

## Calendar No. 503

105TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 105-270

---

### NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND PARTNERSHIP ENHANCEMENT ACT OF 1998

---

JULY 28, 1998.—Ordered to be printed

---

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

### REPORT

[To accompany S. 2244]

The Committee on Environment and Public Works, to which was referred the bill (S. 2244), to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes, having considered the same, reports favorably thereon, and recommends that the bill do pass.

#### GENERAL STATEMENT AND BACKGROUND

The National Wildlife Refuge System, administered by the U.S. Fish and Wildlife Service (the Service), consists of 93 million acres across 514 refuges. It is the only Federal land system managed primarily for the benefit of fish, wildlife, and plant resources, providing habitat for thousands of species of fish and wildlife, including more than 165 species listed as endangered or threatened under the Endangered Species Act. Each State of the Union is home to at least one refuge. Refuges are visited by approximately 30.9 million people each year. A recent study prepared by the Service, *Banking on Nature*, estimates that \$401.1 million of sales in regional economies is generated directly or indirectly by the Refuge System.

Since the first refuge was established on Pelican Island in 1903 by President Theodore Roosevelt, refuges have been established administratively by the Secretary of the Interior, and legislatively by acts of Congress. In 1966, Congress passed the National Wildlife Refuge System Administration Act, which brought the diverse col-

lection of refuges into a unified system of management and established requirements relating to land acquisition, management, and disposition. It took another 31 years—almost 100 years after the first refuge was established—before Congress passed the National Wildlife Refuge System Improvement Act of 1997, the first “organic law” of the Refuge System. This law articulated the mission of the Refuge System as one to “administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

Notwithstanding the recent legislative initiative and the benefits afforded by the Refuge System, it remains poorly funded. This has led to a significant backlog in annual maintenance, operations, and construction needs. At the beginning of fiscal year 1998, unfunded annual maintenance needs were estimated at \$440 million, unfunded annual operations needs were estimated at \$455 million, and unfunded construction needs were estimated at just over \$700 million. For fiscal year 1998, Congress appropriated \$220.5 million for operations and maintenance.

To help alleviate this backlog and funding shortfall, the Service relies on volunteers for assistance. The Refuge System has a long history associated with volunteers: the first refuge on Pelican Island was staffed by volunteer wardens. In 1978, Congress passed the Fish and Wildlife Improvement Act, which authorized the Secretary of the Interior to recruit, train, accept the services of, and provide incidental expenses for, volunteers. In 1982, the Service established a formal volunteer program, and since then, the number of volunteers has grown from 4,257 individuals donating 128,400 hours of time, to over 28,800 individuals donating more than 1.5 million hours of time in 1997. In 1997, almost 20 percent of all work performed on the Refuge System was done by volunteers, amounting to about \$14 million worth of services at a support cost of only \$780,000.

The Service also collaborates with conservation groups, academic institutions, business organizations, and other entities to provide services for the Refuge System. These services span a broad range, including organization of volunteer efforts, fundraising for actions benefiting wildlife conservation, research, and establishment of education programs. These services are generally performed at the local level, with individual communities supporting a specific refuge in their area. In 1996, the Service established a program called the Friends Initiative, to more formally encourage and organize these efforts to promote community involvement in activities associated with the refuge. With the support of the National Fish and Wildlife Foundation, the National Wildlife Refuge Association, and the National Audubon Society, 25 new Friends groups have been formed by local citizens.

The Service also relies on donations by individuals or organizations for support. These donations can come in the form of cash gifts or bequests, or devises of property. The Service estimates that the Refuge System received donations of more than \$2.1 million during the past two fiscal years alone.

## OBJECTIVES OF THE LEGISLATION

S. 2244 will foster efforts of the Service with respect to volunteers, partnerships, and donations. While these efforts are already underway and have proven to be successful in both alleviating financial constraints and fostering public awareness and appreciation of the Refuge System, this legislation reinforces existing administrative actions and creates new authorities and mandates to expand these actions.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short Title*

Section 1 states that the Act may be cited as the “National Wildlife Refuge System Volunteer and Partnership Enhancement Act of 1998.”

