

109TH CONGRESS
1ST SESSION

S. 305

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2005

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of the In-
5 terior Volunteer Recruitment Act of 2005”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to authorize the Secretary
8 of the Interior to recruit and use volunteers to assist with
9 or facilitate the programs of the Bureau of Indian Affairs,

1 the United States Geological Survey, the Bureau of Rec-
2 lamation, and the Office of the Secretary.

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

4 (a) IN GENERAL.—The Secretary of the Interior (re-
5 ferred to in this Act as the “Secretary”) may, without re-
6 gard to the civil service laws (including regulations), re-
7 cruit, train, and accept the services of individuals, contrib-
8 uted without compensation as volunteers, to assist with
9 or facilitate the activities administered by the Secretary
10 through the Bureau of Indian Affairs, the United States
11 Geological Survey, the Bureau of Reclamation, and the
12 Office of the Secretary.

13 (b) RESTRICTIONS ON ACTIVITIES OF VOLUN-
14 TEERS.—

15 (1) IN GENERAL.—In accepting the services of
16 volunteers, the Secretary shall not permit the use of
17 volunteers—

18 (A) in law enforcement;

19 (B) in regulatory and enforcement work;

20 (C) in policymaking processes; or

21 (D) to displace any employee.

22 (2) PRIVATE PROPERTY.—No volunteer services
23 authorized by this Act may be conducted on private
24 property unless the officer or employee supervising

1 the volunteer obtains from the property owner ap-
2 propriate consent to enter the property.

3 (3) HAZARDOUS DUTY.—The Secretary may ac-
4 cept the services of a volunteer in hazardous duty
5 only if the Secretary determines that the volunteer
6 is skilled in performing hazardous duty activities.

7 (4) SUPERVISION.—The Secretary shall ensure
8 that an appropriate officer or employee of the
9 United States provides adequate and appropriate su-
10 pervision of each individual that volunteers under
11 this Act.

12 (c) PROVISION OF SERVICES AND COSTS.—The Sec-
13 retary may provide for services and costs incidental to the
14 use of volunteers under this Act, including—

15 (1) transportation;

16 (2) supplies;

17 (3) uniforms;

18 (4) lodging;

19 (5) without regard to the place of residence of
20 the volunteers, subsistence;

21 (6) recruiting;

22 (7) training;

23 (8) supervision; and

24 (9) awards and recognition, including nominal
25 cash awards.

1 (d) FEDERAL EMPLOYMENT STATUS OF VOLUN-
2 TEERS.—

3 (1) IN GENERAL.—Except as otherwise pro-
4 vided in this subsection, a volunteer under this Act
5 shall not be—

6 (A) considered to be a Federal employee;

7 or

8 (B) subject to any provision of law relating
9 to Federal employment, including provisions re-
10 lating to—

11 (i) hours of work;

12 (ii) rates of compensation;

13 (iii) leave;

14 (iv) unemployment compensation; and

15 (v) Federal employee benefits.

16 (2) LIABILITY.—Volunteers under this Act shall
17 be considered to be employees of the United States
18 for the purposes of—

19 (A) chapter 171 title 28, United States
20 Code;

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

23 (C) claims relating to damage to, or loss
24 of, personal property of a volunteer incident to

1 volunteer service, which shall be subject to sec-
2 tion 3721 of title 31, United States Code.

3 (3) CONFLICTS OF INTEREST.—

4 (A) IN GENERAL.—Volunteers under this
5 Act shall be subject to chapter 11 of title 18,
6 United States Code, unless the Secretary, with
7 the concurrence of the Director of the Office of
8 Government Ethics, determines that the provi-
9 sions of that chapter, other than section 201,
10 shall not apply to the actions of a class of vol-
11 unteers who carry out only those duties or func-
12 tions specified in the determination.

13 (B) PUBLICATION OF DETERMINATION.—
14 The Secretary shall publish in the Federal Reg-
15 ister any determinations made under subpara-
16 graph (A).

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