

DEPARTMENT OF THE INTERIOR VOLUNTEER
RECRUITMENT ACT OF 2004

JULY 19, 2004.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4170]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred 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 the Interior, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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.

PURPOSE OF THE BILL

The purpose of H.R. 4170 is 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.

BACKGROUND AND NEED FOR LEGISLATION

The Department of the Interior has agencies with vibrant volunteer programs such as the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management. However, there are a number of agencies and offices that have no authority or incomplete authority to recruit and use volunteer. H.R. 4170 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 of the Bureau of Indian Affairs, the U.S. Geological Survey, the Bureau of Reclamation, and the Office of the Secretary. For two of the agencies with current statutory authority to accept volunteers—the Bureau of Reclamation and the U.S. Geological Survey—the existing authority is lacking in certain aspects.

The legislation will not permit the use of volunteers in law enforcement positions, on private property, and performing hazardous duty (with limited exceptions). In addition, volunteers may not at any time replace a permanent employee. The Secretary of the Interior shall also ensure appropriate supervision of each volunteer. Fi-

nally, H.R. 4170 authorizes the Secretary to provide services and costs incidental to the utilization of volunteers.

COMMITTEE ACTION

H.R. 4170 was introduced on April 20, 2004, by Congressman Richard Pombo (R-CA). The bill was referred to the Committee on Resources. On July 14, 2004, the Full Resources Committee met to consider the bill. Congressman Pombo offered an amendment in the nature of a substitute that restricts the authorization to the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation and the Office of the Secretary. It was adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this could result in an increase in direct spending from the U.S. Treasury's Judgment Fund, but any such increase would be "negligible."

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 16, 2004.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4170, the Department of the Interior Volunteer Recruitment Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 4170—Department of the Interior Volunteer Recruitment Act of 2004

CBO estimates that enacting H.R. 4170 would not significantly affect the federal budget. The bill could increase direct spending, but we estimate that any such effects would be negligible. Enacting H.R. 4170 would not affect revenues. H.R. 4170 contains no inter-governmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

H.R. 4170 would authorize the Secretary of the Interior to recruit and use volunteers to assist with programs carried out by the Bureau of Indian Affairs, the Bureau of Reclamation, the U.S. Geological Survey, and the Office of the Secretary. The bill would authorize the Secretary to provide for services and expenses incidental to the use of those volunteers as well as coverage for tort claim liability and workers' compensation.

Under current law, other agencies within the Department of the Interior (DOI) already have authority to recruit and use volunteers. Based on information from DOI about the cost of operating those agencies' volunteer programs, CBO estimates that extending that authority to other agencies under H.R. 4170 would cost less than \$500,000 a year, assuming the availability of appropriated funds. In some cases, payment to or on behalf of volunteers resulting from tort claims could be made from the U.S. Treasury's Judgment Fund; hence, H.R. 4170 could result in an increase in direct spending. Based on the amount of such claims paid under DOI's existing volunteer programs, however, CBO estimates that any increase in direct spending under H.R. 4170 would be negligible.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

