

Calendar No. 693

111TH CONGRESS }
2d Session }

SENATE

{ REPORT
111-366

NATIONAL WILDLIFE REFUGE VOLUNTEER IMPROVEMENT ACT OF 2010

DECEMBER 14, 2010.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

[To accompany H.R. 4973]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (H.R. 4973), to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4973 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.

GENERAL STATEMENT AND BACKGROUND

The National Wildlife Refuge System (NWRS), managed by the U.S. Fish and Wildlife Service (Service), includes more than 150 million acres, 553 national wildlife refuges and other units of the Refuge System, plus 38 wetland management districts. President Theodore Roosevelt designated Florida's Pelican Island as the first wildlife refuge in 1903 and now the nation-wide NWRS is home to more than 700 species of birds, 220 species of mammals, 250 reptile and amphibian species and more than 200 species of fish.

The Service's volunteer programs are an integral component of the management of the millions of acres of land in the NWRS. Currently, the NWRS faces an estimated operations and maintenance

budget backlog of more than \$3 billion. The efforts of close to 42,000 volunteers contributing in excess of 1.5 million hours help to address the significant management needs of the nation's wildlife refuges. Volunteers assist with a variety of activities, including:

- Conducting fish and wildlife population surveys;
- Leading tours and providing information to school groups and other visitors;
- Assisting with laboratory research;
- Improving habitat;
- Helping with special projects such as banding ducks;
- Performing clerical and administrative duties;
- Photographing natural and cultural resources; and
- Fighting invasive species.

The National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (P.L. 105–242) authorized \$2 million per year for a volunteer pilot project within the NWRS to encourage volunteer coordination and the use of volunteers to assist in the management, conservation, and public education at refuges within the system. The Act authorized volunteer coordinator positions to implement the pilot program, specific projects at the regional level, and a regular reporting schedule. In 2004, the National Wildlife Refuge Volunteer Act of 2004 (P.L. 108–327) reauthorized this program and provided level funding authorization through Fiscal Year 2009.

OBJECTIVES OF THE LEGISLATION

This bill would authorize the Secretary of the Interior to provide financial assistance to wild refuges within the NWRS to execute effective volunteer, community partnership and education programs under the Fish and Wildlife Act of 1956.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “National Wildlife Refuge Volunteer Improvement Act of 2010”.

Section 2. Reauthorization of appropriations to implement volunteer, community partnership and education programs under Fish and Wildlife Act of 1956

Section 2 reauthorizes the existing appropriations (\$2,000,000) for each of Fiscal Years 2011 through 2014 to implement volunteer coordination, community partnerships and education programs authorized under section 7(f) of the Fish and Wildlife Act of 1956. The section also makes technical corrections to references to the National Wildlife Refuge System Administration Act of 1966. The statute currently reads “National Wildlife Refuge Administration Act of 1966”.

Section 3. Amendments to National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998

Section 3 amends section 4(a) of the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 to direct the Service to carry out a National Volunteer Coordination Program to augment and support the capabilities and ef-

forts of NWRS employees, to provide meaningful opportunities for volunteers to support resource management, conservation and public education programs within the NWRS, and to fulfill the purposes of the National Wildlife Refuge System Administration Act. This authority replaces the existing authority in section 4(a) to carry out volunteer coordination pilot projects.

The section also requires the Service to publish within one year a national volunteer coordination strategy developed in consultation with state fish and wildlife agencies, national wildlife refuge friends groups and other stakeholders. The Director of the Service is also required, subject to the availability of appropriations, to hire at least one volunteer coordinator in each region. This section also reauthorizes the existing annual appropriations of \$2 million for each fiscal year through 2014.

Section 4. Volunteer, community partnerships, and education programs report

Section 4 amends section 7 of the Fish and Wildlife Act of 1956 to direct the Service to submit a consolidated report to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives on volunteer coordination, community partnership and refuge education activities. Subsequent reports are to be submitted every 5 years thereafter.

