

## Calendar No. 248

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R. 584****[Report No. 109–156]**

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IN THE SENATE OF THE UNITED STATES

MARCH 15, 2005

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

OCTOBER 19, 2005

Reported by Mr. DOMENICI, without amendment

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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,*

3        **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. PURPOSE.**

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

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

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

16       (b) RESTRICTIONS ON ACTIVITIES OF VOLUN-  
17 TEERS.—

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

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

1 supervising the volunteer obtains appropriate con-  
2 sent to enter the property from the property owner.

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

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

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

19 (d) FEDERAL EMPLOYMENT STATUS OF VOLUN-  
20 TEERS.—

21 (1) Except as otherwise provided in this sub-  
22 section, a volunteer shall not be deemed a Federal  
23 employee and shall not be subject to the provisions  
24 of law relating to Federal employment, including  
25 those provisions relating to hours of work, rates of

1 compensation, leave, unemployment compensation,  
2 and Federal employee benefits.

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

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

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

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

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



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