

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101114	16 U.S.C. 19h.	Pub. L. 90-209, §4, Dec. 18, 1967, 81 Stat. 656; Pub. L. 106-176, title III, §305, Mar. 10, 2000, 114 Stat. 33.

§ 101115. Corporate succession and powers and duties acting as trustee; personal liability for malfeasance

(a) PERPETUAL SUCCESSION.—The National Park Foundation shall have perpetual succession.

(b) POWERS AND DUTIES OF TRUSTEE.—The National Park Foundation shall have all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name.

(c) PERSONAL LIABILITY OF BOARD MEMBERS.—The members of the Board shall not be personally liable, except for malfeasance.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3121.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101115	16 U.S.C. 19i.	Pub. L. 90-209, §5, Dec. 18, 1967, 81 Stat. 657.

§ 101116. Corporate powers

The National Park Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3121.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101116	16 U.S.C. 19j.	Pub. L. 90-209, §6, Dec. 18, 1967, 81 Stat. 657.

§ 101117. Authority of Board

In carrying out this chapter, the Board may—

- (1) adopt bylaws and regulations necessary for the administration of its functions; and
- (2) contract for any necessary services.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3121.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101117	16 U.S.C. 19k.	Pub. L. 90-209, §7, Dec. 18, 1967, 81 Stat. 657.

§ 101118. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States

(a) TAX EXEMPTION.—The National Park Foundation and any income or property received or owned by it, and all transactions relating to that income or property, shall be exempt from all Federal, State, and local taxation.

(b) CONTRIBUTIONS IN LIEU OF TAXES.—The National Park Foundation may—

(1) contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay that government if it were not exempt from taxation by virtue of subsection (a) or by virtue of its being a charitable and nonprofit corporation; and

(2) agree to contribute with respect to property transferred to it and the income derived from the property if the agreement is a condition of the transfer.

(c) TRANSFERS DEEMED TO BE TO OR FOR THE USE OF UNITED STATES.—Contributions, gifts, and other transfers made to or for the use of the Foundation shall be deemed to be contributions, gifts, or transfers to or for the use of the United States.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3122.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101118	16 U.S.C. 19l.	Pub. L. 90-209, §8, Dec. 18, 1967, 81 Stat. 657.

In subsection (b), the words “in the discretion of its directors” are omitted as unnecessary.

§ 101119. Liability of United States

The United States shall not be liable for any debts, defaults, acts, or omissions of the National Park Foundation.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3122.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101119	16 U.S.C. 19m.	Pub. L. 90-209, §9, Dec. 18, 1967, 81 Stat. 657.

§ 101120. Promotion of local fundraising support

(a) PROGRAM.—The National Park Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual System unit level.

(b) IMPLEMENTATION.—The program under subsection (a) shall be implemented to—

- (1) assist in the creation of local nonprofit support organizations; and
- (2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

(c) PROGRAM.—The program under subsection (a)—

- (1) shall include the greatest number of System units as is practicable; and
- (2) at a minimum shall include—

(A) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a System unit;

(B) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual System units; and

(C) a standard training curriculum to orient and expand the operating expertise of

personnel employed by local nonprofit support organizations.

(d) ANNUAL REPORT.—The National Park Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

(e) AFFILIATIONS.—

(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the National Park Foundation; or

(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the National Park Foundation.

(2) ESTABLISHMENT.—An affiliation with the National Park Foundation shall be established only at the discretion of the governing board of a nonprofit organization.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3122.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101120	16 U.S.C. 190.	Pub. L. 90-209, § 11, as added Pub. L. 105-391, title VII, § 701, Nov. 13, 1998, 112 Stat. 3520.

§ 101121. Second Century Endowment for the National Park Service

(a) SECOND CENTURY ENDOWMENT.—To further the mission of the Service, the National Park Foundation shall establish a special account to be known as the “Second Century Endowment for the National Park Service”.

(1) FUNDS FOR THE ENDOWMENT.—The following shall apply to the Endowment:

(A) From amounts received by the United States each fiscal year from sales by the National Park Service of Federal Recreational Lands Passes under section 805(b)(1) of the Federal Lands Recreational Enhancement Act,¹ \$10,000,000 shall be deposited into the Endowment.

(B) In addition to deposits otherwise authorized, the Endowment shall consist of any gifts, devises, or bequests that are provided to the National Park Foundation for such purpose.

(C) The National Park Foundation shall deposit any funds received for the Endowment in a federally insured interest-bearing account or may invest funds in appropriate security obligations, as directed by the Board of Directors.

(D) Any accrued interest or dividends earned on funds received for the Endowment shall be added to the principal and form a part of the Endowment.

(2) USE OF FUNDS.—

(A) Except as provided in subparagraph (B), funds in the Endowment shall be available to the National Park Foundation as off-

setting collections for projects and activities approved by the Secretary that further the mission and purposes of the Service.

(B) Gifts, devises, or bequests in the endowment under paragraph (1)(A), and any accrued interest or dividends earned thereon, shall be available to the National Park Foundation for projects and activities approved by the Secretary that further the mission and purposes of the Service.

(C) In administering the Endowment each fiscal year, the National Park Foundation shall be guided by the District of Columbia Uniform Prudent Management of Institutional Funds Act of 2007 (D.C. Code § 44-1631 et seq.), including section 44-1633 on expenditures.

(D) No Federal funds received for the Endowment may be used by the National Park Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

(b) SUMMARY.—Beginning 2 years after the date of the enactment of this section, the National Park Foundation shall include with its annual report a summary of the status of the Endowment. The summary shall include—

(1) a statement of the amounts deposited in the Endowment during the fiscal year;

(2) the amount of the balance remaining in the Endowment at the end of the fiscal year; and

(3) a description of the sums and purposes of the expenditures made from the Endowment for the fiscal year.

(Added Pub. L. 114-289, title II, § 202(a), Dec. 16, 2016, 130 Stat. 1485.)

Editorial Notes

REFERENCES IN TEXT

Section 805(b)(1) of the Federal Lands Recreational Enhancement Act, referred to in subsec. (a)(1)(A), probably means section 805(b)(1) of the Federal Lands Recreation Enhancement Act, which is section 805(b)(1) of Pub. L. 108-447, div. J, title VIII, Dec. 8, 2004, 118 Stat. 3385, and is classified to section 6804(b)(1) of Title 16, Conservation.

The District of Columbia Uniform Prudent Management of Institutional Funds Act of 2007, referred to in subsec. (a)(2)(C), is the Act of Jan. 23, 2008, D.C. Law 17-69, 54 DCR 11650, which is not classified to the Code.

The date of the enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 114-289, which was approved Dec. 16, 2016.

§ 101122. Authorization of appropriations; use of funds

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subchapter \$15,000,000 for each of fiscal years 2017 through 2030.

(b) USE OF FUNDS.—Funds made available under subsection (a)—

(1) may be advanced each fiscal year to the National Park Foundation in a lump sum without regard to when expenses are incurred;

(2) shall be provided to the National Park Foundation for use to match contributions (whether in currency, services, or property) made to the Foundation;

¹ See References in Text note below.