

114TH CONGRESS
2D SESSION

H. R. 5114

To establish the 21st Century Conservation Service Corps to place youth and veterans in the United States in national service positions to protect, restore, and enhance the great outdoors of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2016

Ms. MCSALLY (for herself, Mr. MOULTON, Mr. NEWHOUSE, Mr. GIBSON, and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the 21st Century Conservation Service Corps to place youth and veterans in the United States in national service positions to protect, restore, and enhance the great outdoors of the United States, 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 “21st Century Con-
5 servation Service Corps Act of 2016”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to engage youth and vet-
3 erans in the United States in national service positions
4 to protect, restore, and enhance the outdoors of the United
5 States, including to—

6 (1) channel widespread interest among youth
7 and veterans in the United States in serving in na-
8 tional service positions to help protect, restore, en-
9 hance, and increase public access to and use of na-
10 tional parks, public and tribal land or water, and
11 natural, cultural, and historical resources and treas-
12 ures for the enjoyment and use of future generations
13 while spurring economic development and outdoor
14 recreation by carrying out high-quality, cost-effective
15 21CSC projects;

16 (2) ensure that, in any State, tribal land or
17 water, or territory of the United States, the activi-
18 ties and expertise of 21CSC participants will be ac-
19 cessible to public organizations, nonprofit organiza-
20 tions, and tribal agencies responsible for the stew-
21 ardship of public land or water, private land or
22 water (with a direct or recognized public benefit and
23 in coordination with the owner of such land or
24 water), or tribal land or water; and

25 (3) place youth and veterans in national service
26 positions to protect, restore, and enhance the great

1 outdoors of the United States, through collaborative
2 efforts involving relevant Federal departments and
3 Federal agencies to minimize undue duplication, le-
4 verage existing resources, and maximize project com-
5 pletion in a cost-effective manner.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) 21CSC ORGANIZATION.—The term “21CSC
9 organization” means an organization that is ap-
10 proved by a participating entity for participation in
11 the 21st Century Conservation Service Corps.

12 (2) 21CSC PARTICIPANT.—The term “21CSC
13 participant” means an individual who is selected by
14 a 21CSC organization to serve on a 21CSC project.

15 (3) 21CSC PROJECT.—The term “21CSC
16 project” means a project that is carried out by a
17 21CSC organization.

18 (4) INSTITUTION OF HIGHER EDUCATION.—The
19 term “institution of higher education” has the
20 meaning given the term in section 102 of the Higher
21 Education Act of 1965 (20 U.S.C. 1002), except
22 that such term shall not include—

23 (A) an institution outside the United
24 States, as described in subsection (a)(1)(C) of
25 such section; and

1 (B) an institution described in section
2 101(b) of such Act (20 U.S.C. 1001(b)).

3 (5) PARTICIPATING ENTITY.—The term “par-
4 ticipating entity” means a Federal entity headed by
5 an officer described in any of paragraphs (1)
6 through (13) of section 5(b).

7 (6) STATE.—The term “State” means each of
8 the several States of the United States, the District
9 of Columbia, the Commonwealth of Puerto Rico, the
10 United States Virgin Islands, Guam, American
11 Samoa, and the Commonwealth of the Northern
12 Mariana Islands.

13 (7) TRIBAL AGENCY.—The term “tribal agen-
14 cy” has the meaning given the term “Indian tribe”
15 in section 101 of the National and Community Serv-
16 ice Act of 1990 (42 U.S.C. 12511).

17 (8) TRIBAL LAND OR WATER.—The term “trib-
18 al land or water” means any real property or water
19 owned by a tribal agency, any real property or water
20 held in trust by the United States for an Indian (for
21 the purpose of this paragraph, as defined in such
22 section) or tribal agency, and any real property or
23 water held by an Indian or tribal agency that is sub-
24 ject to restrictions on alienation imposed by the
25 United States.

1 (9) VETERAN.—The term “veteran” has the
2 meaning given the term in section 101 of title 38,
3 United States Code.

4 (10) YOUTH.—The term “youth” means an in-
5 dividual who is not younger than age 15 and not
6 older than age 28.