LEGISLATIVE HISTORY

H.R. 4973 was introduced on March 25, 2010 by Representative Frank Kratovil (D-MD). The legislation reauthorizes the National Wildlife Refuge Volunteer Act of 2004, which passed the House by a vote of 401 yeas and 10 nays, passed the Senate by unanimous consent, and was signed into law by President George W. Bush on October 16, 2004.

H.R. 4973 was reported favorably with an amendment in the Nature of a Substitute by the Committee on Natural Resources of the House of Representatives on May 16, 2010. The House of Representatives passed the bill by voice vote on July 13, 2010. The bill was received in the Senate, read twice and referred to the Committee on Environment and Public Works.

The Committee on Environment and Public Works met to consider H.R. 4973 on November 30, 2010 and ordered the bill favorably reported by voice vote.

ROLLCALL VOTES

The Committee on Environment and Public Works ordered H.R. 4973 favorably reported by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that H.R. 4973 does not create any additional regulatory burdens, nor will it cause 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 H.R. 4973 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

DECEMBER 2, 2010.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4973, the National Wildlife Refuge Volunteer Improvement Act of 2010.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 4973—National Wildlife Refuge Volunteer Improvement Act of 2010

Summary: H.R. 4973 would authorize the appropriation of \$2 million annually over the 2011–2014 period to the U.S. Fish and Wildlife Service (USFWS) for volunteer and partnership programs. Under those programs, the USFWS coordinates the activities of local volunteers, nonprofit organizations, state or local agencies, and other entities that support wildlife refuges.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 4973 would cost \$8 million over the 2011–2015 period. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4973 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4973 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2011	2012	2013	2014	2015	2011–2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	2	2	2	2	0	8
Estimated Outlays	2	2	2	2	0	8

Basis of estimate: For this estimate, CBO assumes that H.R. 4973 will be enacted near the end of calendar year 2010 and that the authorized amounts will be appropriated for each year. Estimated outlays are based on historical spending patterns for the program.

Authorization for USFWS's volunteer and partnership programs expired at the end of fiscal year 2009. In recent years, the agency has received annual funding of about \$2 million, the authorized amount.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 4973 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On June 29, 2010, CBO transmitted a cost estimate for H.R. 4973 as ordered reported by the House Committee on Natural Resources on June 16, 2010. The two pieces of legislation are identical, and the estimated costs are the same.

Estimate prepared by: Federal costs: Martin von Gnechten; Impact on state, local, and tribal governments: J'nell Blanco; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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:

* * * * *

FISH AND WILD LIFE ACT OF 1956

* * * * *

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(b) Gifts, devises, or bequests for performance of activities and services of United States Fish and Wildlife Service; restrictive or affirmative covenants or conditions of servitude; separate account in Treasury; disbursement orders; gifts or bequests to United States for Federal tax purposes

(1) In furtherance of the purposes of this Act, the Secretary of the Interior is authorized to accept any gifts, devises, or bequests of real and personal property, or proceeds therefrom, or interests therein, for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are deemed by the Secretary to be in accordance with law and compatible with the purpose for which acceptance is sought.

(2) Use of gifts, devises, and bequests.—

(A) In general.—* * *

* * * * *

(B) Gifts, devises, and bequests to particular refuges.—

(i) Disbursal.—* * *

* * * * *

(ii) Matching.—Subject to the availability of appropriations and the requirements of the [National Wild-

life Refuge Administration Act of 1966】 *National Wildlife Refuge System Administration Act of 1966* (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match gifts, devises, and bequests made for the benefit of a particular national wildlife refuge or complex of geographically related refuges. With respect to each gift, devise, or bequest, the amount of Federal funds may not exceed the amount (or, in the case of property or in-kind services, the fair market value) of the gift, devise, or bequest.

* * * * *

(d) Community partnership enhancement

(1) Definition of partner organization

In this subsection, the term “partner organization” means an organization that—

(A) draws its membership from private individuals, organizations, corporations, academic institutions, or State or local governments;

(B) is established to promote the understanding of, education relating to, and the conservation of the fish, wildlife, plants, and cultural and historical resources of a particular refuge or complex of geographically related refuges; and

(C) is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of that title.

