

§ 1475a. Participation of non-Federal entities in contract negotiations and source selection proceedings

On and after October 2, 1992, the Bureau of Reclamation may invite non-Federal entities involved in cost sharing arrangements for the development of water projects to participate in contract negotiation and source selection proceedings without invoking provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix (1988)): *Provided*, That such non-Federal participants shall be subject to the provisions of chapter 21 of title 41 and to the conflict of interest provisions appearing at 18 U.S.C. 201 et seq. (1988).

(Pub. L. 102-377, title II, §205, Oct. 2, 1992, 106 Stat. 1332.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

In text, “chapter 21 of title 41” substituted for “the Federal Procurement Integrity Act (41 U.S.C. 423 (1988))” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 1475b. 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 policy-making 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;
- (B) subchapter I of chapter 81 of title 5; 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 shall apply.

(3) Volunteers under this Act shall be subject to chapter 11 of title 18, 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.

(Pub. L. 109-125, §3, Dec. 7, 2005, 119 Stat. 2544.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b)(2) and (d)(3), is Pub. L. 109-125, Dec. 7, 2005, 119 Stat. 2544, known as the Department of the Interior Volunteer Recruitment Act of 2005, which enacted this section and provisions set out as notes under this section and section 1451 of this title. For complete classification of this Act to the Code, see Short Title of 2005 Amendment note set out under section 1451 of this title and Tables.

PURPOSE

Pub. L. 109-125, §2, Dec. 7, 2005, 119 Stat. 2544, provided that: “The purpose of this Act [enacting this section and provisions set out as a note under section 1451 of this title] 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.”

CHAPTER 32—COLORADO RIVER BASIN PROJECT

SUBCHAPTER I—OBJECTIVES

Sec. 1501. Congressional declaration of purpose and policy.

SUBCHAPTER II—INVESTIGATIONS AND PLANNING

1511. Reconnaissance investigations by Secretary of the Interior; reports; 10-year moratorium on water importation studies.