

108TH CONGRESS
2^D SESSION

H. R. 4838

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2004

Received

AN ACT

To establish a Healthy Forest Youth Conservation Corps to provide a means by which young adults can carry out rehabilitation and enhancement projects to prevent fire and suppress fires, rehabilitate public land affected or altered by fires, and provide disaster relief, and for other purposes.

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 “Healthy Forest Youth
5 Conservation Corps Act of 2004”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the natural fire regimes of forested public
9 land have been altered by intensive fire suppression;

10 (2) fire suppression has led to increased risk of
11 unnaturally severe wildfires that in recent years have
12 destroyed thousands of homes, devastated agricul-
13 tural crops and livestock, reduced biodiversity, and
14 scorched thousands of areas of soil and natural re-
15 sources;

16 (3) catastrophic wildfires pose a particular
17 threat to communities and wildlife living close to for-
18 ested wildland, known as the “wildland-urban inter-
19 face”;

20 (4) each year millions of dollars are spent to
21 fight severe wildfires and protect communities where
22 municipal water supplies, human lives, and property
23 are threatened;

24 (5) contracts and cooperative agreements be-
25 tween Federal agencies and State and local govern-

1 ments and other entities empower communities and
2 are cost-effective tools that provide positive social
3 and environmental benefits, and the use of such con-
4 tracts and agreements should be encouraged as a
5 means to prevent unnaturally severe fires, rehabili-
6 tate public land affected or altered by fires, and en-
7 hance and maintain environmentally important land
8 and water; and

9 (6) joint collaborations between the Federal
10 agencies and service and conservation corps com-
11 posed of young adults are particularly beneficial, as
12 the collaborations provide—

13 (A) young adults the opportunity to pre-
14 pare for productive lives while engaged in
15 meaningful and educational public service op-
16 portunities; and

17 (B) the public with cost-saving human re-
18 sources to assist in conserving, maintaining,
19 and protecting public land.

20 **SEC. 3. PURPOSES.**

21 The purposes of this Act are—

22 (1) to allow service and conservation corps to
23 enter into agreements with public land management
24 agencies to perform rehabilitation and enhancement
25 projects to prevent fire, rehabilitate public land af-

1 fected or altered by fires, and suppress fires, and
2 provide disaster relief;

3 (2) to offer young adults who are members of
4 a service and conservation corps, particularly young
5 adults who are at-risk or economically disadvan-
6 taged, a chance to obtain skills and experience in
7 forest restoration, so that they are better equipped
8 to gain productive employment in the expanding
9 workforce being deployed on National Forest System
10 lands in fuels reduction, post-fire rehabilitation, and
11 other forest health projects, and so that the pool of
12 trained workers in forest restoration is expanded to
13 satisfy the existing and increasing need for such
14 workers;

15 (3) to provide those young adults the oppor-
16 tunity to serve their communities and their country;
17 and

18 (4) to expand educational opportunities by re-
19 warding individuals who participate in the Healthy
20 Forest Youth Conservation Corps with an increased
21 ability to pursue higher education or employment.

22 **SEC. 4. HEALTHY FOREST YOUTH CONSERVATION CORPS.**

23 (a) ESTABLISHMENT.—There is established a
24 Healthy Forest Youth Conservation Corps.

1 (b) PARTICIPANTS.—The Corps shall consist of
2 young adults who are enrolled as members of a service
3 and conservation corps covered by a contract or coopera-
4 tive agreement entered into under subsection (c).

5 (c) CONTRACTS OR AGREEMENTS.—The Secretary
6 concerned may enter into contracts or cooperative agree-
7 ments directly with—

8 (1) any service and conservation corps to carry
9 out a rehabilitation and enhancement project de-
10 scribed in subsection (d); or

11 (2) a department of natural resources, agri-
12 culture, or forestry (or an equivalent department) of
13 any State that has entered into a contract or coopera-
14 tive agreement with a service and conservation
15 corps to carry out a rehabilitation and enhancement
16 project described in subsection (d).

