

NATIONAL WILDLIFE REFUGE VOLUNTEER
IMPROVEMENT ACT OF 2010

—————
JULY 13, 2010.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. RAHALL, from the Committee on Natural Resources,
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 Natural Resources, to whom was referred the 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, 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 “National Wildlife Refuge Volunteer Improvement Act of 2010”.

SEC. 2. REAUTHORIZATION OF APPROPRIATIONS TO IMPLEMENT VOLUNTEER, COMMUNITY PARTNERSHIP AND EDUCATION PROGRAMS UNDER FISH AND WILDLIFE ACT OF 1956.

(a) REAUTHORIZATION.—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), (e), and (f), \$2,000,000 for each of fiscal years 2011 through 2014.”.

(b) TECHNICAL CORRECTIONS.—Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) is amended in subsections (b)(2)(B)(ii) and (d)(2)(C)(i) by striking “National Wildlife Refuge Administration Act of 1966” each place it appears and inserting “National Wildlife Refuge System Administration Act of 1966”.

SEC. 3. AMENDMENTS TO 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-1) is amended—

(1) in the subsection heading by striking “PROJECTS” and inserting “NATIONAL VOLUNTEER COORDINATION PROGRAM”;

(2) by amending paragraph (1) to read as follows:

“(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 refuges 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.).”;

(3) by amending paragraph (2) to read as follows

“(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)).”; and

(4) in paragraph (4), by striking “for for each fiscal year through fiscal year 2009” and inserting “for each fiscal year through fiscal year 2014”.

SEC. 4. VOLUNTEER, COMMUNITY PARTNERSHIPS, AND EDUCATION PROGRAMS REPORT.

(a) IN GENERAL.—Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(e)) is amended—

(1) by redesignating subsection (f) (as amended by this Act) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(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).”.

(b) CONFORMING AMENDMENT.—Section 4(a) of the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f–1) is further amended by striking paragraph (3), and by redesignating paragraph (4) (as amended by this Act) as paragraph (3).

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.

BACKGROUND AND NEED FOR LEGISLATION

The National Wildlife Refuge System (NWRS) contains more than 551 refuges in all fifty states and territories, and 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. Started by President Theodore Roosevelt in 1903, the National Wildlife Refuge System is administered by the U.S. Fish and Wildlife Service (hereafter, "the Service"). The Refuge System serves as the nation's premiere system of public lands set aside exclusively for fish and wildlife habitat conservation, and consequently plays an integral role in our national network of federal public lands held in trust for the conservation and protection of natural resources.

Currently, the NWRS struggles with an estimated operations and maintenance budget backlog of \$3.7 billion. Additionally burdensome is a proposed \$4.0 million dollar cut to NWRS operations and maintenance in the President's Fiscal Year 2011 Budget. To meet these challenges, the Service has purposefully nurtured partnerships with "Friends" organizations and recruited the contributions of volunteers to benefit the NWRS. The effort has been productive and successful. Volunteers assist with the physical labor associated with refuge maintenance, conduct scientific monitoring, and lead educational programs, to name just a few activities. Last year more than 37,000 volunteers worked in the NWRS, donating 1,611,936 hours of time with an estimated dollar value of \$32.6 million.

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

COMMITTEE ACTION

H.R. 4973 was introduced on March 25, 2010 by Representative Frank Kratovil (D-MD). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Insular Affairs, Oceans and Wildlife. On May 6, 2010, the Subcommittee held a hearing on the bill. A representative from the U.S. Fish and Wildlife Service testified in support of the bill on behalf of the administration; other witnesses representing refuge "Friends" groups also testified in strong support of the measure.

On May 16, 2010, the Subcommittee was discharged from the further consideration of H.R. 4973 and the full Natural Resources Committee met to consider the bill. Representative Kratovil offered

an amendment in the nature of a substitute to restore level funding for the program for the next five fiscal years. The amendment in the nature of a substitute was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

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 would reauthorize existing appropriations 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 would also make technical corrections to references to the National Wildlife Refuge System Administration Act of 1966.

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

Section 3 would amend section 4(a) of the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 to strike the authority to conduct volunteer coordination projects and instead direct the Service to carry out a National Volunteer Coordination Program to augment and support the capabilities and efforts 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. The Service would also be required to publish within one year a national volunteer coordination strategy developed in consultation with state fish and wildlife agencies, friends groups and other stakeholders, and the Director of the Service would be required, subject to the availability of appropriations, to hire at least one volunteer coordinator in each region. This section would also reauthorize existing annual appropriations of \$2 million for each fiscal year through 2014.

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

Section 4 would amend section 7 of the Fish and Wildlife Act of 1956 to insert a reporting requirement to direct the Service to submit a consolidated report to the Committee no later than one year after the date of enactment on volunteer coordination, community partnership and refuge education activities. Subsequent reports are to be submitted every 5 years thereafter.

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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3, 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 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:

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 bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures would 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 fiscal 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.

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

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 4973 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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) * * *

(b)(1) * * *

(2) USE OF GIFTS, DEVISES, AND BEQUESTS.—

(A) * * *

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

(i) * * *

(ii) 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 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.

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(d) COMMUNITY PARTNERSHIP ENHANCEMENT.—

(1) * * *

(2) COOPERATIVE AGREEMENTS.—

(A) * * *

* * * * *

(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.

* * * * *

(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) \$2,000,000 for each of fiscal years 2004 through 2009.]

(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.*

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

SEC. 4. VOLUNTEER ENHANCEMENT.

(a) **PROJECTS** *NATIONAL VOLUNTEER COORDINATION PROGRAM.*—

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

[(2) **VOLUNTEER COORDINATOR.**—Each 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.

[(3) **REPORT.**—Not later than 3 years after the date of the enactment of the National Wildlife Refuge Volunteer Act of 2004, 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 projects.]

(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 refuges 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 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)).

[(4)] (3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 [for for each fiscal year through fiscal year 2009] for each fiscal year through fiscal year 2014.

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