

NATIONAL WILDLIFE REFUGE VOLUNTEER ACT OF 2003

NOVEMBER 20, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2408]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2408) to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Wildlife Refuge Volunteer Act of 2003”.

SEC. 2. REAUTHORIZATION OF VOLUNTEER PROGRAMS AND COMMUNITY PARTNERSHIPS UNDER FISH AND WILDLIFE ACT OF 1956.

Section 7(f) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(f)) is amended to read as follows:

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d), and (e) \$2,000,000 for each of fiscal years 2004 through 2009.”.

SEC. 3. AUTHORIZATION OF PROJECTS UNDER NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ENHANCEMENT ACT OF 1998.

Section 4(a) of the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f note) is amended—

- (1) in the heading by striking “PILOT”;
- (2) by striking “pilot project” each place it appears and inserting “project”;
- (3) in paragraph (1) by striking “, but not more than 20 pilot projects nationwide”;
- (4) in paragraph (3)—
 - (A) by striking “pilot projects” and inserting “projects”; and
 - (B) by striking “after the date of the enactment of this Act” and inserting “after the date of the enactment of the National Wildlife Refuge Volunteer Act of 2003, and every 3 years thereafter”; and

(5) in paragraph (4) by striking “each of fiscal years 1999 through 2002” and inserting “for each fiscal year through fiscal year 2009”.

SEC. 4. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY.

Section 7(d)(2)(A) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(d)(2)(A)) is amended to read as follows:

“(A) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary of the Interior may negotiate and enter into a cooperative agreement with a partner organization, academic institution, State or local government agency, or other person to implement one or more projects or programs for a refuge or complex of geographically related refuges in accordance with the purposes of this subsection and in compliance with the policies of other relevant authorities, regulations, and policy guidance.”.

Amend the title so as to read:

A bill to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 2408 is to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The National Wildlife Refuge System, which is administered by the U.S. Fish and Wildlife Service, contains 94 million acres of federal lands dedicated to the conservation of fish and wildlife. The Refuge System contains 542 refuges located throughout the United States, ranging in size from the one-acre Mille Lacs National Wildlife Refuge in Minnesota to the 19.3 million acre Arctic National Wildlife Refuge in Alaska. The system provides habitat for thousands of species of fish and wildlife and it is particularly important to migratory bird conservation as many refuges are concentrated along the major North American flyways.

President Theodore Roosevelt established the first refuge in 1903 at Pelican Island, Florida, to protect egrets, herons and other birds that were being killed to supply feathers to the hat industry. In the succeeding 100 years, new refuges have been created by legislation, reservation from the public domain, land transfers from other federal agencies, purchase of privately owned lands and land donations. Refuge land acquisition is funded by appropriations from the Land and Water Conservation Fund (which receives money from fuel taxes and oil leases), and the Migratory Bird Conservation Fund (which receives revenues from the sale of duck stamps, import duties on firearms and ammunition and refuge entrance fees).

The statutory mission of the National Wildlife Refuge System is “to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.” Recreational and other uses of System lands are permitted if those uses are compatible with the mission of the System and the purposes for which the refuge was established. Thirty-eight million people visited National Wildlife Refuges last year.

In Fiscal Year 2003, the deferred maintenance backlog in the National Wildlife Refuge System Maintenance Management System (MMS) database includes 5,086 projects. Completion of these

projects is estimated to cost \$645 million. In addition to the deferred maintenance backlog, the MMS database also includes the backlog of all construction projects valued at more than \$500,000, or, in the case of existing facilities, more than 10 percent of the cost of the facility needing expansion, renovation or repair. The database currently includes 493 construction projects valued at \$797 million. Critical Refuge Operating Needs System needs are estimated at \$335 million. The total replacement value of assets within the National Wildlife Refuge System is \$7 billion.

Volunteers in the Refuge System

Informal and organized volunteer activities are a significant part of the American national identity. Since the founding of this country, Americans have willingly participated in a wide variety of public service organizations and donated their time to work for churches, charities and the public good. For as long as the Refuge System has existed, volunteers have helped to operate it. For instance, members of the National Audubon Society staffed the first refuge at Pelican Island as volunteer wardens.

