

chapter] may be cited as the ‘National Forest Foundation Act.’”

### § 583j-1. Board of Directors of Foundation

#### (a) Establishment and membership

The Foundation shall have a governing Board of Directors (hereinafter referred to as the “Board”), which shall consist of not more than 30 Directors, each of whom shall be a United States citizen. At the discretion of the Secretary of Agriculture, the Secretary may increase the number of Directors to not more than twenty. At all times, a majority of members of the Board shall be educated or have actual experience in natural or cultural resource management, law, or research. To the extent practicable, members of the Board shall represent diverse points of view relating to natural and cultural resource issues. The Chief of the Forest Service shall be an ex officio nonvoting member of the Board.

#### (b) Appointment and terms

Within one year from November 16, 1990, the Secretary of Agriculture (hereinafter referred to as the “Secretary”) shall appoint the Directors of the Board. Directors shall be appointed for terms of six years; except that the Secretary, in making the initial appointments to the Board, shall appoint one-third each of the Directors to terms of two, four, and six years respectively. A vacancy on the Board shall be filled within sixty days of such vacancy in the manner in which the original appointment was made. No individual may serve more than twelve consecutive years as a Director.

#### (c) Chairman

The Chairman shall be elected by the Board from its members. A chairman shall serve for a two-year term, and may be re-elected to the post during his tenure as a Director.

#### (d) Quorum

A majority of the current voting membership of the Board shall constitute a quorum for the transaction of business.

#### (e) Meetings

The Board shall meet at the call of the Chairman at least once a year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board by majority vote of the Board of Directors and that vacancy filled in accordance with subsection (b) of this section.

#### (f) Reimbursement of expenses

Voting members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties for the Foundation. Such reimbursement may not exceed such amount as would be authorized under section 5703 of title 5 for the payment of expenses and allowances for individuals employed intermittently in the Federal Government service.

#### (g) General powers

The Board may complete the organization of the Foundation by appointing employees, adopting a constitution and bylaws consistent with

the purposes of the Foundation and the provisions of this subchapter, and undertaking other such acts as may be necessary to function and to carry out the provisions of this subchapter.

#### (h) Officers and employees

Officers and employees may not be appointed until the Foundation has sufficient funds to pay for their services. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(Pub. L. 101-593, title IV, §403, Nov. 16, 1990, 104 Stat. 2970; Pub. L. 107-63, title II, Nov. 5, 2001, 115 Stat. 450; Pub. L. 111-88, div. A, title IV, §432, Oct. 30, 2009, 123 Stat. 2964.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsec. (g), was in the original “this subtitle” and was translated as reading “this title”, meaning title IV of Pub. L. 101-593, Nov. 16, 1990, 104 Stat. 2969, known as the National Forest Foundation Act, which does not contain subtitles, and which is classified generally to this subchapter. For complete classification of title IV to the Code, see Short Title note set out under section 583j of this title and Tables.

#### AMENDMENTS

2009—Subsec. (a). Pub. L. 111-88 substituted “not more than 30 Directors” for “fifteen Directors” in first sentence.

2001—Subsec. (a). Pub. L. 107-63 inserted “At the discretion of the Secretary of Agriculture, the Secretary may increase the number of Directors to not more than twenty.” after first sentence.

### § 583j-2. Corporate powers and obligations

#### (a) In general

The Foundation—

- (1) shall have perpetual succession;
- (2) may conduct business throughout the several States, territories, and possessions of the United States and in foreign countries;
- (3) shall have its principal offices in the Washington, D.C. metropolitan area; and
- (4) shall at all times maintain a designated agent in the District of Columbia authorized to accept service of process for the Foundation.

#### (b) Notice and service of process

The serving of notice to, or service of process upon, the agent required under this paragraph,<sup>1</sup> or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

#### (c) Seal

The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

#### (d) Powers

To carry out its purposes, the Foundation shall have, in addition to powers otherwise authorized under this subchapter, the usual powers

<sup>1</sup> So in original. Probably should be “this section.”

of a corporation in the District of Columbia, including the power to—

(1) accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, or real or personal property or any income therefrom or other interest therein;

(2) acquire by donation, gift, devise, purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(4) borrow money and issue bonds, debentures, or other debt instruments;

(5) sue and be sued, and complain and defend itself in any court of competent jurisdiction (except that the Directors of the Board shall not be personally liable, except for gross negligence);

(6) enter into contracts or other arrangements with public agencies, private organizations, and persons and to make such payments as may be necessary to carry out the purposes thereof; and

(7) do any and all acts necessary and proper to carry out the purposes of the Foundation.