*Section 2. Findings and Purposes*

This section contains the findings of Congress and purposes of the Act. The Refuge System plays an integral role in the protection of natural resources of the United States. Even with the enactment of the National Wildlife System Improvement Act of 1997, financial resources available for the Refuge System remain limited. Federal funding for the Refuge System can be supplemented through volunteer programs, donations, and partnerships with community organizations. Public awareness of the Refuge System and public participation in conservation of resources within the Refuge System can be promoted through refuge educational programs. The Act has three purposes: to encourage the use of volunteers, to facilitate partnerships, and to encourage donations and other contributions.

*Section 3. Gifts to Particular National Wildlife Refuges*

Section 3 amends section 7(b)(2) of the Fish and Wildlife Act of 1956 to clarify that gifts, devises, or bequests made to a particular refuge shall be disbursed without further appropriations to that refuge. While current law authorizes the Secretary of the Interior to accept gifts, devises, or bequests subject to the terms of any restrictive or affirmative covenant or other conditions, this bill clarifies and simplifies the law with respect to donations to specific refuges.

In addition, the bill allows gifts, devises, and bequests to specific refuges to be matched with Federal funding, subject to availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 and other applicable law. The amount of Federal funds cannot exceed the amount of the non-Federal donation. This provision is intended to give individual refuge managers an opportunity to use those funds already available for their discretionary use to secure additional funds in the form of cash, property, or in-kind services. It is expected that operations and maintenance funds that do not go to overhead costs, approximately 5 percent of any refuge manager’s annual budget for operations and maintenance, will be used for this purpose. For the entire Refuge System, these funds are not expected to amount to more than \$2 million annually.

Although involving relatively small amounts of money, this program should generate significant benefits. For example, a refuge manager may be able to offer matching funds to a local landowner who is willing to contribute his or her services to improve land management affecting the refuge, e.g., a landowner constructing a fence with materials provided by the Service to keep cattle from wandering onto the refuge. Because this is a new program, the Service should keep careful records of the amount of money expended by individual refuge managers, the non-Federal contributions, and the nature of the work accomplished under this program.

#### *Section 4. Volunteer Enhancement*

Section 4 enhances volunteer efforts within the Refuge System. Section 4(a) requires the Secretary to carry out a pilot project at two or more wildlife refuges in each Service region, but not more than 20 pilot projects nationwide. This allows 14 to 20 pilot projects to be carried out, of which nine have already been budgeted and approved by the Service. Each pilot project shall provide for employment of a full-time volunteer coordinator for the refuge, who shall be responsible for recruiting, training, and supervising volunteers. The volunteer coordinator may also assist partner organizations in developing projects and programs and coordinating volunteer activities with the organizations. Within three years, the Secretary must prepare a report evaluating and making recommendations regarding the pilot projects. The bill authorizes \$2 million annually for fiscal years 1999 through 2002.

Section 4(b) amends the Fish and Wildlife Act of 1956 to provide for awards and recognition of volunteers. It also allows for incidental expenses to be provided without regard to the volunteer's place of residence. Currently, volunteers who have worked side-by-side Service employees are excluded from receiving awards and recognition that may be given to their colleagues. In this respect, this bill would allow volunteers to be treated in the same manner as employees. Some of those awards may be nominal cash awards, which are not expected to exceed \$100.

Section 4(c) authorizes the Secretary to establish a Senior Volunteer Corps, consisting of volunteers over the age of 50. To assist in the recruitment and retention of volunteers, the Secretary may provide for additional incidental expenses to members of the Corps beyond the incidental expenses otherwise provided to volunteers. Members of the Corps must be subject to the other provisions applicable to volunteers.

The purpose of this Corps is to expand the Service's existing volunteer program by encouraging persons over the age of 50, with the skills, knowledge and time to make long term commitments, to volunteer with the Refuge System. It also provides an opportunity for older Americans to explore new and challenging experiences. In 1993, Congress passed the National Community Service Trust Act of 1993, which bolstered the National Senior Service Corps programs. The act stated that these programs are designed to "empower older individuals to contribute to their communities through volunteer service, enhance the lives of volunteers and those who they serve, and provide communities with valuable services." The

Secretary should explore the potential for coordinating the Senior Volunteer Corps authorized by these programs.