7 **SEC. 4. ESTABLISHING THE 21ST CENTURY CONSERVATION**
8 **SERVICE CORPS.**

9 There is established a 21st Century Conservation
10 Service Corps (referred to in this Act as the “21CSC”),
11 consisting of 21CSC organizations and 21CSC partici-
12 pants and in partnership with the participating entities,
13 to carry out the purpose of this Act.

14 **SEC. 5. PARTICIPATING ENTITIES.**

15 (a) IN GENERAL.—The 21CSC shall be implemented
16 jointly by the participating entities, which shall have the
17 authority to support the 21CSC by carrying out the activi-
18 ties described in subsection (c).

19 (b) LIST OF ENTITIES.—The participating entities
20 shall be the entities headed by each of the following offi-
21 cers:

22 (1) The Secretary of the Interior.

23 (2) The Secretary of Agriculture.

24 (3) The Secretary of Transportation.

25 (4) The Secretary of Labor.

1 (5) The Secretary of Energy.

2 (6) The Secretary of Defense.

3 (7) The Secretary of Veterans Affairs.

4 (8) The Secretary of Commerce.

5 (9) The Administrator of the Environmental
6 Protection Agency.

7 (10) The Chair of the Council on Environ-
8 mental Quality.

9 (11) The Chief Executive Officer of the Cor-
10 poration for National and Community Service.

11 (12) The Assistant Secretary of the Army (Civil
12 Works).

13 (13) The head of any other Federal agency des-
14 igned by the President as necessary to serve as a
15 participating entity.

16 (c) SUPPORTING THE 21CSC.—

17 (1) IN GENERAL.—The participating entities
18 may support the 21CSC by—

19 (A) establishing standards for the 21CSC;

20 (B) establishing a process for organiza-
21 tions to apply and be approved to become
22 21CSC organizations;

23 (C) developing and supporting the public-
24 private partnerships described in subsection
25 (e)(1);

1 (D) using or leveraging existing funding or
2 acquiring funding and other resources under
3 section 7 to support 21CSC projects through
4 the cooperative agreements described in sub-
5 section (e);

6 (E) leveraging existing resources described
7 in section 7(b) to expand the use of the 21CSC
8 to meet the missions of such entities;

9 (F) utilizing technology to support 21CSC
10 projects; and

11 (G) collecting performance data on 21CSC
12 projects to prepare the reports required by
13 paragraph (3)(A) and demonstrate the impact
14 of such projects.

15 (2) COORDINATION TO MINIMIZE UNDUE DUPLI-
16 CATION AND MAXIMIZE PROJECT COMPLETION IN A
17 COST-EFFECTIVE MANNER.—

18 (A) COORDINATION WITH FEDERAL DE-
19 PARTMENTS AND AGENCIES.—The participating
20 entities shall coordinate with each other and
21 with Federal departments and Federal agencies,
22 affected by or engaging in activities that are
23 similar to 21CSC projects, to—

24 (i) minimize to the greatest extent
25 possible any undue duplication with spe-

1 cific project activities performed by the
2 Federal departments and Federal agencies
3 described in this subparagraph; and

4 (ii) maximize project completion in a
5 cost-effective manner by collaborating to
6 leverage existing resources described in
7 section 7(b).

8 (B) COORDINATION AMONG ENTITIES.—

9 Each participating entity shall, when feasible,
10 coordinate activities with other participating en-
11 tities to approve 21CSC organizations and col-
12 lect the data required by paragraph 3(A).

13 (C) GUIDANCE.—The participating entities
14 shall, when practicable, seek guidance from—

15 (i) the Corporation for National and
16 Community Service, which has extensive
17 experience in developing and administering
18 national service programs; and

19 (ii) the Department of Veterans Af-
20 fairs on ways to increase participation of
21 veterans in 21CSC projects.

22 (3) REPORTING.—

23 (A) 21CSC REPORTS.—

24 (i) IN GENERAL.—Not later than 1
25 year after the date of enactment of this

1 Act, and annually thereafter, all partici-
2 pating entities shall submit the required
3 data described in clause (ii) to the Cor-
4 poration for National and Community
5 Service.

