

105TH CONGRESS
1ST SESSION

H. R. 101

To amend the National Forest Foundation Act to extend and increase the matching funds authorization for the Foundation, to provide additional administrative support to the Foundation, to authorize the use of investment income, and to permit the Foundation to license the use of trademarks, tradenames, and other such devices to advertise that a person is an official sponsor or supporter of the Forest Service or the National Forest System.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. BAKER introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the National Forest Foundation Act to extend and increase the matching funds authorization for the Foundation, to provide additional administrative support to the Foundation, to authorize the use of investment income, and to permit the Foundation to license the use of trademarks, tradenames, and other such devices to advertise that a person is an official sponsor or supporter of the Forest Service or the National Forest System.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Forest Foun-
 5 dation Conservation Act”.

6 **SEC. 2. AMENDMENTS TO NATIONAL FOREST FOUNDATION**
 7 **ACT.**

8 (a) PROVISION OF ADMINISTRATIVE SUPPORT.—
 9 Subsection (c) of section 405 of the National Forest Foun-
 10 dation Act (16 U.S.C. 583j–3) is amended to read as fol-
 11 lows:

12 “(c) ADMINISTRATIVE ASSISTANCE.—(1) Subject to
 13 such limitations, terms, and conditions as the Secretary
 14 may establish, the Secretary may—

15 “(A) detail personnel of the Department of Ag-
 16 riculture to assist the Foundation; and

17 “(B) provide the Foundation with Department
 18 of Agriculture facilities, equipment, supplies, and
 19 other administrative services (including Government-
 20 contracted transportation and travel services).

21 “(2) Assistance under paragraph (1) may be provided
 22 for partial or no reimbursement, as the Secretary consid-
 23 ers appropriate.”.

24 (b) MATCHING FUNDS.—

1 (1) EXTENSION AND EXPANSION OF AUTHOR-
 2 ITY; SOURCE OF FUNDS.—Section 410 of the Na-
 3 tional Forest Foundation Act (16 U.S.C. 583j–8) is
 4 amended to read as follows:

5 **“SEC. 410. AVAILABILITY OF FUNDS TO MATCH FOUNDA-**
 6 **TION CONTRIBUTIONS.**

7 “For the purposes of section 405 of this title, during
 8 the five-year period beginning on October 1, 1997, the
 9 Secretary may make available to the Foundation from
 10 benefiting Forest Service appropriations up to \$5,000,000
 11 each fiscal year to match, on a one-for-one basis, private
 12 contributions made to the Foundation.”.

13 (2) CONFORMING AMENDMENTS.—Section 405
 14 of the National Forest Foundation Act (16 U.S.C.
 15 583j–3) is amended—

16 (A) by striking subsection (a);

17 (B) in subsection (b)—

18 (i) by striking “In addition to the
 19 startup funds provided under subsection
 20 (a) of this section, for” and inserting
 21 “For”;

22 (ii) by striking “October 1, 1992,”
 23 and inserting “October 1, 1997,”; and

24 (iii) by striking “section 410(b)” and
 25 inserting “section 410”; and

1 (C) by redesignating subsections (b) and
2 (c) as subsections (a) and (b), respectively.

3 (3) EFFECT OF AMENDMENTS.—The amend-
4 ments made by this subsection shall not affect the
5 availability or use of funds made available for fiscal
6 year 1997 under sections 405(b) and 410(b) of the
7 National Forest Foundation Act, as in effect on the
8 day before the date of the enactment of this Act.

9 (c) USE OF INTEREST AND OTHER INVESTMENT IN-
10 COME.—Section 404 of the National Forest Foundation
11 Act (16 U.S.C. 583j–2) is amended by adding at the end
12 the following new subsection:

13 “(f) USE OF INTEREST AND OTHER INVESTMENT IN-
14 COME.—Interest and other investment income earned (be-
15 fore, on, or after the date of the enactment of this sub-
16 section) by the Foundation and its subgrantees on Federal
17 funds received from the Secretary under section 405, but
18 not immediately disbursed, may be used by the Founda-
19 tion to carry out the purposes of the Foundation under
20 section 402(b).”.

