

character sufficient to entitle the United States to control the management or disposition of the timber or other forest products thereon, except land heretofore or hereafter reserved or withdrawn for purposes which are inconsistent with the exercise of the authority conferred by this subchapter; and shall include trust or restricted Indian land, whether tribal or allotted, except that such land shall not be included without the consent of the Indians concerned.

(Mar. 29, 1944, ch. 146, § 7, 58 Stat. 134.)

**§ 583g. Rules and regulations; delegation of powers and duties**

The Secretary of Agriculture and the Secretary of the Interior may severally prescribe such rules and regulations as may be appropriate to carry out the purposes of this subchapter. Each Secretary may delegate any of his powers and duties under this subchapter to other officers or employees of his Department.

(Mar. 29, 1944, ch. 146, § 8, 58 Stat. 134.)

**§ 583h. Prior acts as affecting or affected by subchapter**

Nothing contained in this subchapter shall be construed to abrogate or curtail any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by any Act relating to management of federally owned or administered forest lands, and nothing contained in any such Acts shall be construed to limit or restrict any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by this subchapter.

(Mar. 29, 1944, ch. 146, § 9, 58 Stat. 134.)

**§ 583i. Authorization of appropriations**

Funds available for the protection or management of Federally owned or administered forest land within the unit concerned may also be expended in carrying out the purposes of this subchapter, and there are authorized to be appropriated such additional sums for the purposes of this subchapter as the Congress may from time to time deem necessary, but such additional sums shall not exceed \$150,000 for the Department of Agriculture and \$50,000 for the Department of the Interior, for any fiscal year.

(Mar. 29, 1944, ch. 146, § 10, 58 Stat. 135.)

SUBCHAPTER V—FOREST FOUNDATION

**§ 583j. Establishment and purposes of Foundation**

**(a) Establishment**

There is established the National Forest Foundation (hereinafter referred to as the "Foundation") as a charitable and nonprofit corporation domiciled in the District of Columbia.

**(b) Purposes**

The purposes of the Foundation are to—

- (1) encourage, accept, and administer private gifts of money, and of real and personal property for the benefit of, or in connection with, the activities and services of the Forest Service of the Department of Agriculture;

- (2) undertake and conduct activities that further the purposes for which units of the National Forest System are established and are administered and that are consistent with approved forest plans; and

- (3) undertake, conduct and encourage educational, technical and other assistance, and other activities that support the multiple use, research, cooperative forestry and other programs administered by the Forest Service.

**(c) Limitation and conflicts of interests**

(1) The Foundation shall not participate or intervene in a political campaign on behalf of any candidate for public office.

(2) No director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation affecting—

(A) the financial interests of the director, officer, or employee; or

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

(i) is an officer, director, or trustee; or

(ii) has any direct or indirect financial interest.

(Pub. L. 101-593, title IV, § 402, Nov. 16, 1990, 104 Stat. 2970.)

**Statutory Notes and Related Subsidiaries**

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-106, § 1, Oct. 12, 1993, 107 Stat. 1031, provided that: "This Act [amending sections 583j-3 and 583j-8 of this title and enacting provisions set out as a note under section 583j-3 of this title] may be cited as the 'National Forest Foundation Act Amendment Act of 1993'."

SHORT TITLE

Pub. L. 101-593, title IV, § 401, Nov. 16, 1990, 104 Stat. 2969, provided that: "This title [enacting this subchapter] may be cited as the 'National Forest Foundation Act'."

**§ 583j-1. Board of Directors of Foundation**

**(a) Establishment and membership**

The Foundation shall have a governing Board of Directors (hereinafter referred to as the "Board"), which shall consist of not more than 30 Directors, each of whom shall be a United States citizen. At the discretion of the Secretary of Agriculture, the Secretary may increase the number of Directors to not more than twenty. At all times, a majority of members of the Board shall be educated or have actual experience in natural or cultural resource management, law, or research. To the extent practicable, members of the Board shall represent diverse points of view relating to natural and cultural resource issues. The Chief of the Forest Service shall be an ex officio nonvoting member of the Board.

**(b) Appointment and terms**

Within one year from November 16, 1990, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall appoint the Directors of the Board. Directors shall be appointed for terms of six years; except that the Secretary, in making the initial appointments to the Board,

shall appoint one-third each of the Directors to terms of two, four, and six years respectively. A vacancy on the Board shall be filled within sixty days of such vacancy in the manner in which the original appointment was made. No individual may serve more than twelve consecutive years as a Director.

**(c) Chairman**

The Chairman shall be elected by the Board from its members. A chairman shall serve for a two-year term, and may be re-elected to the post during his tenure as a Director.

**(d) Quorum**

A majority of the current voting membership of the Board shall constitute a quorum for the transaction of business.

**(e) Meetings**

The Board shall meet at the call of the Chairman at least once a year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board by majority vote of the Board of Directors and that vacancy filled in accordance with subsection (b) of this section.

**(f) Reimbursement of expenses**

Voting members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties for the Foundation. Such reimbursement may not exceed such amount as would be authorized under section 5703 of title 5 for the payment of expenses and allowances for individuals employed intermittently in the Federal Government service.

**(g) General powers**

The Board may complete the organization of the Foundation by appointing employees, adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this subchapter, and undertaking other such acts as may be necessary to function and to carry out the provisions of this subchapter.

**(h) Officers and employees**

Officers and employees may not be appointed until the Foundation has sufficient funds to pay for their services. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(Pub. L. 101-593, title IV, §403, Nov. 16, 1990, 104 Stat. 2970; Pub. L. 107-63, title II, Nov. 5, 2001, 115 Stat. 450; Pub. L. 111-88, div. A, title IV, §432, Oct. 30, 2009, 123 Stat. 2964.)

**Editorial Notes**

REFERENCES IN TEXT

This subchapter, referred to in subsec. (g), was in the original "this subtitle" and was translated as reading "this title", meaning title IV of Pub. L. 101-593, Nov. 16, 1990, 104 Stat. 2969, known as the National Forest Foundation Act, which does not contain subtitles, and

which is classified generally to this subchapter. For complete classification of title IV to the Code, see Short Title note set out under section 583j of this title and Tables.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-88 substituted "not more than 30 Directors" for "fifteen Directors" in first sentence.

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