6 (ii) REQUIRED DATA.—The Corpora-
7 tion for National and Community Service,
8 in coordination with the participating enti-
9 ties, shall prepare and submit an annual
10 report to Congress that includes required
11 data, for the year covered by the report,
12 consisting of—

13 (I) the number of 21CSC partici-
14 pants engaging in 21CSC projects and
15 the length of the term of service for
16 each participant;

17 (II) the total amount of funding
18 provided by participating entities for
19 such service;

20 (III) the type of service per-
21 formed by 21CSC participants and
22 the impact and accomplishments of
23 such service; and

24 (IV) other similar data deter-
25 mined to be appropriate by the Cor-

1 poration for National and Community
2 Service and the participating entities,
3 including data sufficient to determine
4 the effectiveness of 21CSC organiza-
5 tions in carrying out activities to
6 achieve the purpose of this Act in a
7 manner that is cost-effective and does
8 not unduly duplicate or overlap with
9 other activities or programs carried
10 out by Federal departments and Fed-
11 eral agencies.

12 (iii) DATA COLLECTION.—The Cor-
13 poration for National and Community
14 Service may coordinate with 21CSC orga-
15 nizations to collect the required data de-
16 scribed in clause (ii).

17 (B) COMPTROLLER GENERAL REPORTS.—
18 The Comptroller General of the United States
19 shall prepare and submit to Congress an in-
20 terim report, not later than 1 year after the
21 date of submission of the first report under
22 subparagraph (A)(ii), and a final report, not
23 later than 3 years after such date of submis-
24 sion, that includes—

1 (i) an assessment, based on the data
2 described in subparagraph (A)(ii), of the
3 effectiveness of 21CSC organizations in
4 achieving the purpose of this Act in a man-
5 ner that is cost-effective and does not un-
6 duly duplicate or overlap with other activi-
7 ties or programs carried out by Federal de-
8 partments and Federal agencies; and

9 (ii) recommendations on how to more
10 effectively manage and carry out 21CSC
11 projects to achieve the purpose of this Act
12 in the manner described in clause (i).

13 (C) ADDITIONAL REPORTS.—The Comp-
14 troller General of the United States may pre-
15 pare and submit to Congress additional reports
16 including the content described in subparagraph
17 (B) as the Comptroller General determines nec-
18 essary.

19 (d) GIFTS AND DONATIONS.—The participating enti-
20 ties may accept, use, and dispose of contributions that are
21 gifts or donations of money, services, or property to sup-
22 port the development, implementation, and expansion of
23 21CSC projects, in accordance with applicable laws, in-
24 cluding regulations.

1 (e) COOPERATIVE AGREEMENTS WITH 21CSC ORGA-
2 NIZATIONS.—

3 (1) IN GENERAL.—Each participating entity
4 shall have the authority to—

5 (A) develop public-private partnerships
6 with 21CSC organizations by entering into co-
7 operative agreements with such organizations to
8 support and carry out 21CSC projects; and

9 (B) leverage existing resources described in
10 section 7(b) to support such cooperative agree-
11 ments.

12 (2) TYPE OF COOPERATIVE AGREEMENT.—A
13 cooperative agreement under this subsection may
14 be—

15 (A) limited to an agreement for a specific
16 21CSC project;

17 (B) a broad agreement covering multiple
18 planned or future 21CSC projects; or

19 (C) an agreement for a 21CSC project to
20 be part of a broader conservation service corps
21 initiative carried out in partnership with a Fed-
22 eral or State government or a tribal agency.

23 (3) SET SHARE.—A cooperative agreement
24 under this subsection shall include provisions speci-

1 fying the share that the 21CSC organization will
2 provide under section 7(c).

3 **SEC. 6. 21CSC ORGANIZATIONS AND 21CSC PROJECTS.**

4 (a) 21CSC ORGANIZATIONS.—To be approved as a
5 21CSC organization, an organization seeking approval
6 shall, to the maximum extent practicable, demonstrate the
7 capability to meet, and provide an assurance that the or-
8 ganization will meet, each requirement under subsection
9 (b).

