

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 notice or 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 by subsection (a)(4), 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 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; Pub. L. 114-54, title II, §201(c)(1), Sept. 30, 2015, 129 Stat. 516.)

AMENDMENTS

2015—Subsec. (a)(4). Pub. L. 114-54, §201(c)(1)(A), inserted “notice or” after “authorized to accept”.

Subsec. (b). Pub. L. 114-54, §201(c)(1)(B), substituted “by subsection (a)(4)” for “under this paragraph”.

§ 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 pursuant 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, during fiscal years 2016 through 2023, 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; Pub. L. 114-54, title II, §201(a), Sept. 30, 2015, 129 Stat. 515; Pub. L. 115-334, title VIII, §8503(a), Dec. 20, 2018, 132 Stat. 4847.)

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-334 substituted “2023” for “2018”.

2015—Subsec. (b). Pub. L. 114-54 substituted “during fiscal years 2016 through 2018” for “for a period of five years beginning October 1, 1992”.

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.

(b) Annual reports

The Foundation shall transmit each year to Congress a report of its proceedings and activities of the previous year, including a full and complete statement of its receipts, expenditures, and investments.

(Pub. L. 101-593, title IV, §407, Nov. 16, 1990, 104 Stat. 2973; Pub. L. 114-54, title II, §201(c)(2), Sept. 30, 2015, 129 Stat. 516.)

CODIFICATION

In subsec. (a), “section 10101 of title 36” substituted for “the Act entitled ‘An Act for audit of accounts of private corporations established under Federal law,’ approved August 30, 1964 (36 U.S.C. 1101 through 1103; Public Law 88-504)” and “a corporation in part B of subtitle II of title 36” substituted for “a private corporation established under Federal law” on authority of Pub. L. 105-225, §5(b), Aug. 12, 1998, 112 Stat. 1499, the first section of which enacted Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

AMENDMENTS

2015—Subsec. (b). Pub. L. 114-54 struck out comma after “The Foundation shall”.

§ 583j-6. United States release from liability

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

tion nor shall the full faith and credit of the United States extend to any obligations of the Foundation.

(Pub. L. 101-593, title IV, §408, Nov. 16, 1990, 104 Stat. 2973.)

§ 583j-7. Activities of Foundation and United States Forest Service

The activities of the Foundation authorized under the provisions of this Act shall be supplemental to and shall not preempt any authority or responsibility of the United States Forest Service under any other provision of law.

(Pub. L. 101-593, title IV, §409, Nov. 16, 1990, 104 Stat. 2973.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 101-593, Nov. 16, 1990, 104 Stat. 2954, which enacted this subchapter, chapter 32A of this title, and section 777e-1 of this title, amended sections 2910, 3702, 3709, 4403, and 4404 of this title, and enacted provisions listed in a table of National Environmental Centers set out under section 668dd of this title and provisions set out in notes under section 3701 of this title and section 4321 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

§ 583j-8. Authorization of appropriations

(a) Startup funds

For the purposes of section 583j-3 of this title, there are authorized to be appropriated \$1,000,000.

(b) Matching funds

For the purposes of section 583j-3 of this title, there are authorized to be appropriated \$3,000,000 for each of fiscal years 2016 through 2023 to the Secretary of Agriculture to be made available to the Foundation to match, on a one-for-one basis, private contributions made to the Foundation.

(Pub. L. 101-593, title IV, §410, Nov. 16, 1990, 104 Stat. 2973; Pub. L. 103-106, §3(b), Oct. 12, 1993, 107 Stat. 1032; Pub. L. 114-54, title II, §201(b), Sept. 30, 2015, 129 Stat. 515; Pub. L. 115-334, title VIII, §8503(b), Dec. 20, 2018, 132 Stat. 4847.)

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-334 substituted “2023” for “2018”.

2015—Subsec. (b). Pub. L. 114-54 substituted “there are authorized to be appropriated \$3,000,000 for each of fiscal years 2016 through 2018” for “during the five-year period beginning October 1, 1992, there are authorized to be appropriated \$1,000,000 annually”.

1993—Subsec. (b). Pub. L. 103-106 substituted “beginning October 1, 1992” for “following November 16, 1990”.

§ 583j-9. Federal funds

For fiscal year 2014 and thereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after January 17, 2014) on Federal funds to carry out the purposes of Public Law 101-593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(Pub. L. 113-76, div. G, title III, Jan. 17, 2014, 128 Stat. 327.)