#### (e) Property

(1) The Foundation may acquire, hold and dispose of lands, waters, or other interests in real property by donation, gift, devise, purchase or exchange. For the purposes of this subchapter, an interest in real property shall include, but not be limited to, mineral and water rights, rights of way, and easements appurtenant or in gross. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

(2) No lands or waters, or interests therein, that are owned by the Foundation and are determined by the Chief of the United States Forest Service to be valuable for purposes established in this subchapter shall be subject to condemnation by any State or political subdivision, or any agent or instrumentality thereof.

(3) 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.

(4) Contributions, gifts, and other transfers made to or for the use of the Foundation shall be treated as contributions, gifts, or transfers to an organization exempt from taxation under section 501(c)(3) of title 26.

(Pub. L. 101-593, title IV, § 404, Nov. 16, 1990, 104 Stat. 2971.)

#### § 583j-3. Administrative services and support

##### (a) Startup funds

For purposes of assisting the Foundation in establishing an office and meeting initial administrative, project, and other startup expenses, the Secretary is authorized to provide to the Foundation \$500,000, from funds appropriated pursu-

ant to section 583j-8(a) of this title, per year for the two years beginning October 1, 1992. Such funds shall remain available to the Foundation until they are expended for authorized purposes.

##### (b) Matching funds

In addition to the startup funds provided under subsection (a) of this section, for a period of five years beginning October 1, 1992, the Secretary is authorized to provide matching funds for administrative and project expenses incurred by the Foundation as authorized by section 583j-8(b) of this title including reimbursement of expenses under section 583j-1 of this title, not to exceed then current Federal Government per diem rates.

##### (c) Administrative expenses

At any time, the Secretary may provide the Foundation use of Department of Agriculture personnel, facilities, and equipment, with partial or no reimbursement, with such limitations and on such terms and conditions as the Secretary shall establish.

(Pub. L. 101-593, title IV, § 405, Nov. 16, 1990, 104 Stat. 2972; Pub. L. 103-106, § 3(a), Oct. 12, 1993, 107 Stat. 1031.)

#### AMENDMENTS

1993—Subsec. (a). Pub. L. 103-106, § 3(a)(1), inserted “, project,” after “administrative” and substituted “beginning October 1, 1992” for “following November 16, 1990”.

Subsec. (b). Pub. L. 103-106, § 3(a)(2), substituted “beginning October 1, 1992” for “from November 16, 1990” and inserted “and project” after “administrative”.

#### PURPOSE OF PUB. L. 103-106

Pub. L. 103-106, § 2, Oct. 12, 1993, 107 Stat. 1031, provided that: “It is the purpose of this Act [see Short Title of 1993 Amendment note set out under section 583j of this title]—

“(1) to provide for start-up and matching funds for project expenses to carry out the National Forest Foundation Act [16 U.S.C. 583j et seq.]; and

“(2) to extend the funding authorization for start-up expenses for 1 year.”

#### § 583j-4. Volunteers

The Secretary may accept, without regard to the civil service classification laws, rules and regulations, any director, officer, employee or agent of the Foundation as a volunteer for purposes of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a through 558d; 86 Stat. 147).

(Pub. L. 101-593, title IV, § 406, Nov. 16, 1990, 104 Stat. 2973.)

#### REFERENCES IN TEXT

The Volunteers in the National Forests Act of 1972, referred to in text, is Pub. L. 92-300, May 18, 1972, 86 Stat. 147, as amended, which is classified generally to section 558a et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 558a of this title and Tables.

#### § 583j-5. Audits and report requirements

##### (a) Audits

For purposes of section 10101 of title 36 the Foundation shall be treated as a corporation in part B of subtitle II of title 36.