10 (b) 21CSC PROJECTS.—

11 (1) 21CSC PARTICIPANTS ENGAGED BY 21CSC
12 ORGANIZATIONS.—

13 (A) IN GENERAL.—In carrying out a
14 21CSC project, to the maximum extent prac-
15 ticable, a 21CSC organization shall select indi-
16 viduals to be 21CSC participants who, in addi-
17 tion to meeting the requirements of subpara-
18 graph (B), are—

19 (i) youth, notwithstanding the require-
20 ments under paragraphs (3) and (4) of
21 section 137(a) of the National and Com-
22 munity Service Act of 1990 (42 U.S.C.
23 12591(a)) for any 21CSC participant par-
24 ticipating in a 21CSC project supported

1 and carried out by the Corporation for Na-
2 tional and Community Service; or

3 (ii) veterans not older than age 35.

4 (B) CITIZENSHIP REQUIREMENT.—To be
5 selected as a 21CSC participant, an individual
6 shall be—

7 (i) a citizen or national of the United
8 States; or

9 (ii) a lawful permanent resident alien
10 of the United States.

11 (C) EMPHASIS ON DIVERSITY AND INCLU-
12 SION.—In selecting 21CSC participants, the or-
13 ganization shall make deliberate outreach ef-
14 forts to engage traditionally underserved popu-
15 lations, including veterans and disadvantaged
16 youth (as defined in section 101 of the National
17 and Community Service Act of 1990 (42 U.S.C.
18 12511)).

19 (2) COMPENSATION FOR PARTICIPANTS.—The
20 organization shall provide compensation to each
21 21CSC participant that shall include 1 or more of
22 the following:

23 (A) A wage.

24 (B) A stipend.

25 (C) A living allowance.

1 (D) An educational credit that may be ap-
2 plied towards a program of postsecondary edu-
3 cation at a participating institution of higher
4 education that agrees to award such credit for
5 participation in a 21CSC project.

6 (3) ORGANIZATION OF SERVICE FOR PARTICI-
7 PANTS.—

8 (A) IN GENERAL.—In carrying out the
9 21CSC project, the organization shall, to the
10 maximum extent practicable, organize 21CSC
11 participants as—

12 (i) crew-based participants who—

13 (I) serve together with other
14 crew-based participants; and

15 (II) are directly supervised by
16 trained and experienced crew-based
17 leaders or conservation professionals;

18 or

19 (ii) individual or small team-based
20 participants who serve—

21 (I) individually or in a coordi-
22 nated small team;

23 (II) under the direction of con-
24 servation professionals; and

1 (III) on initiatives that require
2 specific skills and dedicated attention.

3 (B) VETERAN AND CIVILIAN COOPERA-
4 TION.—The organization shall, to the extent
5 practicable, encourage cooperation among vet-
6 eran and civilian 21CSC participants.

7 (4) 21CSC PROJECTS.—The organization shall
8 carry out a 21CSC project that includes national
9 service involving—

10 (A) protecting, restoring, and enhancing
11 national parks, public and tribal land or water,
12 and natural, cultural, and historical resources
13 and treasures;

14 (B) supporting outdoor recreation and
15 urban green spaces;

16 (C) restoring and safeguarding the natural
17 resources of the United States, such as through
18 trail maintenance, removal of invasive species,
19 wildfire prevention, historic preservation, and
20 disaster relief; or

21 (D) service that is primarily indoors, such
22 as service in science, policy, or program intern-
23 ships, with a clear benefit for natural, cultural,
24 or historic resources or treasures.

1 (5) 21CSC PARTICIPANT OUTCOMES.—In car-
2 rying out a 21CSC project, the organization shall
3 provide 21CSC participants with—

4 (A) job skill development to prepare such
5 participants for success in the 21st century
6 workforce;

7 (B) community skill development to help
8 such participants acquire an ethic of service to
9 others and become more effective resource and
10 community stewards; and

11 (C) a greater understanding of the natural,
12 cultural, or historic resources or treasures in
13 the United States.

