

§ 19h. Property and income dealings and transactions; prohibition of engagement in business; trust company type of investments; utilization of services and facilities of Federal agencies without reimbursement; transfer instrument requirements and investments

Except as otherwise required by the instrument of transfer, the Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income thereof as the Board may from time to time determine. The Foundation shall not engage in any business, nor shall the Foundation make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer, and may retain any property accepted by the Foundation. The Foundation may utilize the services and facilities of the Department of the Interior and the Department of Justice, and such services and facilities may be made available on request to the extent practicable with or without reimbursement therefor. Monies reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which such account is authorized.

(Pub. L. 90-209, § 4, Dec. 18, 1967, 81 Stat. 656; Pub. L. 106-176, title III, § 305, Mar. 10, 2000, 114 Stat. 33.)

AMENDMENTS

2000—Pub. L. 106-176 inserted “with or” before “without” and inserted at end “Monies reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which such account is authorized.”

§ 19i. Corporate succession; powers and duties of trustee; suits; personal liability for malfeasance

The Foundation shall have perpetual succession, with all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name, but the members of the Board shall not be personally liable, except for malfeasance.

(Pub. L. 90-209, § 5, Dec. 18, 1967, 81 Stat. 657.)

§ 19j. Authority for execution of contracts, instruments, and necessary or appropriate acts

The Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

(Pub. L. 90-209, § 6, Dec. 18, 1967, 81 Stat. 657.)

§ 19k. Bylaws, rules, and regulations; contracts for services

In carrying out the provisions of this subchapter, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and contract for any necessary services.

(Pub. L. 90-209, § 7, Dec. 18, 1967, 81 Stat. 657.)

§ 19l. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States

The Foundation and any income or property received or owned by it, and all transactions relating to such income or property, shall be exempt from all Federal, State, and local taxation with respect thereto. The Foundation may, however, in the discretion of its directors, contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay such government if it were not exempt from taxation by virtue of the foregoing or by virtue of its being a charitable and nonprofit corporation and may agree so to contribute with respect to property transferred to it and the income derived therefrom if such agreement is a condition of the transfer. Contributions, gifts, and other transfers made to or for the use of the Foundation shall be regarded as contributions, gifts, or transfers to or for the use of the United States.

(Pub. L. 90-209, § 8, Dec. 18, 1967, 81 Stat. 657.)

§ 19m. Liability of United States

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation.

(Pub. L. 90-209, § 9, Dec. 18, 1967, 81 Stat. 657.)

§ 19n. Omitted

CODIFICATION

Section, Pub. L. 90-209, § 10, Dec. 18, 1967, 81 Stat. 657, which required the National Park Foundation to transmit to Congress an annual report of its proceedings and activities, including a full and complete statement of its receipts, expenditures, and investments, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 204 of House Document No. 103-7.

§ 19o. Promotion of local fundraising support

(a) Establishment

The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

(b) Implementation

The program under subsection (a) of this section shall be implemented to—

- (1) assist in the creation of local nonprofit support organizations; and
- (2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

(c) Program

The program under subsection (a) of this section shall include the greatest number of national park units as is practicable.

(d) Requirements

The program under subsection (a) of this section shall include, at a minimum—

- (1) a standard adaptable organizational design format to establish and sustain respon-

sible management of a local nonprofit support organization for support of a national park unit;

(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual national park units; and

(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

(e) Annual report

The Foundation shall report the progress of the program under subsection (a) of this section in the annual report of the Foundation.

(f) Affiliations

(1) Charter or corporate bylaws

Nothing in this section requires—

(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the Foundation; or

(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

(2) Establishment

An affiliation with the Foundation shall be established only at the discretion of the governing board of a nonprofit organization.

(Pub. L. 90-209, §11, as added Pub. L. 105-391, title VII, §701, Nov. 13, 1998, 112 Stat. 3520.)

SUBCHAPTER III-A—NATIONAL PARK SYSTEM VISITOR FACILITY

§§ 19aa to 19gg. Omitted

CODIFICATION

Sections 19aa to 19gg were omitted pursuant to section 19gg which provided that all authorities contained in this subchapter expired Sept. 30, 1989.

Section 19aa, Pub. L. 97-433, §2, Jan. 8, 1983, 96 Stat. 2277, defined terms for purposes of this subchapter.

Section 19bb, Pub. L. 97-433, §3, Jan. 8, 1983, 96 Stat. 2277, established in United States Treasury the National Park System Visitor Facilities Fund and provided for funds to be credited to that Fund.

Section 19cc, Pub. L. 97-433, §4, Jan. 8, 1983, 96 Stat. 2277, authorized appropriations to be made available to National Park Foundation to carry out its functions under this subchapter.

Section 19dd, Pub. L. 97-433, §5, Jan. 8, 1983, 96 Stat. 2278, related to administration of Fund projects and required Foundation to include in its annual report a description of projects undertaken and accomplishments made under this subchapter.

Section 19ee, Pub. L. 97-433, §6, Jan. 8, 1983, 96 Stat. 2278, related to authority of National Park Foundation.

Section 19ff, Pub. L. 97-433, §7, Jan. 8, 1983, 96 Stat. 2279, provided that nothing in this subchapter affect responsibilities of Secretary of the Interior under other provisions of law.

Section 19gg, Pub. L. 97-433, §8, Jan. 8, 1983, 96 Stat. 2279, provided that authorities contained in this subchapter expire Sept. 30, 1989, and that any moneys credited to Fund not appropriated, expended, or obligated be transferred to miscellaneous receipts of the Treasury.

SHORT TITLE

Section 1 of Pub. L. 97-433 provided that this subchapter be cited as the “National Park System Visitor Facilities Fund Act”.

SUBCHAPTER III-B—PARK SYSTEM RESOURCE PROTECTION

§ 19jj. Definitions

As used in this subchapter the term:

(a) “Attorney General” means the Attorney General of the United States.

(b) “Damages” includes the following:

(1) Compensation for—

(A)(i) the cost of replacing, restoring, or acquiring the equivalent of a park system resource; and

(ii) the value of any significant loss of use of a park system resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(B) the value of the park system resource in the event the resource cannot be replaced or restored.

(2) The cost of damage assessments under section 19jj-2(b) of this title.

(c) “Response costs” means the costs of actions taken by the Secretary of the Interior to prevent or minimize destruction or loss of or injury to park system resources; or to abate or minimize the imminent risk of such destruction, loss, or injury; or to monitor ongoing effects of incidents causing such destruction, loss, or injury.

(d) “Park system resource” means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.

(e) “Regimen” means a water column and submerged lands, up to the high-tide or high-water line.

(f) “Secretary” means the Secretary of the Interior.

(g) “Marine or aquatic park system resource” means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.

(Pub. L. 101-337, §1, July 27, 1990, 104 Stat. 379; Pub. L. 104-333, div. I, title VIII, §814(h)(1), (2), Nov. 12, 1996, 110 Stat. 4199.)

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-333, §804(h)(1), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “‘Park system resource’ means any living or nonliving resource that is located within or is a living part of a marine regimen or a Great Lakes aquatic regimen (including an aquatic regimen within Voyageurs National Park) within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.”

Subsec. (g). Pub. L. 104-333, §814(h)(2), added subsec. (g).

§ 19jj-1. Liability

(a) In general

Subject to subsection (c) of this section, any person who destroys, causes the loss of, or injures any park system resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.