

KEEP AMERICA'S REFUGES OPERATIONAL ACT

DECEMBER 5, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3979]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3979) to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer services, community partnership, and refuge education programs of the National Wildlife Refuge System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Keep America’s Refuges Operational Act”.

SEC. 2. REAUTHORIZATION OF NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER SERVICES, COMMUNITY PARTNERSHIP, AND REFUGE EDUCATION PROGRAMS.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) is amended in subsection (g), by striking “2011 through 2014” and inserting “2018 through 2022”.

PURPOSE OF THE BILL

The purpose of H.R. 3979 is to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer services, community partnership, and refuge education programs of the National Wildlife Refuge System.

BACKGROUND AND NEED FOR LEGISLATION

The U.S. Fish and Wildlife Service (FWS) manages 566 National Wildlife Refuges as well as associated fish hatcheries, wetland management districts, regional offices, and ecological services offices. Four hundred and sixty-two of these refuges are open to the

public, and of those, 393 refuges have volunteer programs. These programs facilitate over 40,000 volunteers who contribute more than 1.3 million hours each year providing assistance and support to U.S. Refuges. FWS estimates that these programs provide a labor value of over \$30 million.¹

Volunteers perform a wide variety of tasks to assist with refuge operations, including habitat improvement projects, laboratory research assistance, leading refuge tours, and fish and wildlife population surveys.² These tasks help the FWS more efficiently fulfill its mission while also providing an opportunity for individuals and groups to contribute to the fish and wildlife preservation and protection.

The volunteer programs are authorized through the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (Public Law 105–242), which amended the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) to promote volunteer programs, community partnerships, and educational activities for the benefit of National Wildlife Refuges. It authorized \$2 million to be appropriated for the program. This statutory authority was reauthorized by the National Wildlife Refuge Volunteer Act of 2004 (Public Law 108–327), which reauthorized appropriations for fiscal years 2004 through 2009 for these activities. In addition, the National Wildlife Refuge Volunteer Improvement Act of 2010 (Public Law 111–357) reauthorized these appropriations for fiscal years 2011 through 2014. In the last two fiscal years, these programs have been appropriated \$2 million.

H.R. 3979 reauthorizes a cost-efficient resource that helps the FWS fulfill its mission to protect and preserve the nation’s fish and wildlife. The volunteer programs are very popular with recreationists throughout the country, with more applications than there are current volunteer slots. This legislation has broad support from several recreation and conservation organizations as well as bipartisan Congressional support. A previous iteration of this bill in the 113th Congress (H.R. 1300) was favorably reported from the Natural Resources Committee with unanimous support and was then passed by the House under suspension of the rules by voice vote.

Organizations that support the bill include: The American Bird Conservancy, American Fisheries Society, American Hiking Society, American Sportfishing Association, the Boy Scouts of America, U.S. Chamber of Commerce, Defenders of Wildlife, Ducks Unlimited, Izaak Walton League of America, Marine Conservation Institute, National Audubon Society, National Wildlife Federation, National Wildlife Refuge Association, the Corps Network, the Nature Conservancy, the Wilderness Society, Theodore Roosevelt Conservation Partnership, and Trout Unlimited.

COMMITTEE ACTION

H.R. 3979 was introduced on October 5, 2017, by Congressman Hakeem S. Jeffries (D–NY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Sub-

¹“Volunteer Program Stats” provided by the U.S. Fish and Wildlife Service on November 8, 2017, to Natural Resources Committee staff.

²Ibid.

committee on Federal Lands. On November 15, 2017, the Subcommittee held a hearing on the bill. On November 29, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Garret Graves (R-LA) offered an amendment designated #1; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on November 30, 2017.

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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation and the Congressional Budget Act of 1974. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 4, 2017.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3979, the Keep America's Refuges Operational Act.

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

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 3979—Keep America's Refuges Operational Act

H.R. 3979 would authorize the appropriation of \$2 million a year over the 2018–2022 period for the U.S. Fish and Wildlife Service (USFWS) to carry out volunteer programs and community partnerships at national wildlife refuges. Under those programs, volunteers assist USFWS personnel in conducting recreation activities, restoring habitats, and performing administrative and maintenance work at national wildlife refuges. In 2017, those programs received appropriations of roughly \$8 million.

CBO assumes that the legislation will be enacted early in calendar year 2018 and that the authorized amounts will be appropriated for each fiscal year. As shown in the following table and based on historical spending patterns, CBO estimates that implementing the bill would cost \$10 million over the 2018–2022 period.

The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2018	2019	2020	2021	2022	2018–2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level ^a	2	2	2	2	2	10
Estimated Outlays	2	2	2	2	2	10

^a The agency has not allocated any funds appropriated in fiscal year 2018 to programs that would be funded under H.R. 3979.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 3979 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 3979 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer services, community partnership, and refuge education programs of the National Wildlife Refuge System.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

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, and existing law in which no change is proposed is shown in roman):

FISH AND WILDLIFE ACT OF 1956

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POLICIES, PROCEDURES, RECOMMENDATIONS

SEC. 7. (a) The Secretary of the Interior, with such advice and assistance as he may require from the Assistant Secretary for Fish and Wildlife, shall consider and determine the policies and procedures that are necessary and desirable in carrying out efficiently and in the public interest the laws relating to fish and wildlife. The Secretary, with the assistance of the departmental staff herein authorized, shall—

(1) develop and recommend measures which are appropriate to assure the maximum sustainable production of fish and fishery products and to prevent unnecessary and excessive fluctuations in such production;

(2) study the economic condition of the industry, and whenever he determines that any segment of the domestic fisheries has been seriously disturbed either by wide fluctuation in the abundance of the resource supporting it, or by unstable market or fishing conditions or due to any other factors he shall make such recommendations to the President and the Congress as he deems appropriate to aid in stabilizing the domestic fisheries;

(3) develop and recommend special promotional and informational activities with a view to stimulating the consumption of fishery products whenever he determines that there is a prospective or actual surplus of such products; and

(4) take such steps as may be required for the development, advancement, management, conservation, and protection of fish and wildlife resources including, but not limited to, research, development of existing facilities, and acquisition by purchase or exchange of land and water, or interests therein.

