

rating) of public buildings and public works that at least partly are financed with federal financial assistance authorized under certain federal programs and that otherwise might not be possible without the use of volunteers.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1153.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 3161 | 40:276d. | Pub. L. 103-355, title VII, §7302, Oct. 13, 1994, 108 Stat. 3382. |

§ 3162. Waiver for individuals who perform volunteer services

(a) **CRITERIA FOR RECEIVING WAIVER.**—The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of subchapter IV of this chapter as set forth in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.),¹ the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.), and the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) does not apply to an individual—

(1) who volunteers to perform a service directly to a state or local government, a public agency, or a public or private nonprofit recipient of federal assistance—

(A) for civic, charitable, or humanitarian reasons;

(B) only for the personal purpose or pleasure of the individual;

(C) without promise, expectation, or receipt of compensation for services rendered, except as provided in subsection (b); and

(D) freely and without pressure or coercion, direct or implied, from any employer;

(2) whose contribution of service is not for the direct or indirect benefit of any contractor otherwise performing or seeking to perform work on the same project for which the individual is volunteering;

(3) who is not employed by and does not provide services to a contractor or subcontractor at any time on the federally assisted or insured project for which the individual is volunteering; and

(4) who otherwise is not employed by the same public agency or recipient of federal assistance to perform the same type of services as those for which the individual proposes to volunteer.

(b) **PAYMENTS.**—

(1) **IN ACCORDANCE WITH REGULATIONS.**—Volunteers described in subsection (a) who are performing services directly to a state or local government or public agency may receive payments of expenses, reasonable benefits, or a nominal fee only in accordance with regulations the Secretary of Labor prescribes. Volunteers who are performing services directly to a public or private nonprofit entity may not receive those payments.

(2) **CRITERIA AND CONTENT OF REGULATIONS.**—In prescribing the regulations, the Secretary

shall consider criteria such as the total amount of payments made (relating to expenses, benefits, or fees) in the context of the economic realities. The regulations shall include provisions that provide that—

(A) a payment for an expense may be received by a volunteer for items such as uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or the cost or expense of meals and transportation;

(B) a reasonable benefit may include the inclusion of a volunteer in a group insurance plan (such as a liability, health, life, disability, or worker's compensation plan) or pension plan, or the awarding of a length of service award; and

(C) a nominal fee may not be used as a substitute for compensation and may not be connected to productivity.

(3) **NOMINAL FEE.**—The Secretary shall decide what constitutes a nominal fee for purposes of paragraph (2)(C). The decision shall be based on the context of the economic realities of the situation involved.

(c) **ECONOMIC REALITY.**—In determining whether an expense, benefit, or fee described in subsection (b) may be paid to volunteers in the context of the economic realities of the particular situation, the Secretary may not permit any expense, benefit, or fee that has the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1153.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 3162(a) | 40:276d-1(a). | Pub. L. 103-355, title VII, §§7303, 7304, Oct. 13, 1994, 108 Stat. 3382. |
| | 40:276d-2. 40:276d-3. | Pub. L. 103-355, title VII, §7305, Oct. 13, 1994, 108 Stat. 3384; Pub. L. 104-208, div. A, §101(e) [title VII, §709(a)(4)], Sept. 30, 1996, 110 Stat. 3009-312. |
| 3162(b) | 40:276d-1(b). | |
| 3162(c) | 40:276d-1(c). | |

In subsection (a), the references to sections 254b and 254c of title 42 in 40:276d-3 are omitted. Sections 329 and 330 of the Public Health Service Act were omitted in the general amendment of subpart I of part D of title III of the Act (42:254b et seq.) by sections 2 and 3(a) of the Health Care Consolidation Act of 1996 (Public Law 104-299, 110 Stat. 3626), which enacted new sections 330 and 330A of the Public Health Service Act. Sections 330 and 330A do not refer to the Act of March 3, 1931 (ch. 411, 46 Stat. 1494).

In subsection (b)(1), the words “Volunteers who are performing services directly to a public or private nonprofit entity may not receive those payments” are added for clarity.

