

(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 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 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, 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

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

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,<sup>1</sup> 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.)

#### 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.

### § 583j-6. United States release from liability

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

tional 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, during the five-year period beginning October 1, 1992, there are authorized to be appropriated \$1,000,000 annually 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.)

#### AMENDMENTS

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

### § 583j-9. Federal funds

On and after November 5, 2001, 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 November 5, 2001) 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. 107-63, title II, Nov. 5, 2001, 115 Stat. 450.)

#### REFERENCES IN TEXT

Public Law 101-593, 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 Wildlife Refuges 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.

#### CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 2002, and not as part of the National Forest Foundation Act which comprises this subchapter.

#### PRIOR PROVISIONS

Provisions similar to this section were contained in the following prior appropriation acts:

- Pub. L. 106-291, title II, Oct. 11, 2000, 114 Stat. 972.
- Pub. L. 106-113, div. B, §1000(a)(3) [title II], Nov. 29, 1999, 113 Stat. 1535, 1501A-176.
- Pub. L. 105-277, div. A, §101(e) [title II], Oct. 21, 1998, 112 Stat. 2681-231, 2681-273.
- Pub. L. 105-83, title II, Nov. 14, 1997, 111 Stat. 1577.

#### AUTHORIZED INVESTMENTS

Provisions similar to the proviso in this section were contained in the Department of the Interior, Environ-

<sup>1</sup> So in original. The comma probably should not appear.