17 (d) AUTHORIZED PROJECTS.—Under a contract or
18 cooperative agreement entered into under subsection (c),
19 a service and conservation corps may carry out a rehabili-
20 tation and enhancement project to prevent fire and sup-
21 press fires, rehabilitate public land affected or altered by
22 fires, and provide disaster relief, including—

23 (1) a project relating to the National Fire Plan;

1 (2) a project relating to the Healthy Forests
2 Restoration Act of 2003 (16 U.S.C. 6501 et seq.);
3 and

4 (3) other activities allowed under—

5 (A) a national forest and grassland land
6 management plan; or

7 (B) a Bureau of Land Management land
8 use plan.

9 (e) PRIORITY PROJECTS.—In entering into a contract
10 or cooperative agreement under subsection (c), the Sec-
11 retary concerned shall give priority to rehabilitation and
12 enhancement projects that will—

13 (1) reduce hazardous fuels on public land;

14 (2) restore public land affected or imminently
15 threatened by disease or insect infestation;

16 (3) rehabilitate public land affected or altered
17 by fires;

18 (4) assess windthrown public land or public
19 land at high risk of reburn;

20 (5) work to address public land located within
21 relative proximity to a municipal watershed and mu-
22 nicipal water supply;

23 (6) provide related emergency assistance, such
24 as natural disaster relief and the rescue of lost or
25 injured persons;

1 (7) instill in members of the service and con-
2 servation corps a work ethic and a sense of personal
3 responsibility;

4 (8) be labor-intensive; and

5 (9) be planned and initiated promptly.

6 (f) **ACTIVITIES PERFORMED BY CORPS MEMBERS**

7 **WHO ARE UNDER 18.**—A young adult under the age of
8 18 who is enrolled as a member of a service and conserva-
9 tion corps covered by a contract or cooperative agreement
10 entered into under subsection (c) may perform the fol-
11 lowing types of activities as part of a rehabilitation and
12 enhancement project carried out under the contract or co-
13 operative agreement:

14 (1) Performance of logistical support at fire
15 caches or with the supply unit in support of a fire
16 suppression project.

17 (2) Conducting pre-treatment inventory and
18 other preparatory work, such as building control
19 lines with hand tools, in advance of a prescribed fire
20 project, and conducting post-treatment evaluation
21 and monitoring of the project.

22 (3) Participation in fire-prevention patrols and
23 the dissemination of fire prevention information.

24 (4) Performance of certain aspects of a Burned
25 Area Emergency Rehabilitation project, approved by

1 the Secretary, if not on site, then in a support role
2 receiving and distributing materials and supplies.

3 (g) SUPPORTIVE SERVICES.—The Secretary con-
4 cerned may provide such services as the Secretary con-
5 siders to be necessary to carry out this Act, including tech-
6 nical assistance, oversight, monitoring, and evaluation to
7 or for—

8 (1) State departments of natural resources and
9 agriculture (or equivalent agencies);

10 (2) service and conservation corps;

11 (3) in the case of Indian lands, the applicable
12 Indian tribe;

13 (4) in the case of Hawaiian home lands, the ap-
14 plicable State agency in the State of Hawaii; and

15 (5) in the case of land under the jurisdiction of
16 an Alaska Native Corporation, the applicable Alaska
17 Native Corporation.

18 (h) OTHER USES OF FUNDS.—Funds made available
19 under this Act may be used to support implementation,
20 monitoring, training, technical assistance, and administra-
21 tive work of service and conservation corps covered by a
22 contract or cooperative agreement entered into under sub-
23 section (c).

1 **SEC. 5. NONCOMPETITIVE HIRING STATUS.**

2 The Secretary may grant a person who is a former
3 member of the Healthy Forest Youth Conservation Corps
4 with credit for time served as a member of the Corps to-
5 ward future Federal hiring and may provide the person
6 with a noncompetitive hiring status for not more than 120
7 days beginning on the date on which the person completed
8 service as a member of the Corps.

