, have coordinated with the appropriate Federal  
9 agencies, which may include the Centers for Disease  
10 Control and Prevention, the Department of Health  
11 and Human Services, the Federal Emergency Man-  
12 agement Agency, the Department of Labor, the De-  
13 partment of Education, or another relevant Federal  
14 agency, to ensure continuity in coronavirus response  
15 and recovery activities and to ensure the eligible ac-  
16 tivities are carried out in a manner that is aligned  
17 with the work of Federal agencies.

18 **SEC. 9. NCCC SEASON OF SERVICE.**

19 Notwithstanding section 154 of the National and  
20 Community Service Act of 1990 (42 U.S.C. 12614), dur-  
21 ing the period of national emergency related to the novel  
22 coronavirus (COVID–19), the Corporation may carry out  
23 a pilot program through which the summer national serv-  
24 ice program carried out under such section may be modi-  
25 fied in order to carry out eligible activities that—

1           (1) take place during any months of the year;  
2           and

3           (2) include individuals aged 18 through 26  
4           years to serve in short term periods of service under  
5           that program.

6 **SEC. 10. MATCH WAIVER.**

7           Notwithstanding any other provision of law, an entity  
8           that receives assistance from the Corporation for any pro-  
9           gram under the national service laws (including a State  
10          Commission and an entity receiving subgrant funds) dur-  
11          ing the COVID–19 emergency response and recovery pe-  
12          riod (which period shall be determined by the Corporation)  
13          shall not be subject to any requirements to provide match-  
14          ing funds for any such program, and the Federal share  
15          of such assistance for a recipient (including for a State  
16          Commission and a subgrant recipient) may be 100 per-  
17          cent.

18 **SEC. 11. INCREASE IN LIMITATION ON GRANT AMOUNTS**  
19                           **DURING COVID–19 EMERGENCY RESPONSE**  
20                           **AND RECOVERY PERIOD.**

21          Notwithstanding the limits described in sections  
22          189(a) and 189(e) of the National and Community Service  
23          Act of 1990 (42 U.S.C. 12645c) or any other limitation  
24          imposed by the Corporation, during the COVID–19 emer-  
25          gency response and recovery period (which period shall be

1 determined by the Corporation), the Corporation may  
2 award additional funds on a grant to operate a program  
3 authorized under the national service laws.

4 **SEC. 12. AUGMENTATION AND EXPANSION GRANTS.**

5       Notwithstanding any other provision of law, during  
6 the COVID–19 emergency response and recovery period  
7 (which period shall be determined by the Corporation), the  
8 Corporation may award noncompetitive augmentation and  
9 expansion grants under the national service laws, at such  
10 time and in such manner, and from such funds as the Cor-  
11 poration determines appropriate.

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