(2) Cooperative agreements

(A) In general—* * *

* * * * *

(C) Federal funding and ownership

(i) Matching

Subject to the availability of appropriations and the requirements of the 【National Wildlife Refuge Administration Act of 1966】 *National Wildlife Refuge System Administration Act of 1966* (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match non-Federal funds donated under a cooperative agreement under this paragraph. With respect to each project or program, the amount of funds provided by the Secretary may not exceed the amount of the non-Federal funds donated through the project or program.

* * * * *

(e) Refuge education program enhancement

(1) Guidance

Not later than 1 year after October 5, 1998, the Secretary of the Interior shall develop guidance for refuge education programs to further the mission of the National Wildlife Refuge System and the purposes of individual refuges through—

(A) * * *

* * * * *

(f) REPORT.—*Not later than 1 year after the date of enactment of this subsection and every 5 years thereafter, the Secretary of the Interior shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—*

(1) *evaluating the accomplishments of the volunteer program, the community partnerships program, and the refuge education programs authorized under this section, and of the National Volunteer Coordination Program and volunteer coordination strategy under section 4(a) of the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f–1); and*

(2) *making recommendations to improve the effectiveness of such programs, including regarding implementing subparagraphs (A), (B), and (C) of paragraph (1) of subsection (e).*

[(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) of this section \$2,000,000 for each of fiscal years 2004 through 2009.】

[(f)(g) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d), (e), and (f), 2,000,000 for each of fiscal years 2011 through 2014.*

* * * * *

**NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER
AND COMMUNITY PARTNERSHIP ENHANCEMENT ACT
OF 1998**

* * * * *

SEC. 1.

This Act may be cited as the “National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998”.

* * * * *

SEC. 4. VOLUNTEER ENHANCEMENT.

(a) **PILOT [Projects]NATIONAL VOLUNTEER COORDINATION PROGRAM.—**

[(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.】

(1) IN GENERAL.—Subject to the availability of appropriations, and in conformance with the strategy developed under paragraph (2) and consistent with the authorities regarding gifts, volunteer services, community partnerships, and refuge education enhancement under section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 741f), the Secretary of the Interior, through the Director of the United States Fish and Wildlife Service, shall carry out a National Volunteer Coordination Program within the National Wildlife Refuge System to—

(A) augment and support the capabilities and efforts of Federal employees to implement resource management, conservation, and public education programs and activities across the National Wildlife Refuge System;

(B) provide meaningful opportunities for volunteers to support the resource management, conservation, and public education programs and activities of national wildlife ref-

uges or complexes of geographically related national wildlife refuges in each United States Fish and Wildlife Service region; and

(C) fulfill the purpose and mission of the National Wildlife Refuge System under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

【(2) Volunteer coordinator.—Each pilot project shall provide for the employment of a full-time volunteer coordinator for the refuge or complex of geographically related refuges. The volunteer coordinator shall be responsible for recruiting, training, and supervising volunteers. The volunteer coordinator may be responsible for assisting partner organizations in developing projects and programs under cooperative agreements under section 7(d) of the Fish and Wildlife Act of 1956 (as added by section 5) and coordinating volunteer activities with partner organizations to carry out the projects and programs.】

(2) VOLUNTEER COORDINATION STRATEGY.—

(A) IN GENERAL.—*No later than one year after date of enactment of this paragraph, the Director shall publish in the Federal Register a national strategy for the coordination and utilization of volunteers within the National Wildlife Refuge System.*

(B) CONSULTATION REQUIRED.—*The strategy shall be developed in consultation with State fish and wildlife agencies, Indian tribes, refuge friends groups or similar volunteer organizations, and other relevant stakeholders.*

(C) VOLUNTEER COORDINATORS.—*The Director shall provide, subject to the availability of appropriations, no less than one regional volunteer coordinator for each United States Fish and Wildlife Service region to implement the strategy published under this paragraph. Such coordinators may be responsible for assisting partner organizations in developing and implementing volunteer projects and activities under cooperative agreements under section 7(d) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(d)).*

【(3) REPORT.—Not later than 3 years after the date of enactment of this Act, 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)】(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection 2,000,000【for each of fiscal years 2004 through 2009】*for each fiscal year through fiscal year 2014.*

* * * * *