

(B) the interests of any corporation, partnership, entity, organization, or other person in which the director, officer, or employee—

- (i) is an officer, director, or trustee; or
- (ii) has any direct or indirect financial interest.

(3) Legislation or government action or policy

No funds of the Foundation may be used in any manner for the purpose of influencing legislation or government action or policy.

(4) Litigation

No funds of the Foundation may be used to bring or join an action against the United States.

(Pub. L. 104-127, title III, §353, Apr. 4, 1996, 110 Stat. 1010.)

§ 5803. Composition and operation

(a) Composition

The Foundation shall be administered by a Board of Trustees that shall consist of 9 voting members, each of whom shall be a United States citizen and not a Federal officer. The Board shall be composed of—

- (1) individuals with expertise in agricultural conservation policy matters;
- (2) a representative of private sector organizations with a demonstrable interest in natural resources conservation;
- (3) a representative of statewide conservation organizations;
- (4) a representative of soil and water conservation districts;
- (5) a representative of organizations outside the Federal Government that are dedicated to natural resources conservation education; and
- (6) a farmer or rancher.

(b) Nongovernmental employees

Service as a member of the Board shall not constitute employment by, or the holding of, an office of the United States for the purposes of any Federal law.

(c) Membership

(1) Initial members

The Secretary shall appoint 9 persons who meet the criteria established under subsection (a) of this section as the initial members of the Board and designate 1 of the members as the initial chairperson for a 2-year term.

(2) Terms of office

(A) In general

A member of the Board shall serve for a term of 3 years, except that the members appointed to the initial Board shall serve, proportionately, for terms of 1, 2, and 3 years, as determined by the Secretary.

(B) Limitation on terms

No individual may serve more than 2 consecutive 3-year terms as a member of the Board.

(3) Subsequent members

The initial members of the Board shall adopt procedures in the constitution of the Foundation for the nomination and selection of subse-

quent members of the Board. The procedures shall require that each member, at a minimum, meets the criteria established under subsection (a) of this section and shall provide for the selection of an individual, who is not a Federal officer or a member of the Board.

(d) Chairperson

After the appointment of an initial chairperson under subsection (c)(1) of this section, each succeeding chairperson of the Board shall be elected by the members of the Board for a 2-year term.

(e) Vacancies

A vacancy on the Board shall be filled by the Board not later than 60 days after the occurrence of the vacancy.

(f) Compensation

A member of the Board shall receive no compensation from the Foundation for the service of the member on the Board.

(g) Travel expenses

While away from the home or regular place of business of a member of the Board in the performance of services for the Board, the member shall be allowed travel expenses paid by the Foundation, including per diem in lieu of subsistence, at the same rate as a person employed intermittently in the Government service is allowed under section 5703 of title 5.

(Pub. L. 104-127, title III, §354, Apr. 4, 1996, 110 Stat. 1011.)

§ 5804. Officers and employees

(a) In general

The Board may—

- (1) appoint, hire, and discharge the officers and employees of the Foundation, other than appoint the initial Executive Director of the Foundation;
- (2) adopt a constitution and bylaws for the Foundation that are consistent with the purposes of this chapter; and
- (3) undertake any other activities that may be necessary to carry out this chapter.

(b) Officers and employees

(1) Appointment and hiring

An officer or employee of the Foundation—

- (A) shall not, by virtue of the appointment or employment of the officer or employee, be considered a Federal employee for any purpose, including the provisions of title 5 governing appointments in the competitive service, except that such an individual may participate in the Federal employee retirement system as if the individual were a Federal employee; and
- (B) may not be paid by the Foundation a salary in excess of \$125,000 per year.

(2) Executive Director

(A) Initial Director

The Secretary shall appoint an individual to serve as the initial Executive Director of the Foundation who shall serve, at the direction of the Board, as the chief operating officer of the Foundation.