

Statutory Notes and Related Subsidiaries

AVAILABILITY OF FUNDS FOR IMPROVEMENT, PROTECTION, OR REHABILITATION OF DAMAGED PUBLIC LANDS

Pub. L. 104-134, title I, §101(c) [title I], Apr. 26, 1996, 110 Stat. 1321-156, 1321-158; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, provided in part: "That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected."

Similar provisions were contained in the following appropriation acts:

- Pub. L. 116-260, div. G, title I, Dec. 27, 2020, 134 Stat. 1479.
- Pub. L. 116-94, div. D, title I, Dec. 20, 2019, 133 Stat. 2688.
- Pub. L. 116-6, div. E, title I, Feb. 15, 2019, 133 Stat. 207.
- Pub. L. 115-141, div. G, title I, Mar. 23, 2018, 132 Stat. 637.
- Pub. L. 115-31, div. G, title I, May 5, 2017, 131 Stat. 437.
- Pub. L. 114-113, div. G, title I, Dec. 18, 2015, 129 Stat. 2527.
- Pub. L. 113-235, div. F, title I, Dec. 16, 2014, 128 Stat. 2398.
- Pub. L. 113-76, div. G, title I, Jan. 17, 2014, 128 Stat. 291.
- Pub. L. 112-74, div. E, title I, Dec. 23, 2011, 125 Stat. 987.
- Pub. L. 111-88, div. A, title I, Oct. 30, 2009, 123 Stat. 2906.
- Pub. L. 111-8, div. E, title I, Mar. 11, 2009, 123 Stat. 703.
- Pub. L. 110-161, div. F, title I, Dec. 26, 2007, 121 Stat. 2099.
- Pub. L. 109-54, title I, Aug. 2, 2005, 119 Stat. 502.
- Pub. L. 108-447, div. E, title I, Dec. 8, 2004, 118 Stat. 3042.
- Pub. L. 108-108, title I, Nov. 10, 2003, 117 Stat. 1244.
- Pub. L. 108-7, div. F, title I, Feb. 20, 2003, 117 Stat. 219.
- Pub. L. 107-63, title I, Nov. 5, 2001, 115 Stat. 418.
- Pub. L. 106-291, title I, Oct. 11, 2000, 114 Stat. 925.
- Pub. L. 106-113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-138.
- Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-234.
- Pub. L. 105-83, title I, Nov. 14, 1997, 111 Stat. 1545.
- Pub. L. 104-208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-181, 3009-184.
- Pub. L. 103-332, title I, Sept. 30, 1994, 108 Stat. 2501.
- Pub. L. 103-138, title I, Nov. 11, 1993, 107 Stat. 1381.
- Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1377.
- Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 992.
- Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1917.
- Pub. L. 101-121, title I, Oct. 23, 1989, 103 Stat. 703.
- Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1776.
- Pub. L. 100-202, §101(g) [title I], Dec. 22, 1987, 101 Stat. 1329-213, 1329-215.

§ 1736. Working capital fund

(a) Establishment; availability of fund

There is hereby established a working capital fund for the management of the public lands.

This fund shall be available without fiscal year limitation for expenses necessary for furnishing, in accordance with chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, and regulations promulgated thereunder, supplies and equipment services in support of Bureau programs, including but not limited to, the purchase or construction of storage facilities, equipment yards, and related improvements and the purchase, lease, or rent of motor vehicles, aircraft, heavy equipment, and fire control and other resource management equipment within the limitations set forth in appropriations made to the Secretary for the Bureau.

(b) Initial funding; subsequent transfers

The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) Payments credited to fund; amount; advancement or reimbursement

The fund shall be credited with payments from appropriations, and funds of the Bureau, other agencies of the Department of the Interior, other Federal agencies, and other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities, supplies, equipment, and services (including depreciation and accrued annual leave). Such payments may be made in advance in connection with firm orders, or by way of reimbursement.

(d) Authorization of appropriations

There is hereby authorized to be appropriated a sum not to exceed \$3,000,000 as initial capital of the working capital fund.

(Pub. L. 94-579, title III, §306, Oct. 21, 1976, 90 Stat. 2766.)

Editorial Notes

CODIFICATION

In subsec. (a), "chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" substituted for "the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended)" on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 1736a. Revolving fund derived from disposal of salvage timber

There is hereby established in the Treasury of the United States a special fund to be derived on and after October 5, 1992, from the Federal share of moneys received from the disposal of salvage timber prepared for sale from the lands under the jurisdiction of the Bureau of Land Management, Department of the Interior. The money in this fund shall be immediately available to the Bureau of Land Management without further

appropriation, for the purposes of planning and preparing salvage timber for disposal, the administration of salvage timber sales, and subsequent site preparation and reforestation.

(Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1376.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1993, and not as part of the Federal Land Policy and Management Act of 1976 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DISTRIBUTION OF RECEIPTS

Title I of Pub. L. 102-381, 106 Stat. 1376, provided in part that: "Nothing in this provision [enacting this section] shall alter the formulas currently in existence by law for the distribution of receipts for the applicable lands and timber resources."

§ 1737. Implementation provisions

(a) Investigations, studies, and experiments

The Secretary may conduct investigations, studies, and experiments, on his own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the public lands.

(b) Contracts and cooperative agreements

Subject to the provisions of applicable law, the Secretary may enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands.

(c) Contributions and donations of money, services, and property

The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the public lands, including the acquisition of rights-of-way for such purposes. He may accept contributions for cadastral surveying performed on federally controlled or intermingled lands. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby authorized to be appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to the function toward the administration of which the contributions were made and for refunds to depositors of amounts contributed by them in specific 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 1¹ 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.)

Editorial Notes

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

¹ So in original. Probably should be subchapter "I".