

are maintained and that the park is adequately compensated for this use of park resources.

We support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. NUNES), the author of this important legislation.

Mr. NUNES. Mr. Speaker, let me begin by expressing my thanks to the Committee on Resources, the gentleman from California (Chairman POMBO) and their staff for their hard work on this legislation, H.R. 3932.

This bill is a simple maintenance of the law which has to be accomplished every 20 years to renew the Secretary of the Interior's authority to issue permits for the operation of a hydroelectric power facility in Sequoia and Kings Canyon National Park. This facility was built over 100 years ago and continues to generate power today. If this authority is not renewed, power generation would be halted. This bill is critical, and I urge quick passage.

Again, I offer thanks to the Committee on Resources for moving this bill quickly to the floor.

Ms. BORDALLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 3932, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend Public Law 99-338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project, and for other purposes."

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONVEYANCE TO GOVERNMENT OF MEXICO OF DECOMMISSIONED NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SHIP

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4158) to provide for the conveyance to the Government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes.

The Clerk read as follows:

H.R. 4158

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONVEYANCE OF NOAA VESSEL WHITING.

(a) IN GENERAL.—The Secretary of Commerce shall convey to the Government of

Mexico, without consideration, all right, title, and interest of the United States in and to the National Oceanic and Atmospheric Administration vessel WHITING—

(1) for use as a hydrographic survey platform in support of activities of the United States-Mexico Charting Advisors Committee; and

(2) to enhance coordination and cooperation between the United States and Mexico regarding hydrographic surveying and nautical charting activities in the border waters of both countries in the Gulf of Mexico and in the Pacific Ocean.

(b) OPERATION AND MAINTENANCE.—The Government of the United States shall not be responsible or liable for any remediation, maintenance, or operation of a vessel conveyed under this section after the date of the delivery of the vessel to the Government of Mexico.

(c) DEADLINE.—The Secretary shall seek to complete the conveyance by as soon as practicable after the date of the enactment of this Act.

(d) DELIVERY OF VESSEL.—The Secretary shall deliver the vessel WHITING pursuant to this section at the vessel's homeport location of Norfolk, Virginia, at no additional cost to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

#### GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4158.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4158 will transfer a decommissioned NOAA vessel, the *Whiting*, to the Government of Mexico.

The United States is an active partner in the U.S.-Mexico Charting Advisors Committee which addresses regional issues on charting, research and data collection. As part of the cooperative activities of this committee, the Government of Mexico contacted NOAA indicating an interest in obtaining the vessel from the United States. The Government of Mexico does not have a vessel dedicated to hydrographic surveys, and the *Whiting* would be the first ship to fill that role.

The *Whiting* is 163 feet in length, draws 12 feet of water, has a cruising speed of 12 knots and a cruising range of 5,700 nautical miles. It was removed from service in 2002 after 40 years of conducting hydrographic surveys in the Great Lakes and along the East and Gulf Coasts of the United States.

Under the terms of H.R. 4158, all rights, title and interest in the *Whiting* are transferred to the Government of Mexico. The vessel must be used as a hydrographic platform in support of activities of the U.S.-Mexico Charting Advisors Committee.

The ship will be delivered at the vessel's current home port of Norfolk, Virginia, and the United States will not be responsible for any remediation, maintenance or operation of the *Whiting* after delivery. I urge an "aye" vote on H.R. 4158, and compliment the author, the gentleman from Texas (Mr. ORTIZ), for his leadership.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, as noted, H.R. 4158 is a noncontroversial piece of legislation to convey to the Government of Mexico at no cost to the U.S. taxpayer the decommissioned hydrographic survey vessel *Whiting* from the National Oceanic and Atmospheric Administration.

I want to go on record to commend the gentleman from Texas (Mr. ORTIZ) for recognizing the value of conveying the vessel to help strengthen the Mexican Government's civilian hydrographic survey capabilities in the Gulf of Mexico and to participate in joint hydrographic operations with the United States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4158, sponsored by Mr. ORTIZ, which seeks to convey to the Government of Mexico, the National Oceanic and Atmospheric Administration vessel, *Whiting*.

The NOAA and U.S. Navy are the main U.S. representatives of the MesoAmerican-Caribbean Sea Hydrographic Commission that coordinates the hydrographic surveys and charting activities of member nations. Since 1963, the *Whiting* had been in service for the NOAA, conducting hydrographic surveys along the east and Gulf Coast of the United States and the Great Lakes. In March 2003, NOAA replaced the *Whiting* with a former U.S. Navy hydrographic survey vessel.

As of August 2003, Mexico did not have a vessel dedicated to hydrographic surveys. The *Whiting* could fill that role, as it was decommissioned by the NOAA in May 2003. By conveying the *Whiting* to the Government of Mexico, Mexican dependence on NOAA and U.S. Navy assets for hydrographic surveys would decrease. In addition to the lessened dependence, the regional capacity would be strengthened. Such a conveyance would foster the exchange of information in the Gulf Coast and improve navigational safety for all vessels sailing in the Gulf of Mexico.

NOAA possesses no authority to transfer ships to foreign governments, and thus, this legislation would authorize such a transfer. With the passage of this legislation, the United States would bear no responsibility for any remediation, maintenance, or operation of the *Whiting* after delivery.

