

108TH CONGRESS  
2D SESSION

# H. R. 4170

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IN THE SENATE OF THE UNITED STATES

JULY 20, 2004

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of the In-  
3 terior Volunteer Recruitment Act of 2004”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to authorize the Secretary  
6 of the Interior to recruit and use volunteers to assist with,  
7 or facilitate, the programs of the Bureau of Indian Affairs,  
8 the United States Geological Survey, the Bureau of Rec-  
9 lamation, and the Office of the Secretary.

10 **SEC. 3. VOLUNTEER AUTHORITY.**

11 (a) IN GENERAL.—The Secretary of the Interior may  
12 recruit, train, and accept, without regard to the civil serv-  
13 ice classification laws, rules, or regulations, the services  
14 of individuals, contributed without compensation as volun-  
15 teers, for aiding in or facilitating the activities adminis-  
16 tered by the Secretary through the Bureau of Indian Af-  
17 fairs, the United States Geological Survey, the Bureau of  
18 Reclamation, and the Office of the Secretary.

19 (b) RESTRICTIONS ON ACTIVITIES OF VOLUN-  
20 TEERS.—

21 (1) IN GENERAL.—In accepting such services of  
22 individuals as volunteers, the Secretary shall not  
23 permit the use of volunteers in law enforcement  
24 work, in regulatory and enforcement work, in policy-  
25 making processes, or to displace any employee.

1           (2) PRIVATE PROPERTY.—No volunteer services  
2           authorized by this Act may be conducted on private  
3           property unless the officer or employee charged with  
4           supervising the volunteer obtains appropriate con-  
5           sent to enter the property from the property owner.

6           (3) HAZARDOUS DUTY.—The Secretary may ac-  
7           cept the services of individuals in hazardous duty  
8           only upon a determination by the Secretary that  
9           such individuals are skilled in performing hazardous  
10          duty activities.

11          (4) SUPERVISION.—The Secretary shall ensure  
12          that an appropriate officer or employee of the  
13          United States provides adequate and appropriate su-  
14          pervision of each volunteer whose services the Sec-  
15          retary accepts.

16          (c) PROVISION OF SERVICES AND COSTS.—The Sec-  
17          retary may provide for services and costs incidental to the  
18          utilization of volunteers, including transportation, sup-  
19          plies, uniforms, lodging, subsistence (without regard to  
20          place of residence), recruiting, training, supervision, and  
21          awards and recognition (including nominal cash awards).

22          (d) FEDERAL EMPLOYMENT STATUS OF VOLUN-  
23          TEERS.—

24                 (1) Except as otherwise provided in this sub-  
25          section, a volunteer shall not be deemed a Federal

1 employee and shall not be subject to the provisions  
2 of law relating to Federal employment, including  
3 those provisions relating to hours of work, rates of  
4 compensation, leave, unemployment compensation,  
5 and Federal employee benefits.

6 (2) Volunteers shall be deemed employees of the  
7 United States for the purposes of—

8 (A) the tort claims provisions of title 28,  
9 United States Code;

10 (B) subchapter I of chapter 81 of title 5,  
11 United States Code; and

12 (C) claims relating to damage to, or loss  
13 of, personal property of a volunteer incident to  
14 volunteer service, in which case the provisions  
15 of section 3721 of title 31, United States Code,  
16 shall apply.

17 (3) Volunteers under this Act shall be subject  
18 to chapter 11 of title 18, United States Code, unless  
19 the Secretary, with the concurrence of the Director  
20 of the Office of Government Ethics, determines in  
21 writing published in the Federal Register that the  
22 provisions of that chapter, except section 201, shall  
23 not apply to the actions of a class or classes of vol-

- 1     unteers who carry out only those duties or functions
- 2     specified in the determination.

Passed the House of Representatives July 19, 2004.

Attest: **JEFF TRANDAH**,  
*Clerk.*