*Section 5. Community Partnership Enhancement*

Section 5 amends the Fish and Wildlife Act of 1956 by adding a new subsection (d) relating to community partnerships. In addition to individual volunteers, there is a significant need for a more formalized network of volunteers and other community groups to provide assistance to the Refuge System. In order to address this need, last year the Service began the Friends Initiative through a workshop. This bill provides authority for organizing and collaborating with partner organizations nationwide. The bill streamlines the requirements for establishing community partner organizations. Partner organizations can provide financial and technical support, and serve as a liaison between the refuge and the community at large. For example, they can encourage larger volunteer events, develop funding sources and promote cost-sharing programs, and serve as a clearinghouse for information and outreach.

New paragraph (d)(1) defines a partner organization to be an organization that: draws its memberships from private individuals, organizations, corporations, academic institutions, or State or local governments; is established to promote the understanding of, education relating to, and the conservation of the resources of a particular refuge or complex of geographically related refuges; and is described in section 501(c)(3) of the Internal Revenue Code and is tax-exempt. This definition is intended to be broadly inclusive, inviting persons to participate in community partnerships. However, the partner organization must be a tax-exempt entity and must have an interest in a specific refuge or refuge complex, regardless of the organization's membership. The partner organization should serve as a non-profit conduit between the refuge and the community at large.

New subparagraph (d)(2)(A) authorizes the Secretary to enter into cooperative agreements with any partner organization, academic institution, or State or local government agency to carry out one or more projects or programs for a refuge or refuge complex. While governmental agencies and academic institutions may serve as members of partner organizations, they are also free to enter into cooperative agreements with the Secretary, independent of those organizations.

Under subparagraph (d)(2)(B), projects and programs must comply with the requirements of the National Wildlife Refuge System Administration Act of 1966 and the other applicable law, and such terms and conditions as the Secretary deems appropriate. Projects and programs may promote the stewardship of resources of the refuge, support the operation and maintenance of the refuge, increase awareness and understanding of the refuge and the Refuge System, advance education concerning the purpose of the refuge and the mission of the System, or contribute financial resources to the refuge.

Subparagraph (d)(2)(C) allows the Secretary to provide funds to match non-Federal funds donated under a cooperative agreement. Federal funds cannot exceed the amount of non-Federal funds donated for the particular project or program. Pursuant to subpara-

graph (d)(2)(D), amounts received by the Secretary shall be deposited in a separate account, and shall be made available to the Secretary, without further appropriations, to pay the costs of incidental expenses related to volunteer activities and to carry out cooperative agreements for the refuge.

*Section 6. Refuge Education Program Development*

Section 6 of the bill creates a new section (7)(e) of the Fish and Wildlife Act of 1956, relating to refuge education. New paragraph (e)(1) requires the Secretary, not later than one year after enactment of the bill, to develop guidance for refuge education programs to further the mission of the Refuge System and the purposes of individual refuges. The guidance is to achieve this by: providing outdoor classroom opportunities for students on wildlife refuges that combine educational curricula with the personal experiences of students; promoting understanding and conservation of resources of the refuges; and improving scientific literacy in conjunction with both formal and nonformal education programs.

New paragraph (e)(2) authorizes the Secretary to develop or enhance refuge education programs based on the guidance, and taking into account the resources of individual refuges and the opportunities available for such programs in State, local, and private schools. These programs may take place during school hours or as part of after-school activities, and may include programs for adults. The Secretary should cooperate with State and local education authorities and may cooperate with partner organizations.

In 1994, the Service and the National Fish and Wildlife Foundation initiated a pilot project known as Earth Stewards, which was a partnership among resource professionals, neighborhood schools and local communities. Since the the pilot project was completed in 1996, the Service has continued their educational outreach efforts. In 1997, more than 730,000 students and teachers took part in at least one environmental educational activity presented by the Service. The Service, however, does not have any national guidance for developing and implementing these programs. S. 2244 requires that guidance be developed, in order to better coordinate and encourage them.