21 (d) EXCEPTION FROM AUDIT REPORTING AND COM-
22 PLIANCE REQUIREMENTS.—Section 407(a) of the Na-
23 tional Forest Foundation Act (16 U.S.C. 583j–5(a)) is
24 amended by adding at the end the following new sentence:
25 “A subgrantee of the Foundation shall be exempt from

1 the audit reporting and compliance requirements of Office
2 of Management and Budget Circular A–133 (or any suc-
3 cessor administrative regulation or policy) in the case of
4 grants of \$250,000 or less.”.

5 (e) LICENSING USE OF SYMBOLS; VIOLATIONS.—
6 Section 404 of the National Forest Foundation Act (16
7 U.S.C. 583j–2) is amended—

8 (1) in subsection (d)(3), by inserting “license,”
9 after “lease,”; and

10 (2) by inserting after subsection (f), as added
11 by subsection (c) of this section, the following new
12 subsections:

13 “(g) LICENSING USE OF SYMBOLS.—(1) To further
14 the purposes of the Foundation under section 402(b), the
15 Foundation shall have exclusive authority to license or au-
16 thorize persons to use trademarks, tradenames, signs,
17 symbols, emblems, insignia, logos, likenesses, or slogans
18 to represent, promote, or advertise that an individual,
19 company, or particular good or service is an official spon-
20 sor or supporter of the Forest Service, the National Forest
21 System, or any unit thereof. Any license or authorization
22 provided by the Foundation under this paragraph shall be
23 subject to the prior written approval of the Secretary, who
24 may not delegate this authority.

1 “(2) All net income derived from licenses and author-
2 izations provided under paragraph (1) shall be expended
3 by the Foundation in accordance with policies and prior-
4 ities of the Forest Service on programs, projects, or activi-
5 ties that benefit the National Forest System or the Forest
6 Service, as identified by the Secretary in consultation with
7 the Foundation.

8 “(3) Nothing in this subsection shall affect the au-
9 thority of the Secretary under Public Law 93–318 (16
10 U.S.C. 580p et seq.) relating to the name and character
11 of ‘Smokey Bear’, and the name and character of ‘Woodsy
12 Owl’.

13 “(4) The authority provided to the Foundation by
14 paragraph (1) shall expire on September 30, 2003.

15 “(h) VIOLATION OF LICENSING REQUIREMENTS.—
16 Except as provided in subsection (g), no person may use
17 for commercial purposes any trademark, tradename, sign,
18 symbol, emblem, insignia, slogan, or related artistic design
19 belonging to the Forest Service. Whoever, without the au-
20 thorization of the Foundation under subsection (g), uses
21 for purposes of trade, to induce the sale of any good or
22 service, to promote any commercial activity, or for other
23 commercial purpose, the name of the Foundation or any
24 trademark, tradename, sign, symbol, emblem, insignia,
25 logo, likeness, or slogan referred to in subsection (g), or

1 any facsimile or simulation thereof tending to cause confu-
2 sion, to cause mistake, to deceive, or to suggest falsely
3 that an individual, company, or particular good or service
4 is an official sponsor or official supporter of the National
5 Forest System or the Forest Service, shall be subject to
6 suit in a civil action by the Foundation for the remedies
7 provided in title VI of the Act of July 5, 1946 (commonly
8 referred to as the Trademark Act of 1946; 15 U.S.C. 1114
9 et seq.).”.

10 (f) REPORTING REQUIREMENTS.—Section 407 of the
11 National Forest Foundation Act (16 U.S.C. 583j–5) is
12 amended by adding at the end the following new sub-
13 section:

14 “(c) REPORT ON LICENSING ACTIVITIES.—Not later
15 than 5 years after the date of the enactment of this sub-
16 section, the Secretary shall submit to the Committee on
17 Resources of the House of Representatives and the Com-
18 mittee on Energy and Natural Resources of the Senate
19 a report assessing the cost, effectiveness, and effects of
20 the licensing and authorization program established pur-
21 suant to section 404(g). The report shall include a rec-
22 ommendation regarding the desirability of extending the
23 authority provided in such section beyond the expiration
24 date specified in paragraph (4) of such section and assess-
25 ments of the effect of such program on—

1 “(1) visitation levels in the National Forest
2 System;
3 “(2) the image of the National Forest System;
4 “(3) achievement of the needs and priorities of
5 the Forest Service;
6 “(4) appropriations for the National Forest
7 System; and
8 “(5) the costs of the Foundation and the Sec-
9 retary to administer the program.”.

○