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SENATE

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NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL COMMEMORATION ACT OF 2000

AUGUST 25, 2000.—Ordered to be printed
Filed, under authority of the order of the Senate of July 26, 2000

Mr. SMITH of New Hampshire, from the Committee on
Environment and Public Works, submitted the following

REPORT

[to accompany S. 2878]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred (S. 2878) a bill to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

BACKGROUND

On March 14, 1903, by Executive Order, President Theodore Roosevelt established the first national wildlife refuge on Pelican Island. Pelican Island is a small island in Florida's Indian River, and the refuge was established specifically to protect the brown pelican. At the turn of the century, brown pelicans were being hunted for their feathers for hats and quills, causing a significant decline in the population.

Today, the National Wildlife Refuge System (Refuge System) has evolved into the most comprehensive system of lands devoted to wildlife protection and management in the world. Currently, there are 526 refuges in the United States and its territories, providing important habitat for 700 bird species, 220 mammal species, 250

species of amphibians and reptiles, and over 200 fish species. The refuges range in size from less than one acre at the Mille Lac National Wildlife Refuge in Minnesota, to 19.2 million in the Arctic National Wildlife Refuge in Alaska. Each year, the Refuge System attracts more than 34 million visitors who participate in a variety of recreational activities including observing and photographing wildlife, fishing, hunting and taking part in system-sponsored educational programs.

The operation and management of the Refuge System is governed by numerous laws, treaties and executive orders pertaining to the conservation and protection of natural and cultural resources. The most important orders and laws affecting the Refuge System are the Fish and Wildlife Act of 1956, the Refuge Recreation Act of 1962, the National Wildlife Refuge System Administration Act of 1966, the Endangered Species Act of 1973, and the National Wildlife Refuge System Improvement Act of 1997. The management of individual refuges is determined by the legislation, executive order or legislative action that creates the refuge.

OBJECTIVES OF LEGISLATION

This legislation authorizes several actions that will enhance and promote the National Wildlife Refuge System for years to come, and honor its centennial anniversary.

S. 2878 establishes a Commission through the year 2004 to develop a plan on how to celebrate the Refuge System's 100th anniversary in 2003. The Commission is composed of the Secretary of the Interior, the Director of the United States Fish and Wildlife Service, the Executive Director of the National Fish and Wildlife Foundation, and up to ten members recommended by the Secretary of the Interior (Secretary) and appointed by the President, who have a knowledge in wildlife issues and broadly represent beneficiaries of the refuge system. In addition, it is the Commission's responsibility to recommend to the Secretary a plan to address priority operations, maintenance and construction needs of the Refuge System. The Commission is also tasked with making recommendations to the Secretary on how to enhance and improve natural resources in the Refuge System, and expand compatible activities available to the public.

The Refuge System currently has an operation and maintenance backlog of approximately \$779 million. In order to remedy this problem, S. 2878 requires the Secretary to develop a long-term plan to address the operation and maintenance backlog. To further improve refuge operation, the Secretary is also required to identify the long-term staffing and operational needs of the Refuge System.

In addition, S. 2878 names 2003 the "Year of the Wildlife Refuge," and authorizes appropriations of \$100,000 for fiscal year 2001 and \$250,000 for fiscal years 2002 through 2004.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

Section 1 designates the bill as the "National Wildlife Refuge System Centennial Commemoration Act of 2000".

Sec. 2. Findings

Section 2 acknowledges that the first National Wildlife Refuge was established by President Theodore Roosevelt on March 14, 1903, on Pelican Island, Florida. By establishing this refuge, President Roosevelt began a new conservation legacy for America. Today, the Refuge System consists of more than 93,000,000 acres. The refuge system is the only Federal land dedicated singularly to wildlife conservation, with wildlife-dependent recreation and environmental education as priority public uses. Each year millions of Americans visit the Refuge System and develop more of an appreciation for America's wildlife heritage. To ensure that future generations of Americans have the ability to enjoy the Refuge System, the Fish and Wildlife Service has prioritized and made an effort to control the backlog of unmet critical operations and maintenance needs.

Sec. 3. Definitions

Section 3(1) defines "Commission" as the National Wildlife Refuge System Centennial Commission established by Section 4 of this bill.

Section 3(2) defines "System" as the National Wildlife Refuge System established by the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

Sec. 4. Establishment of Commission

Section 4(a) establishes a Commission that is to be known as the "National Wildlife Refuge System Centennial Commission".

Section 4(b) requires the Commission to include the Secretary of the Interior, the Director of the Fish and Wildlife Service, the Executive Director of the National Fish and Wildlife Foundation, and up to ten members recommended by the Secretary of the Interior and appointed by the President who have a knowledge in wildlife issues and broadly represent beneficiaries of the refuge system. The Chairmen and Ranking Minority Members of the Committee on Environment and Public Works and the House Committee on Resources serve as nonvoting members.

Sections 4(c), 4(d), and 4(e) set out the term of office, the impact of vacancies on the Commission, when the first meeting shall be held and the method for calling future meetings. These provisions will allow the Commission to operate effectively.

Section 4(f) names the Secretary of the Interior as the Chairperson of the Commission.

Sec. 5. Duties

Section 5(a) requires that the Commission: develop and carry out a plan to commemorate the centennial anniversary of the Refuge System on March 14, 2003; provide a place and assist in organizing any necessary conferences; make recommendations to the Secretary concerning the long-term plan for the System required under Section 9; and make recommendations to the Secretary concerning actions that can be taken to enhance natural resources stewardship and expand compatible public enjoyment of the System.