HEARINGS

The committee held a hearing on S. 2244 on July 7, 1998. Testimony on this bill was given by John Rogers, Deputy Director for the U.S. Fish and Wildlife Service, and Molly Krival, past president of the Ding Darling Wildlife Society. Written testimony was received from the National Audubon Society.

LEGISLATIVE HISTORY

S. 2244 was introduced by Senator Chafee on June 26, 1998, and referred to the Committee on Environment and Public Works. A similar bill, H.R. 1856, was introduced by Congressman Saxton on June 10, 1997, received from the House of Representatives and referred to this committee on November 5, 1997. The committee met on July 22, 1998, to consider both bills. S. 2244 was ordered reported by voice vote. Senator Chafee offered a substitute amend-

ment to H.R. 1856, which was accepted by voice vote, to make it conform with S. 2244. H.R. 1856 was ordered reported, as amended, by voice vote.

#### REGULATORY IMPACT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes an 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 this bill would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

#### 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, July 27, 1998.*

Hon. JOHN H. CHAFEE, *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. 2244, the National Wildlife Refuge System Volunteer and Partnership Enhancement Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for Federal costs), who can be reached at 226-2860, and Marjorie Miller (for the State and local impact), who can be reached at 225-3220.

Sincerely,

JUNE E. O'NEILL,  
*Director.*

---

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*S. 2244; National Wildlife Refuge System Volunteer and Partnership Enhancement Act of 1998, as ordered reported by the Senate Committee on Environment and Public Works on July 22, 1998*

#### *Summary*

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 2244 would cost \$17 million over the

next five years. S. 2244 also would affect direct spending by allowing the U.S. Fish and Wildlife Service (USFWS) to collect and spend amounts earned at wildlife refuges by certain nonfederal organizations. Pay-as-you-go procedures would therefore apply to the bill, but CBO estimates that any receipts and spending resulting from this authority would be less than \$500,000 annually. S. 2244 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

#### *Description of the Bill's Major Provisions*

S. 2244 would amend the Fish and Wildlife Act of 1956 to promote community involvement at national wildlife refuges. To encourage the use of individual volunteers, section 4 would direct the USFWS to conduct pilot projects under which a full-time volunteer coordinator would be hired for each of up to 20 refuges nationwide. This section also would authorize the agency to create a senior volunteer corps composed of volunteers over the age of 50 and would authorize for the corps (subject to appropriations under section 7) the payment of incidental expenses beyond those generally provided for volunteers such as reimbursements for mileage or fuel.

Section 5 would address more formal agency-community relationships by authorizing the USFWS to execute cooperative agreements with organizations such as nonprofit groups, academic institutions, and State or local agencies. Under such agreements, the partner organizations could help finance programs and projects that benefit wildlife refuges.

Amounts received by the agency under these agreements (that is, profits from sales or other activities conducted by the partner organization) would be deposited in a separate account in the U.S. Treasury and would be available without appropriation to carry out cooperative agreements and to pay volunteer expenses. The agency would be authorized (subject to appropriation) to match nonfederal funds donated under this section.

Section 6 would direct the USFWS to create a new refuge education program to provide outdoor classroom opportunities for students and to promote understanding and conservation of fish, wildlife, and other refuge resources.

Finally, S. 2244 would authorize the appropriation of \$2 million annually through fiscal year 2002 for the new pilot projects and \$2 million annually through 2004 for paying incidental volunteer expenses, implementing community partnership agreements, providing matching funds, and developing and implementing the new refuge education program.