This legislation is exemplary in its effort to contribute globally, without putting a burden on the shoulders of the U.S. By conveying the *Whiting*, a vessel decommissioned by NOAA, to Mexico, Mexico would gain valuable and necessary infrastructure, without cost to the United States, and it would allow it to contribute to the NOAA efforts, for which the

United States bears an enormous amount of energy. The United States would gain safer waters in the Gulf Coast, which is central to our national security. In addition, the transfer of the *Whiting* to the Government of Mexico would act to balance the level of responsibility of the countries who are bordered by the waters of the Gulf Coast.

I congratulate Mr. ORTIZ on his leadership in this matter.

Ms. BORDALLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 4158.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### DEPARTMENT OF THE INTERIOR VOLUNTEER RECRUITMENT ACT OF 2004

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4170) 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 Interior, as amended.

The Clerk read as follows:

H.R. 4170

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of the Interior Volunteer Recruitment Act of 2004".

#### SEC. 2. PURPOSE.

The purpose of this Act is to authorize the Secretary of the Interior to recruit and use volunteers to assist with, or facilitate, the programs of the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, and the Office of the Secretary.

#### SEC. 3. VOLUNTEER AUTHORITY.

(a) IN GENERAL.—The Secretary of the Interior may recruit, train, and accept, without regard to the civil service classification laws, rules, or regulations, the services of individuals, contributed without compensation as volunteers, for aiding in or facilitating the activities administered by the Secretary through the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, and the Office of the Secretary.

(b) RESTRICTIONS ON ACTIVITIES OF VOLUNTEERS.—

(1) IN GENERAL.—In accepting such services of individuals as volunteers, the Secretary shall not permit the use of volunteers in law enforcement work, in regulatory and enforcement work, in policymaking processes, or to displace any employee.

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

(3) HAZARDOUS DUTY.—The Secretary may accept the services of individuals in hazardous duty only upon a determination by the Secretary that such individuals are skilled in performing hazardous duty activities.

(4) SUPERVISION.—The Secretary shall ensure that an appropriate officer or employee of the United States provides adequate and appropriate supervision of each volunteer whose services the Secretary accepts.

(c) PROVISION OF SERVICES AND COSTS.—The Secretary may provide for services and costs incidental to the utilization of volunteers, including transportation, supplies, uniforms, lodging, subsistence (without regard to place of residence), recruiting, training, supervision, and awards and recognition (including nominal cash awards).

(d) FEDERAL EMPLOYMENT STATUS OF VOLUNTEERS.—

(1) 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 provisions relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

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

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

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

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

(3) Volunteers under this Act shall be subject to chapter 11 of title 18, United States Code, unless the Secretary, with the concurrence of the Director of the Office of Government Ethics, determines in writing published in the Federal Register that the provisions of that chapter, except section 201, shall not apply to the actions of a class or classes of volunteers who carry out only those duties or functions specified in the determination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4170, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4170, introduced by the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources, and subsequently amended by the Committee on Resources, would authorize the Secretary of the Interior to establish volunteer programs in the Bureau of Indian Affairs, the U.S. Geological Survey, the Bureau of Reclamation and the Office of the Secretary. With this authority, these four bureaus would be able to

parallel the successful volunteer programs of the National Park Service and the U.S. Fish and Wildlife Service to recruit volunteers to assist with or facilitate the activities within these agencies.

Mr. Speaker, over 200,000 volunteers annually serve as campground hosts, clear trail, help with seasonal bird surveys, collect new information for maps and assist with many other day-to-day activities.

Mr. Speaker, simply put, volunteers provide the Department of the Interior vital services to help it meet its mission responsibilities. Volunteer programs within the Department also provide outstanding opportunity for community service and public involvement in conservation programs.

Mr. Speaker, H.R. 4170 is supported by the majority and the minority of the Committee on Resources and the administration. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, the majority has already explained the purpose of H.R. 4170, which was introduced by the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources, at the request of the administration. At this point, Mr. Speaker, I would like to thank publicly the chairman, the gentleman from California (Mr. POMBO), for attending the 60th anniversary of Guam's liberation this past weekend in Tracy, California.

On behalf of the Committee on Resources ranking member, the gentleman from West Virginia (Mr. RAHALL), we appreciate the willingness of the chairman and his staff to make changes to the bill to address concerns about the use of volunteers in regulatory and legal offices within the Department of Interior.

Mr. Speaker, with those changes, we have no objection to the passage of H.R. 4170, as amended, by the House today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 4170, the Department of the Interior Volunteer Recruitment Act of 2004. The legislation before us would authorize the Secretary of the Interior to recruit, train, and accept, without regard to the civil service classification laws, rules, or regulations, the services of individuals, contributed without compensation as volunteers, for aiding in or facilitating the activities administered by the Secretary through the Bureau of Indian Affairs, the Office of Surface Mining Reclamation and Enforcement, the Minerals Management Service, the U.S. Geological Survey, the Bureau of Reclamation, the Office of the Solicitor, and the Office of the Secretary. This legislation will make it easier for those who want to volunteer to take part in the activities under the Department of the Interior.

I applaud Representative POMBO and the crafters of this legislation for taking into consideration the concerns of the Minority in the