(b)(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.—Any gifts and bequests of money and proceeds from the sales of other property received as gifts or bequests pursuant to this subsection shall be deposited in a separate account in the Treasury and shall be disbursed upon order of the Secretary for the benefit of programs administered by the United States Fish and Wildlife Service.

(B) GIFTS, DEVISES, AND BEQUESTS TO PARTICULAR REFUGES.—

(i) DISBURSAL.—Any gift, devise, or bequest made for the benefit of a particular national wildlife refuge or complex of geographically related refuges shall be disbursed only for the benefit of that refuge or complex of refuges and without further appropriations.

(ii) MATCHING.—Subject to the availability of appropriations and the requirements of the 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.

(3) For the purpose of Federal income, estate, and gift taxes, property, or proceeds therefrom, or interests therein, accepted under this subsection shall be considered as a gift or bequest to the United States.

(c)(1) The Secretary of the Interior and the Secretary of Commerce may each recruit, train, and accept, without regard to the provisions of title 5, United States Code, the services of individuals without compensation as volunteers for, or in aid of programs conducted by either Secretary through the United States Fish and Wildlife Service or the National Oceanic and Atmospheric Administration.

(2) The Secretary of the Interior and the Secretary of Commerce are each authorized to provide for incidental expenses such as transportation, uniforms, lodging, awards (including nominal cash awards) and recognition, and subsistence of such volunteers without regard to their places of residence.

(3) Except as otherwise provided in this subsection, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relative to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(4) For the purpose of the tort claim provisions of title 28 of the United States Code, a volunteer under this subsection shall be considered a Federal employee.

(5) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subsection shall be deemed employees of the United States within the meaning of the term “employees” as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

(6) SENIOR VOLUNTEER CORPS.—The Secretary of the Interior may establish a Senior Volunteer Corps, consisting of volunteers over the age of 50. To assist in the recruitment and retention of the volunteers, the Secretary may provide for addi-

tional incidental expenses to members of the Corps beyond the incidental expenses otherwise provided to volunteers under this subsection. The members of the Corps shall be subject to the other provisions of this subsection.

(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 the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code.

(2) COOPERATIVE AGREEMENTS.—

(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.

(B) PROJECTS AND PROGRAMS.—Subject to the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, and such terms and conditions as the Secretary determines to be appropriate, the Secretary may approve projects and programs for a refuge or complex of geographically related refuges that—

(i) promote the stewardship of resources of the refuge through habitat maintenance, restoration, and improvement, biological monitoring, or research;

(ii) support the operation and maintenance of the refuge through constructing, operating, maintaining, or improving the facilities and services of the refuge;

(iii) increase awareness and understanding of the refuge and the National Wildlife Refuge System through the development, publication, or distribution of educational materials and products;

(iv) advance education concerning the purposes of the refuge and the mission of the System through the use of the refuge as an outdoor classroom and development of other educational programs; or

(v) contribute financial resources to the refuge, under terms that require that the net revenues be used exclusively for the benefit of the refuge, through donation of net revenues from the sale of educational

materials and products and through encouragement of gifts, devises, and bequests.

(C) FEDERAL FUNDING AND OWNERSHIP.—

(i) MATCHING.—Subject to the availability of appropriations and the requirements of the 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.

(ii) USE OF FEDERAL FUNDS.—Any Federal funds used to fund a project or program under a cooperative agreement may be used only for expenses directly related to the project or program and may not be used for operation or administration of any non-Federal entity.

(iii) OWNERSHIP OF FACILITIES.—Any new facility, improvement to an existing facility, or other permanent improvement to a refuge constructed under this subsection shall be the property of the United States Government.

(D) TREASURY ACCOUNT.—Amounts received by the Secretary of the Interior as a result of projects and programs under subparagraph (B) shall be deposited in a separate account in the Treasury. Amounts in the account that are attributable to activities at a particular refuge or complex of geographically related refuges shall be available to the Secretary of the Interior, without further appropriation, to pay the costs of incidental expenses related to volunteer activities, and to carry out cooperative agreements for the refuge or complex of refuges.

(e) REFUGE EDUCATION PROGRAM ENHANCEMENT.—

(1) GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, 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) providing outdoor classroom opportunities for students on national wildlife refuges that combine educational curricula with the personal experiences of students relating to fish, wildlife, and plants and their habitat and to the cultural and historical resources of the refuges;

(B) promoting understanding and conservation of fish, wildlife, and plants and cultural and historical resources of the refuges; and

(C) improving scientific literacy in conjunction with both formal and nonformal education programs.

(2) REFUGE PROGRAMS.—Based on the guidance developed under paragraph (1), the Secretary of the Interior may develop or enhance refuge education programs as appropriate, based on the resources of individual refuges and the opportunities available for such programs in State, local, and private schools. In

developing and implementing each program, the Secretary should cooperate with State and local education authorities, and may cooperate with partner organizations in accordance with subsection (d).

(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).

(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]** *2018 through 2022* .

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