Editorial Notes

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), referred to in subsec. (a), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians, prior to editorial re-

¹ See References in Text note below.

classification as chapter 46 (§5301 et seq.) of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

The Indian Health Care Improvement Act, referred to in subsec. (a), is Pub. L. 94-437, Sept. 30, 1976, 90 Stat. 1400, which is classified principally to chapter 18 (§1601 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 25 and Tables.

The Housing and Community Development Act of 1974, referred to in subsec. (a), is Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 633. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 42 and Tables.

SUBCHAPTER VI—MISCELLANEOUS

§ 3171. Contract authority when appropriation is for less than full amount

Unless specifically directed otherwise, the Administrator of General Services may make a contract within the full limit of the cost fixed by Congress for the acquisition of land for sites, or for the enlargement of sites, for public buildings, or for the erection, remodeling, extension, alteration, and repairs of public buildings, even though an appropriation is made for only part of the amount necessary to carry out legislation authorizing that purpose.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1154.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 3171 | 40:261. | May 30, 1908, ch. 228, §34, 35 Stat. 545. |

The words “On and after May 30, 1908” are omitted as obsolete. The words “Administrator of General Services” are substituted for “Secretary of the Treasury” [subsequently changed to “Federal Works Administrator” because of section 303 of Reorganization Plan No. 1 of 1939 (eff. July 1, 1939, 53 Stat. 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

§ 3172. Extension of state workers’ compensation laws to buildings, works, and property of the Federal Government

(a) AUTHORIZATION OF EXTENSION.—The state authority charged with enforcing and requiring compliance with the state workers’ compensation laws and with the orders, decisions, and awards of the authority may apply the laws to all land and premises in the State which the Federal Government owns or holds by deed or act of cession, and to all projects, buildings, constructions, improvements, and property in the State and belonging to the Government, in the same way and to the same extent as if the premises were under the exclusive jurisdiction of the State in which the land, premises, projects, buildings, constructions, improvements, or property are located.

(b) LIMITATION ON RELINQUISHING JURISDICTION.—The Government under this section does not relinquish its jurisdiction for any other purpose.

(c) NONAPPLICATION.—This section does not modify or amend subchapter I of chapter 81 of title 5.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1154.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 3172(a) | 40:290 (1st par., last par., words before 1st proviso). | June 25, 1936, ch. 822, 49 Stat. 1938. |
| 3172(b) | 40:290 (last par., 1st proviso). | |
| 3172(c) | 40:290 (last par., last proviso). | |

In subsection (a), the words “by purchase or otherwise” and 40:290(last par., words before 1st proviso) are omitted as unnecessary.

Subsection (b) is substituted for 40:290(last par., 1st proviso) to eliminate unnecessary words.

In subsection (c), the words “subchapter I of chapter 81 of title 5” are substituted for “the United States Employees’ Compensation Act as amended from time to time (Act of September 7, 1916, 39 Stat. 742, U.S.C., title 5 and supplement, sec. 751 et seq.)” because of section 7(b) of the Act of September 6, 1966 (Public Law 89-554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

§ 3173. Working capital fund for General Services Administration

(a) ESTABLISHMENT AND PURPOSE.—There is a working capital fund for the necessary expenses of administrative support services including accounting, budget, personnel, legal support and other related services; and the maintenance and operation of printing and reproduction facilities in support of the functions of the General Services Administration, other Federal agencies, and other entities; and other such administrative and management services that the Administrator of GSA deems appropriate and advantageous (subject to prior notice to the Office of Management and Budget).

(b) COMPOSITION.—

(1) IN GENERAL.—Amounts received, including advance payments, shall be credited to and merged with the Fund, to remain available until expended, for operating costs and capital outlays of the Fund: *Provided*, That entities for which such services are performed shall be charged at rates which will return in full all costs of providing such services.

(2) COST AND CAPITAL REQUIREMENTS.—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be approved by the Administrator. The Administrator shall establish rates to be charged to entities for which services are performed, in accordance with the plan.

(c) DEPOSIT OF EXCESS AMOUNTS IN THE TREASURY.—At the close of each fiscal year, after making provision for anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts.

(d) TRANSFER AND USE OF AMOUNTS FOR MAJOR EQUIPMENT ACQUISITIONS.—

(1) IN GENERAL.—Subject to subparagraph (2), unobligated balances of amounts appropriated