Section 5(b) requires the Commission to submit a report to Congress of its plans and activities a year after its first meeting and every year thereafter. The final report has to be submitted no later

than December 31, 2004, and include an accounting of all funds received and expended by the Commission.

Sec. 6. Powers

Section 6(a) authorizes the Commission to hold meetings and receive testimony as is necessary to carry out the purposes of this Act.

Sections 6(b), 6(c), and 6(d) allow the Commission to receive information from any Federal Agency; require the Secretary of the Interior, acting through the Director of the Fish and Wildlife Service, to provide financial and administrative services, and use allow the Commission to use the U.S. mail system similar to other Federal agencies.

Section 6(e) authorizes the Commission to accept, use and dispose of gifts or donations of services or property to carry out this Act. The National Fish and Wildlife Foundation, as the official foundation of the Service, is required to administer any financial gifts the Commission receives in accordance with its rules and procedures.

Section 6(f) reaffirms that all Federal laws and regulations regarding working conditions, wage rates and civil rights apply to the Commission.

Sec. 7. Commission Personnel Matters

Section 7(a) requires that members of the Commission volunteer their services.

Section 7(b) names the Chief of the National Wildlife Refuge System of the Fish and Wildlife Service as the Executive Director of the Commission. The Chair of the Commission can employ and terminate personnel as is necessary to effectively run the Commission. The Chairperson of the Commission is authorized to compensate personnel at a salary not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5 of the United States Code.

Section 7(c) allows the Executive Director and the members of the Commission to receive allowable travel expenses and a per diem when they are away from home and performing Commission duties.

Sec. 8. Termination of Commission

Section 8(a) terminates the Commission 90 days after it submits the final report to Congress, which is due no later than December 31, 2004.

Section 8(b) requires the Executive Director to deposit Commission property such as manuscripts and books in a Federal, State or local library or museum after consulting with the Archivist of the United States and the Secretary of the Smithsonian Institution. Any other property acquired by the Commission may be used by the Fish and Wildlife Service or disposed of as excess or surplus property.

Sec. 9. Long-Term Plan for System

After taking into consideration the recommendations of the Commission, the Secretary is required to develop a long-term plan that will determine the priority staffing and operational needs of the

System, the priority maintenance and construction needs, and an analysis of the transition costs of acquiring new refuge lands.

Sec. 10. Designation of Year of the Wildlife Refuge

Section 10(a) designates 2003 as the “Year of the Wildlife Refuge”.

Section 10(b) requests that the President issue a proclamation asking the American people to celebrate the Year of the Wildlife Refuge with appropriate ceremonies and programs.

Sec. 11. Authorization of Appropriations

There is authorized appropriations of \$100,000 in fiscal year 2001 and \$250,000 for fiscal years 2002 through 2004 to carry out the activities of the Commission.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact of the reported bill. The reported bill will have no regulatory impact. This bill will not have any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the Committee finds that S. 2878 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of the bill’s directives are imposed on Federal agencies. S. 2878 does not directly impose any private sector mandates.

LEGISLATIVE HISTORY

On July 17, 2000, Senator Bob Smith of New Hampshire introduced S. 2878, a bill to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903. No hearings were held on this bill. On Wednesday, July 26, 2000, the Committee on Environment and Public Works held a business meeting to consider this bill. S. 2878 was favorably reported by the committee by voice vote.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 22, 2000.

Hon. ROBERT C. SMITH, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2878, the National Wildlife Refuge System Centennial Commemoration Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deb Reis, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2878, National Wildlife Refuge System Centennial Commemoration Act of 2000, as ordered reported by the Senate Committee on Environment and Public Works on July 26, 2000

S. 2878 would establish the National Wildlife Refuge System Centennial Commission to prepare and implement a plan to commemorate the 100th anniversary of the National Wildlife Refuge System in 2003. The commission also would provide services for a conference on the refuge system and assist with conference activities. This commission's members would include the Secretary of the Interior, the director of the U.S. Fish and Wildlife Service (USFWS), specified Members of Congress, and others. They would receive travel expenses but no compensation for serving on the commission. The commission would be allowed to accept and use donations of money, property, or services. In addition, section 9 of the bill would require the Secretary of the Interior to prepare a long-term plan for priority operations, maintenance, and construction needs of the refuge system. Finally, section 11 would authorize the appropriation of \$0.1 million for fiscal year 2001 and \$0.25 million for each of fiscal years 2002 through 2004 for activities of the commission.

Assuming appropriation of the authorized amounts, and based on information provided by the USFWS, CBO estimates, however, that implementing S. 2878 would cost about \$0.9 million over the next 4 years. Most of this amount would be spent on activities of the National Wildlife Refuge System Centennial Commission. Costs to prepare the study of priority needs required by section 11 are not expected to be significant.

Because S. 2878 would authorize the new commission to accept and spend donations, pay-as-you-go procedures would apply. CBO estimates, however, that any new governmental receipts and resulting direct spending would be insignificant and largely offsetting. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of State, local, or tribal governments.

On July 6, 2000, CBO submitted a cost estimate for H.R. 4442, the National Wildlife Refuge System Centennial Act, as ordered reported by the House Committee on Resources on June 29, 2000. The two bills are very similar, and the costs are identical.

The CBO staff contact for this estimate is Deborah Reis, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate, provides that reports to the Senate should show changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.