

(4)(A) The Secretary of Commerce shall review grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for other grants recommended by the Board.

(B) The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 1852(g) of title 16 for the purposes of section 1852(i)(1) of title 16, and the other procedural matters applicable to advisory panels under section 1852(i) of title 16 shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 15 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

(5) All decisions of the Board, including grant recommendations, shall be by majority vote of the members listed in paragraphs (3)(A), (3)(F), (3)(G), (3)(J), and (3)(N), in consultation with the other members. The five voting members may act on behalf of the Board in all matters of administration, including the disposition of research funds not made available by this section, at any time on or after October 1, 2000.

(Pub. L. 105-83, title IV, § 401, Nov. 14, 1997, 111 Stat. 1607; Pub. L. 105-277, div. A, § 101(e) [title III, § 331], Oct. 21, 1998, 112 Stat. 2681-231, 2681-293; Pub. L. 106-113, div. B, § 1000(a)(3) [title III, § 352(a)], Nov. 29, 1999, 113 Stat. 1535, 1501A-209; Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A-239; Pub. L. 108-7, div. F, title III, § 334, Feb. 20, 2003, 117 Stat. 277.)

Editorial Notes

AMENDMENTS

2003—Subsec. (e)(4)(B). Pub. L. 108-7 substituted “15 percent” for “5 percent”.

2000—Subsec. (e)(2). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(2)(A)], struck out “and recommended for Secretarial approval” after “shall be reviewed”.

Subsec. (e)(3)(A). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(2)(B)], struck out “, who shall be a co-chair of the Board” before semicolon at end.

Subsec. (e)(3)(F). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(2)(C)], which directed amendment of subpar. (F) by striking out “, who shall be a co-chair of the Board”, was executed by striking out “, who shall also be a co-chair of the Board” before semicolon at end to reflect the probable intent of Congress.

Subsec. (e)(3)(N). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(2)(G)], which directed amendment of par. (3) by adding subpar. (N) at the end, was executed by adding subpar. (N) after subpar. (M), to reflect the probable intent of Congress.

Subsec. (e)(4)(A). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(2)(D)], struck out “and administer” after “shall review”.

Subsec. (e)(4)(B). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(2)(E)], struck out “Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote.” after “(B)”.

Subsec. (e)(5). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(2)(F)], added par. (5).

1999—Subsec. (c). Pub. L. 106-113, § 1000(a)(3) [title III, § 352(a)(1)], substituted “made available” for “available for appropriation, to the extent provided in the subsequent appropriations Acts,” in introductory provisions, inserted “To the extent provided in the subsequent appropriations Acts,” before “80 percent of such amounts” in par. (1), and “without further appropriation” after “20 percent of such amounts shall be made available” in par. (2).

Subsec. (f). Pub. L. 106-113, § 1000(a)(3) [title III, § 352(a)(2)], struck out heading and text of subsec. (f). Text read as follows: “If amounts are not assumed by the concurrent budget resolution and appropriated from the Fund by December 15, 1999, the Fund shall terminate and the amounts in the Fund including the accrued interest shall be applied to reduce the Federal deficit.”

1998—Subsec. (f). Pub. L. 105-277 substituted “1999” for “1998”.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1474e. Sums received by the Bureau of Land Management for the sale of seeds

Notwithstanding section 3302(b) of title 31, sums received by the Bureau of Land Management for the sale of seeds or seedlings, may on and after December 8, 2004, be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

(Pub. L. 108-447, div. E, title I, § 118, Dec. 8, 2004, 118 Stat. 3065.)

Statutory Notes and Related Subsidiaries

PRIOR SIMILAR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 108-108, title I, § 119, Nov. 10, 2003, 117 Stat. 1268.

Pub. L. 108-7, div. F, title I, § 121, Feb. 20, 2003, 117 Stat. 241.

Pub. L. 107-63, title I, § 124, Nov. 5, 2001, 115 Stat. 440.

Pub. L. 106-291, title I, § 142, Oct. 11, 2000, 114 Stat. 949.

§ 1474f. Sums received by the Bureau of Land Management from vendors under enterprise information technology procurements

Sums not to exceed 1 percent of the total value of procurements received by the Bureau of Land Management from vendors under enterprise information technology procurements that the Department of the Interior and other Federal Government agencies may use to order information technology on and after March 11, 2009, may be deposited into the Management of Lands and Resources account to offset costs incurred in conducting the procurement.

(Pub. L. 111-8, div. E, title I, Mar. 11, 2009, 123 Stat. 704.)

Statutory Notes and Related Subsidiaries

PRIOR SIMILAR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation act:

Pub. L. 110-161, div. F, title I, Dec. 26, 2007, 121 Stat. 2101.

§ 1475. Bureau of Reclamation acceptance of services of volunteers

The Bureau of Reclamation may on and after September 29, 1989, accept the services of volunteers and, from any funds available to it, provide for their incidental expenses to carry out any activity of the Bureau of Reclamation except policymaking or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government, except for the purposes of chapter 81 of title 5 relating to compensation for work injuries, and shall not be deemed employees of the Bureau of Reclamation except for the purposes of tort claims to the same extent as a regular employee of the Bureau of Reclamation would be under identical circumstances.

(Pub. L. 101-101, title II, Sept. 29, 1989, 103 Stat. 656.)

§ 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.)

Editorial Notes

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.