#### *Estimated Cost to the Federal Government*

For purposes of this estimate, CBO assumes that the entire amounts authorized by S. 2244 will be appropriated for each fiscal year. Outlay estimates are based on spending patterns for similar programs. The estimated budgetary impact of S. 2244 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

	1998	1999	2000	2001	2002	2003
Spending Subject to Appropriation						
USFWS Baseline Spending Under Current Law:						
Estimated Authorization Level <sup>1</sup> .....	595	619	641	664	686	711
Estimated Outlays .....	578	613	638	662	684	704
Proposed Changes:						
Estimated Authorization Level .....	0	4	4	4	4	2
Estimated Outlays .....	0	3	4	4	4	2
USFWS Spending Under S. 2244:						
Estimated Authorization Level <sup>1</sup> .....	595	623	645	668	690	713
Estimated Outlays .....	578	616	642	666	688	706

<sup>1</sup>The 1998 level is the amount appropriated for USFWS resource management for that year. The levels shown for 1999 through 2003 are CBO baseline projections assuming increases for anticipated inflation.

### *Basis of Estimate*

The volunteer pilot projects, community partnership agreements, senior volunteer corps, and refuge education program authorized by this bill would constitute new programs in the Federal budget. There is no spending for such activities under current law. The table shows changes relative to CBO baseline projections, including increases for anticipated inflation, for USFWS resource management activities. If the comparison were made to a baseline without discretionary inflation, the incremental cost of the bill would be the same—but the total estimated authorization level would be \$595 million for each year under current law and \$599 million for each year under S. 2244.

Enacting S. 2244 also would increase offsetting receipts and outlays from direct spending authority by allowing the USFWS to collect and use amounts earned by partner organizations. CBO estimates that this authority would generate offsetting receipts of less than \$500,000 annually. Because these collections would lead to additional spending in the same amounts, the net impact on the Federal budget would be negligible in each year.

### *Pay-As-You-Go Considerations*

The Balanced Budget and Emergency Deficit Control Act of 1985 specifies pay-as-you-go procedures for legislation affecting direct spending or receipts. Although enacting S. 2244 would affect direct spending, CBO estimates that the amounts involved would be less than \$500,000 annually.

### *Estimated Impact on State, Local, and Tribal Governments*

S. 2244 contains no intergovernmental mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. State and local entities might voluntarily incur some costs should they choose to enter into cooperative agreements with the Secretary of the Interior, as authorized by this bill.

### *Estimated Impact on the Private Sector*

S. 2244 would impose no new private-sector mandates as defined in UMRA.

*Previous CBO Estimate*

On October 8, 1997, CBO submitted a cost estimate for H.R. 1856, the National Wildlife Refuge System Volunteer and Community Partnership Act of 1997, as ordered reported by the House Committee on Resources on October 1, 1997. The differences in the estimates reflect the differences in authorizations. The House version of H.R. 1856 would authorize about \$2 million a year through 2003, while S. 2244 would authorize \$4 million a year for 1999 through 2002, and \$2 million a year for 2003 and 2004.

*Estimate Prepared by:* Federal Costs: Deborah Reis (226–2860); Impact on State, Local, and Tribal Governments: Marjorie Miller (225–3220).

*Estimate Approved by:* Paul N. Van de Water, 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:

## UNITED STATES CODE

## TITLE 16—CONSERVATION

## CHAPTER 9—FISH AND WILDLIFE SERVICE

Sec. 741, 742. \* \* \*

\* \* \* \* \*

Sec. 742f. POWERS OF SECRETARIES OF THE INTERIOR AND COMMERCE.—

(a) POLICIES, PROCEDURES, AND RECOMMENDATIONS.—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) 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) Any]**

(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 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, state, 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) VOLUNTEER SERVICES; INCIDENTAL EXPENSES; FEDERAL EMPLOYEE STATUS; AUTHORIZATION OF APPROPRIATIONS.—

(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, 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, a volunteer under this subsection shall be considered a Federal employee.

(5) For the purposes of subchapter I of chapter 81 of title 5, 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, and the provisions of that subchapter shall apply.

[(6) There are authorized to be appropriated to carry out this subsection \$100,000 for the Secretary of the Interior and \$50,000 for the Secretary of Commerce for each of the fiscal years 1980, 1981, 1982, 1983, 1984, 1985, and 1986.]

(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 additional 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.—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.

(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 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) *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.