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NATIONAL WILDLIFE REFUGE VOLUNTEER ACT OF 2004

AUGUST 25, 2004.—Ordered to be printed

Filed, under authority of the order of the Senate of July 22, 2004

Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany H.R. 2408]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (H.R. 2408) 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 without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

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.

The U.S. 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 program began receiving congressionally appropriated funds in 1991.

Volunteers play a vital and growing role in the operation of many units within the Refuge System, assisting in education, habitat management, maintenance, research and public use. From the inception of the program, the number of volunteers has increased from 4,251 to 44,000 volunteers. The hours of service have grown

from 128,000 to 1.5 million hours of service. The volunteers contribute time equal to that of 721 full-time employees.

In addition to accepting the services of individual volunteers, the U.S. Fish and Wildlife Service has developed formal relationships with a number of conservation and service organizations. In 1997, the U.S. Fish and Wildlife 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, organizing 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 authority was expanded subsequently by the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998.

The 1998 legislation 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.

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.

OBJECTIVES OF THE LEGISLATION

H.R. 2408 authorizes the appropriation of \$2 million a year for each of fiscal years 2004 through 2009 for volunteer programs and community partnerships administered by the U.S. Fish and Wildlife Service. Under these programs, the U.S. Fish and Wildlife Service executes cooperative agreements with organizations to benefit wildlife refuges and also coordinates volunteer programs at these refuges.

H.R. 2408 is necessary to continue to provide legal authority for refuge managers to enter into agreements with community partners and coordinate volunteer activities to service the needs of the Refuge System. This legislation also expands the authority for the Secretary of the Interior to hire volunteer coordinators beyond just the pilot projects originally authorized.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This section provides that this Act may be cited as the “National Wildlife Refuge Volunteer Act of 2004”.

Sec. 2. Reauthorization Of Volunteer Programs and Community Partnerships Under Fish and Wildlife Act of 1956

This section amends section 7(f) of the Fish and Wildlife Act of 1956 to authorize \$2 million in appropriated funding for each of fiscal years 2004 through 2009 for volunteer programs and community partnerships for national wildlife refuges.

Sec. 3. Authorization Of Projects Under National Wildlife Refuge System Volunteer And Community Partnership Enhancement Act of 1998

This section amends section 4(a) of the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 and replaces “pilot project” with “project” for the Secretary of the Interior’s requirement to carry out a project at two or more national wildlife refuges or complexes of geographically related refuges in each U.S. Fish and Wildlife Service region. This section removes the cap on the number of projects. This section also requires the Secretary, after the enactment of this Act and every 3 years thereafter, to evaluate and make recommendations regarding the projects.

Sec. 4. Clarification Of Cooperative Agreement Authority

This section amends section 7(d)2(A) of the Fish and Wildlife Act of 1956 to authorize the Secretary to 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 the Act and in compliance with the policies of other relevant authorities, regulations, and policy guidance.

LEGISLATIVE HISTORY

On June 10, 2003, Representative Jim Saxton (R-NJ) introduced H.R. 2408. The bill was referred to the House Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On June 26, 2003, the House Subcommittee held a hearing on the bill. On July 17, 2003, the House Subcommittee considered 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 3 years rather than annually. It was adopted by voice vote. The bill, as amended, was then forwarded to the House full committee. On October 29, 2003, the House Committee on Resources considered 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 ordered favorably reported to the House of Representatives by unanimous consent.

On March 23, 2004, H.R. 2408 passed the U.S. House of Representatives. The bill was referred to the Senate Committee on Environment and Public Works on March 24, 2004. A full committee business meeting was held on June 23, 2004, and the committee ordered H.R. 2408 to be reported to the Senate by voice vote without amendments.

HEARINGS

There were no hearings held in the Senate on H.R. 2408 during the 108th Congress.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider H.R. 2408 on June 23, 2004. The Committee voted favorably to report H.R. 2408 by voice vote without amendments.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill.

The bill 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. 2408 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

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:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 2408 National Wildlife Refuge Volunteer Act of 2004, as ordered reported by the Senate Committee on Environment and Public Works on June 23, 2004

H.R. 2408 would authorize the appropriation of \$4 million a year over the 2004–2009 period for certain partnership and volunteer programs administered by the U.S. 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.

For this estimate, CBO assumes that H.R. 2408 will be enacted near the start of fiscal year 2005, and that authorized amounts will be provided starting in that year. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 2408

would cost about \$4 million in 2005 and \$20 million over the 2005–2008 period as summarized in the following table. The act would not affect direct spending or revenues.

	2005	2006	2007	2008	2009
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.

On November 17, 2003, CBO transmitted a cost estimate for H.R. 2408 as ordered reported by the House Committee on Resources on October 29, 2003. Differences in our estimates reflect a change in when we assume H.R. 2408 will be enacted.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, 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:

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[16 U.S.C. 742A—AUG. 8, 1956]

FISH AND WILDLIFE ACT OF 1956

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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.*

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[P.L. 105–242—OCT. 5, 1998]

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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