

cific instances where contributions are in excess of their share of the cost.

**(d) Recruitment of volunteers**

The Secretary may recruit, 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 Land Management.

**(e) Restrictions on activities of volunteers**

In accepting such services of individuals as volunteers, the Secretary—

(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

(2) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

**(f) Federal employment status of volunteers**

Volunteers shall not be deemed employees of the United States except for the purposes of—

(1) the tort claims provisions of title 28;

(2) subchapter 1<sup>1</sup> of chapter 81 of title 5; and

(3) 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.

**(g) Authorization of appropriations**

Effective with fiscal years beginning after September 30, 1984, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of subsection (d), but not more than \$250,000 may be appropriated for any one fiscal year.

(Pub. L. 94-579, title III, §307, Oct. 21, 1976, 90 Stat. 2766; Pub. L. 98-540, §2, Oct. 24, 1984, 98 Stat. 2718; Pub. L. 101-286, title II, §204(c), May 9, 1990, 104 Stat. 175.)

AMENDMENTS

1990—Subsec. (f). Pub. L. 101-286 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “Volunteers shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28 and subchapter 1 of chapter 81 of title 5, relating to compensation for work injuries.”

1984—Subsecs. (d) to (g). Pub. L. 98-540 added subsecs. (d) to (g).

**§ 1738. Contracts for surveys and resource protection; renewals; funding requirements**

(a) The Secretary is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for airborne cadastral survey and resource protection operations of the Bureau. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred.

(b) Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an

applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

(Pub. L. 94-579, title III, §308, Oct. 21, 1976, 90 Stat. 2767.)

**§ 1739. Advisory councils**

**(a) Establishment; membership; operation**

The Secretary shall establish advisory councils of not less than ten and not more than fifteen members appointed by him from among persons who are representative of the various major citizens' interests concerning the problems relating to land use planning or the management of the public lands located within the area for which an advisory council is established. At least one member of each council shall be an elected official of general purpose government serving the people of such area. To the extent practicable there shall be no overlap or duplication of such councils. Appointments shall be made in accordance with rules prescribed by the Secretary. The establishment and operation of an advisory council established under this section shall conform to the requirements of the Federal Advisory Committee Act (86 Stat. 770).

**(b) Meetings**

Notwithstanding the provisions of subsection (a) of this section, each advisory council established by the Secretary under this section shall meet at least once a year with such meetings being called by the Secretary.

**(c) Travel and per diem payments**

Members of advisory councils shall serve without pay, except travel and per diem will be paid each member for meetings called by the Secretary.

**(d) Functions**

An advisory council may furnish advice to the Secretary with respect to the land use planning, classification, retention, management, and disposal of the public lands within the area for which the advisory council is established and such other matters as may be referred to it by the Secretary.

**(e) Public participation; procedures applicable**

In exercising his authorities under this Act, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for, and the management of, the public lands.

(Pub. L. 94-579, title III, §309, Oct. 21, 1976, 90 Stat. 2767; Pub. L. 95-514, §13, Oct. 25, 1978, 92 Stat. 1808.)

REFERENCES IN TEXT

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

<sup>1</sup> So in original. Probably should be subchapter “I”.