9 **SEC. 6. NONDISPLACEMENT.**

10 The nondisplacement requirements of section 177(b)
11 of the National and Community Service Act of 1990 (42
12 U.S.C. 12637(b)) shall apply to activities carried out
13 under this Act.

14 **SEC. 7. DEFINITIONS.**

15 In this Act:

16 (1) ALASKA NATIVE CORPORATION.—The term
17 “Alaska Native Corporation” means a Regional Cor-
18 poration or Village Corporation, as those terms are
19 defined in section 3 of the Alaska Native Claims
20 Settlement Act (43 U.S.C. 1602).

21 (2) HAWAIIAN HOME LANDS.—The term “Ha-
22 waiian home lands” has the meaning given the term
23 in section 203 of Public Law 91–378 (commonly
24 known as the Youth Conservation Corps Act of
25 1970; 16 U.S.C. 1722).

1 (3) INDIAN LANDS.—The term “Indian lands”
2 has the meaning given the term in section 203 of
3 Public Law 91–378 (commonly known as the Youth
4 Conservation Corps Act of 1970; 16 U.S.C. 1722).

5 (4) PUBLIC LAND.—The term “public land”
6 means—

7 (A) land of the National Forest System (as
8 defined in section 11(a) of the Forest and
9 Rangeland Renewable Resources Planning Act
10 of 1974 (16 U.S.C. 1609(a)));

11 (B) public lands (as defined in section 103
12 of the Federal Land Policy and Management
13 Act of 1976 (43 U.S.C. 1702)) and other land
14 administered by the Secretary of the Interior
15 through the United States Fish and Wildlife
16 Service;

17 (C) land owned by a State or local agency;

18 (D) Indian lands, with the approval of the
19 applicable Indian tribe;

20 (E) Hawaiian home lands, with the ap-
21 proval of the applicable State agency in the
22 State of Hawaii; and

23 (F) land under the jurisdiction of an Alas-
24 ka Native Corporation, with the approval of the
25 applicable Alaska Native Corporation.

1 (5) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means—

3 (A) the Secretary of Agriculture, with re-
4 spect to land of the National Forest System de-
5 scribed in subparagraph (A) of paragraph (4);

6 (B) the Secretary of the Interior, with re-
7 spect to public land described in subparagraph
8 (B) of such paragraph; and

9 (C) the Secretary of Agriculture and the
10 Secretary of the Interior jointly, with respect to
11 land described in subparagraphs (C) through
12 (F) of such paragraph.

13 (6) SERVICE AND CONSERVATION CORPS.—The
14 term “service and conservation corps” means any or-
15 ganization established by a State or local govern-
16 ment, nonprofit organization, or Indian tribe that—

17 (A) has a research-validated demonstrable
18 capability to provide productive work to individ-
19 uals;

20 (B) gives participants a combination of
21 work experience, basic and life skills, education,
22 training, and support services; and

23 (C) provides participants with the oppor-
24 tunity to develop citizenship values through

1 service to their communities and the United
2 States.

3 (7) STATE.—The term “State” means—

4 (A) a State;

5 (B) the District of Columbia;

6 (C) the Commonwealth of Puerto Rico;

7 (D) Guam;

8 (E) American Samoa;

9 (F) the Commonwealth of the Northern
10 Mariana Islands;

11 (G) the Federated States of Micronesia;

12 (H) the Republic of the Marshall Islands;

13 (I) the Republic of Palau; and

14 (J) the United States Virgin Islands.

15 (8) YOUNG ADULT.—The term “young adult”
16 means an individual between 16 and 25 years of age.

17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to carry out
19 this Act \$5,000,000 for each of fiscal years 2005 through
20 2009.

Passed the House of Representatives September 28,
2004.

Attest:

JEFF TRANDAHL,

Clerk.