

NATIONAL FOREST FOUNDATION REAUTHORIZATION ACT
OF 2015

JUNE 4, 2015.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. CONAWAY, from the Committee on Agriculture,
submitted the following

R E P O R T

[To accompany H.R. 2394]

[Including cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 2394) to reauthorize the National Forest Foundation Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

At the end of section 2, add the following new subsection:

(c) TECHNICAL CORRECTIONS.—

(1) AGENT.—Section 404(b) of the National Forest Foundation Act (16 U.S.C. 583j-2(b)) is amended by striking “under this paragraph” and inserting “by subsection (a)(4)”.

(2) ANNUAL REPORT.—Section 407(b) of the National Forest Foundation Act (16 U.S.C. 583j-5(b)) is amended by striking the comma after “The Foundation shall”.

BRIEF EXPLANATION

The National Forest Foundation Reauthorization Act of 2015, H.R. 2394, amends the National Forest Foundation Act to extend the authorization of the National Forest Foundation through fiscal year 2018.

PURPOSE AND NEEDS

The National Forest Foundation was created by Congressional Charter in 1993 with a discretionary authorization of \$1 million per year for a period of five years. The Foundation uses federal dollars as a match for private donations to restore and enhance our national forests and grasslands. Since its charter, the Foundation has been essential in helping meet the challenges the National Forest System faces.

The National Forestry Foundation has been consistently funded through the appropriations process despite an expired authorization. The bill reauthorizes the authority for discretionary funding at \$3 million per year, which is consistent with the funding it has received in recent years.

Under the authority of the National Forest Foundation Act, the Foundation is legally obligated to obtain private contributions to match federal dollars on a one-to-one basis. Federal funds have been leveraged by additional resources at an overall ratio of 4.3 to 1.

The Foundation uses private and federal dollars to support our nations great forests in a variety of ways. These include planting trees, preserving wildlife habitat, surveying streams, restoring and maintaining trails, among other activities.

This authority will expire at the end of FY 2018 making the program consistent with most farm bill forestry programs in the Agricultural Act of 2014.

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1. Short title

Section 1 of the bill designates the title of the bill as the “National Forest Foundation Reauthorization Act of 2015.”

Section 2. National Forest Foundation Act reauthorization

Section 2 reauthorizes the National Forest Foundation Act which had been expired. Subsection (a) extends the authority for Forest Service to provide matching funds for administrative projects for fiscal years 2016 through 2018. Subsection (b) extends the authority for authorization of appropriations at a level of \$3 million a year for each of the fiscal years 2016 through 2018. The previous authorization level was \$1 million a year.

COMMITTEE CONSIDERATION

I. HEARINGS

No hearings were held by the Committee on the National Forest Foundation Reauthorization Act of 2015.

II. FULL COMMITTEE

The Committee on Agriculture met, pursuant to notice, with a quorum present, on May 20, 2015, to consider H.R. 2394, the National Forest Foundation Reauthorization Act of 2015.

H.R. 2394 was placed before the Committee for consideration. Without objection, a first reading of the bill was waived and it was open to amendment at any point.

Chairman Conaway, Mr. Peterson, and Mr. Thompson were recognized for statements. Chairman Conaway recognized Mr. Peterson to offer and explain his amendment to clarify an internal reference and remove a comma. The Peterson amendment was adopted by a voice vote.

Mr. Peterson was then recognized to offer a motion that the bill H.R. 2394 be reported, as amended, favorably to the House with recommendation that it do pass. The motion was subsequently approved by voice vote.

At the conclusion of the meeting, Chairman Conaway advised Members that pursuant to the rules of the House of Representatives Members had until May 22, 2015 to file any supplemental, minority, additional, or dissenting views with the Committee.

Without objection, staff was given permission to make any necessary clerical, technical or conforming changes to reflect the intent of the Committee. Chairman Conaway thanked all the Members and adjourned the meeting.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the House of Representatives, H.R. 2394 was reported by voice vote with a majority quorum present. There was no request for a recorded vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Agriculture's oversight findings and recommendations are reflected in the body of this report.

BUDGET ACT COMPLIANCE (SECTIONS 308, 402, AND 423)

The provisions of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and sections 402 and 423 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 29, 2015.

Hon. K. MICHAEL CONAWAY,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2394, the National Forest Foundation Reauthorization Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 2394—National Forest Foundation Reauthorization Act of 2015

Summary: H.R. 2394 would authorize the appropriation of \$3 million a year through 2018 to support the National Forest Foundation. The foundation is a nonprofit corporation established by federal law that awards grants to maintain recreational resources, such as trails, and to restore watersheds, wildlife habitats, and plant species within national forests and grasslands. The foundation also carries out activities to educate individuals about the National Forest System.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$9 million over the 2016–2018 period. Because enacting H.R. 2394 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

H.R. 2394 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated Cost to the Federal Government: The estimated budgetary effect of H.R. 2394 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

For this estimate, CBO assumes that the bill will be enacted in 2015 and that the authorized amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for grants to the National Forest Foundation.

	By Fiscal Year, in Millions of Dollars—					
	2016	2017	2018	2019	2020	2016–2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION ^a						
Authorization Level	3	3	3	0	0	9
Estimated Outlays	3	3	3	0	0	9

^aIn 2015, the National Forest Foundation received an appropriation of \$3 million.

Intergovernmental and private-sector impact: H.R. 2394 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal costs: Jeff LaFave; Impact on state, local, and tribal governments: J'neil Blanco Suchy; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to reauthorize the National Forest Foundation.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee report incorporates the cost estimate prepared by the Director of the Congressional Budget Office

pursuant to sections 402 and 423 of the Congressional Budget Act of 1974.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

FEDERAL MANDATES STATEMENT

The Committee adopted as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

EARMARK STATEMENT REQUIRED BY CLAUSE 9 OF RULE XXI OF THE RULES OF HOUSE OF REPRESENTATIVES

H.R. 2394 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the Rules of the House Representatives.

DUPLICATION OF FEDERAL PROGRAMS

This bill does not establish or reauthorize a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee does not believe that the legislation directs an executive branch official to conduct any specific rule making proceedings within the meaning of 5 U.S.C. 551.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

NATIONAL FOREST FOUNDATION ACT

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TITLE IV—FOREST FOUNDATION

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SEC. 404. 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] 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 title, 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 title, 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 title 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 the Internal Revenue Code of 1986.

SEC. 405. 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 410(a), 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]** *during fiscal years 2016 through 2018*, the Secretary is authorized to provide matching funds for administrative and project expenses incurred by the Foundation as authorized by section 410(b) of this title including reimbursement of expenses under section 403, 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.

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SEC. 407. AUDITS AND REPORT REQUIREMENTS.

(a) **AUDITS.**—For purposes of 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) the Foundation shall be treated as a private corporation established under Federal law.

(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.

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SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

(a) **START-UP FUNDS.**—For the purposes of section 405 of this title, there are authorized to be appropriated \$1,000,000.

(b) MATCHING FUNDS.—For the purposes of section 405 of this title, **【during the five-year period beginning October 1, 1992, there are authorized to be appropriated \$1,000,000 annually】** *there are authorized to be appropriated \$3,000,000 for each of fiscal years 2016 through 2018* 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.

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