The Fish and Wildlife Service has maintained a volunteer program since 1982 and has utilized volunteers throughout the Refuge System, federal fish hatcheries and other field and administrative offices. The Refuge System has witnessed a surge in the number of people volunteering to assist our Refuges in education, habitat management, maintenance, research and public use. Specifically, volunteers conduct fish and wildlife population surveys; lead tours and provide interpretative information to visitors; assist in laboratory research; and participate in projects like bird banding and photographing a variety of natural and cultural resources. According to the Fish and Wildlife Service, volunteers are “working side-by-side with Service employees, volunteers help protect, conserve and restore our nation’s fish, wildlife, plants and habitat.”

From the inception of the program, the number of volunteers has increased from 4,251 volunteers to 36,000 individuals (in 2002) and volunteers play a vital and growing role in the operation of many units within the System. The hours of service have also grown from 128,440 hours to 1.3 million hours in Fiscal year 2002, which is equivalent to twenty percent of all staff work done in the National Wildlife Refuge System. The value of this work has been calculated at \$12.4 million dollars.

In addition to accepting the services of individual volunteers, the Fish and Wildlife Service has over the years developed formal relationships with a number of conservation and service organizations. These have included: the Audubon Society, the Boys Scouts of America, the Chamber of Commerce, Ducks Unlimited, the Girls Scouts of America, the National Rifle Association and various local sportsmen’s clubs. In 1997, the Service established a new program called the “Friends Initiative” which is designed to provide local communities and volunteer groups with information and training on fund-raising, organization and recruiting. There are now 225 “Friends of the Refuge” organizations throughout the United States.

Section 7 of the Fish and Wildlife Act of 1956 authorizes Refuge volunteer programs. This section of the Fish and Wildlife Act of 1956 was adopted in the 1978 amendments to the Act. This author-

ity was expanded subsequently by the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998. Section 7 authorizes the Secretary of the Interior to:

- Recruit, train and accept the services of individuals as volunteers for any program conducted by the agency;

- Provide volunteers with food, housing, transportation and uniforms;

- Provide matching funds for gifts or bequests to refuges;

- Establish a Senior Volunteer Corps;

- Enter into cooperative agreements with partner organizations, academic institutions or State or local governments to carry out resource stewardship, operation and maintenance and educational projects;

- Develop Refuge education guidelines and refuge enhancement education programs;

- Deem volunteers government employees for the purposes of tort claim liability and compensation for job-related injuries and

- Require that gifts for specific Refuges to be used on site.

The 1998 legislation also directed the Secretary of the Interior to establish two or more pilot projects to provide employment for a full time volunteer coordinator who would be responsible for recruiting, training and supervising volunteers, and authorized \$2 million for each Fiscal Year from 1999 through 2002 to carry out these projects. These pilot volunteer coordinators have been viewed as beneficial to the Refuges which employed them and interest in expanding the authority beyond pilot projects was indicated. Testimony at the Subcommittee on Fisheries Conservation, Wildlife and Oceans hearing on June 26, 2003, confirmed that the idea of expanding the program should be considered by Congress.

In addition, the 1998 amendments added a new provision to enhance community partnership with the Refuges. This new provision allowed the Secretary to enter into cooperative agreements with a partner organization, academic institution, or any State or local government to carry out projects with geographically related Refuges. Such projects could include promoting the stewardship of resources within the Refuge through habitat maintenance or restoration. Projects could also include education on the missions of the Refuge, or projects to construct or improve facilities on the Refuge. Finally, the 1998 amendments created a new Refuge Education Program Enhancement program to provide guidance for educational programs at individual refuges.

In light of this expanded authority, the Committee hopes that the Fish and Wildlife Service will examine the usefulness of additional volunteer coordinator positions and will pay particular attention to a regional distribution to those refuges with significant volunteer programs. In particular, the Committee would call attention to the Guam National Wildlife Refuge as a potential candidate for a volunteer coordinator position.