14 (c) EXCLUSION FROM PREVAILING WAGE AND HOUR
15 LAWS.—

16 (1) PREVAILING WAGE AND HOURS LAWS.—Any
17 form of compensation, including stipends, provided
18 to 21CSC participants under subsection (b)(2) shall
19 not be subject to the requirements of prevailing
20 wage laws under subchapter IV of chapter 31 of title
21 40, United States Code.

22 (2) NONEMPLOYEE STATUS.—A 21CSC partici-
23 pant shall not be considered—

24 (A) an employee of the 21CSC organiza-
25 tion that selected such participant to serve on

1 a 21CSC project under this Act, in the same
2 manner as a participant is excluded under sec-
3 tion 101(30) of the National and Community
4 Service Act of 1990 (42 U.S.C. 12511(30)); or

5 (B) a Federal employee, and shall not be
6 subject to the provisions of law relating to Fed-
7 eral employment, except that such provisions
8 shall apply to any 21CSC participant to the ex-
9 tent provided for a participant or crew leader
10 under section 199M(b) of such Act (42 U.S.C.
11 12655n(b)).

12 (d) ELIGIBILITY FOR NONCOMPETITIVE HIRING STA-
13 TUS.—

14 (1) IN GENERAL.—A qualified individual de-
15 scribed in paragraph (2) shall be eligible for appoint-
16 ment in the competitive service in the same manner
17 as Peace Corps volunteers as prescribed in Executive
18 Order 11103 (22 U.S.C. 2504 note; relating to Pro-
19 viding for the Appointment of Former Peace Corps
20 Volunteers to the Civilian Career Services), as
21 amended by Executive Order 12107 (44 Fed. Reg.
22 1055; relating to the Civil Service Commission and
23 Labor-Management in the Federal Service).

24 (2) QUALIFIED INDIVIDUAL.—A qualified indi-
25 vidual described in this subsection is an individual

1 who is certified by the corresponding participating
2 entities as having successfully completed 1 or more
3 terms of service, as determined by an agreement be-
4 tween the 21CSC organization and the 21CSC par-
5 ticipant, that, in total, are not less than 640 hours.

6 (3) PERIOD.—A qualified individual described
7 in paragraph (2) shall be eligible for an appointment
8 under paragraph (1) during the 2-year period begin-
9 ning on the date on which such individual completes
10 1 or more terms of service, as determined under
11 paragraph (2), that, in total, are not less than 640
12 hours.

13 **SEC. 7. FUNDING.**

14 (a) INVESTMENTS.—

15 (1) IN GENERAL.—In addition to using funding
16 provided under subsections (b) and (c), to fund
17 21CSC projects, each 21CSC organization shall le-
18 verage the funds provided under such subsections by
19 soliciting in-cash or in-kind contributions from pub-
20 lic or private sources.

21 (2) METHODS.—To leverage the funds under
22 paragraph (1), each 21CSC organization may solicit
23 contributions by using innovative strategies, such as
24 crowd-funding.

1 (b) **EXISTING RESOURCES.**—In addition to using
2 funding provided under subsections (a) and (c), to fund
3 a 21CSC project, each participating entity shall be limited
4 to using existing resources that have been appropriated
5 or allocated to such participating entity, as of the period
6 of implementation of such 21CSC project, under laws and
7 authorities other than this Act.

8 (c) **SET SHARE.**—A 21CSC organization conducting
9 a 21CSC project shall provide a share of not less than
10 10 percent of the total cost of such project. The organiza-
11 tion may provide the share in cash or in kind from State,
12 local, or private sources.

13 **SEC. 8. RULE OF CONSTRUCTION.**

14 Except as provided in section 6(b)(1)(A)(i), the re-
15 quirements and authorities provided under this Act for
16 21CSC participants, 21CSC organizations, and partici-
17 pating entities with respect to a 21CSC project shall be
18 in addition to the requirements and authorities provided
19 under other Federal law for such participants, organiza-
20 tions, and entities with respect to that project.

○