H.R. 2408, ordered reported by the Committee on Resources, expands the authority for the Secretary of the Interior to hire volunteer coordinators beyond just the pilot projects originally authorized.

COMMITTEE ACTION

H.R. 2408 was introduced on June 10, 2003, by Congressman Jim Saxton (R-NJ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On June 26, 2003, the Subcommittee held a hearing on the bill. On July 17, 2003, the Subcommittee met to mark up the bill. Chairman Wayne T. Gilchrest (R-MD) offered an amendment in the nature of a substitute to expand the authority of the Secretary to hire full-time volunteer coordinators at more Refuges. In addition, the amendment would change the audit requirement to require audits for “Friends” groups once every three years rather than annually. It was adopted by voice vote. The bill, as amended, was then forwarded to the Full Committee. On October 29, 2003, the Full Resources Committee met to consider the bill. Mr. Gilchrest offered an amendment to clarify that Congress intended to give the Secretary the flexibility to enter into cooperative agreements with partner organizations (like the “Friends” groups that exist at many Refuges), academic institutions, or State or local agencies. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 17, 2003.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2408, the National Wildlife Refuge Volunteer Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Melissa E. Zimmerman.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 2408—National Wildlife Refuge Volunteer Act of 2003

H.R. 2408 would authorize the appropriation of \$24 million over the 2004–2009 period for certain partnership and volunteer programs administered by the United States Fish and Wildlife Service (USFWS). Under these programs, the USFWS executes cooperative agreements with organizations such as nonprofit groups, academic institutions, and state or local agencies to benefit wildlife refuges and also coordinates volunteer programs at these refuges. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 2408 would cost about \$4 million in 2004 and \$20 million over the 2004–2008 period as summarized in the following table. (There would be an additional \$4 million in spending for 2009.)

| | By fiscal year, in millions of dollars— | | | | |
|--|---|------|------|------|------|
| | 2004 | 2005 | 2006 | 2007 | 2008 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | |
| Authorization Level | 4 | 4 | 4 | 4 | 4 |
| Estimated Outlays | 4 | 4 | 4 | 4 | 4 |

H.R. 2408 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Melissa E. Zimmerman. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 7 OF THE FISH AND WILDLIFE ACT OF 1956

POLICIES, PROCEDURES, RECOMMENDATIONS

SEC. 7. (a) * * *

* * * * *

(d) COMMUNITY PARTNERSHIP ENHANCEMENT.—

(1) * * *

(2) COOPERATIVE AGREEMENTS.—

[(A) IN GENERAL.—The Secretary of the Interior may enter into a cooperative agreement (within the meaning of chapter 63 of title 31, United States Code) with any partner organization, academic institution, or State or local government agency to carry out 1 or more projects or programs for a refuge or complex of geographically related refuges in accordance with this subsection.]

(A) *IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary of the Interior may negotiate and enter into a cooperative agreement with a partner organization, academic institution, State or local government agency, or other person to implement one or more projects or programs for a refuge or complex of geographically related refuges in accordance with the purposes of this subsection and in compliance with the policies of other relevant authorities, regulations, and policy guidance.*

* * * * *

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d), and (e) \$2,000,000 for each of fiscal years 1999 through 2004.]

(f) *AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d), and (e) \$2,000,000 for each of fiscal years 2004 through 2009.*

SECTION 4 OF THE NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ENHANCEMENT ACT OF 1998**SEC. 4. VOLUNTEER ENHANCEMENT.**

(a) [PILOT] PROJECTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of the Interior shall carry out a [pilot] project at 2 or more national wildlife refuges or complexes of geographically related refuges in each United States Fish and

Wildlife Service region[, but not more than 20 pilot projects nationwide].

* * * * *

(3) REPORT.—Not later than 3 years [after the date of enactment of this Act] *after the date of the enactment of the National Wildlife Refuge Volunteer Act of 2003, and every 3 years thereafter*, the Secretary of the Interior shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate evaluating and making recommendations regarding the [pilot] projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for [each of fiscal years 1999 through 2002] *for each fiscal year through fiscal year 2009*.

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