

(c) Rights and obligations of Foundation**(1) In general**

The Foundation—

- (A) shall have perpetual succession;
- (B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;
- (C) shall have its principal offices in the District of Columbia or in the greater metropolitan area; and
- (D) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The service of notice to, or service of notice upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(2) Seal

The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(3) Powers

To carry out its purposes under subsection (a) of this section, the Foundation shall have, in addition to the powers otherwise given it under this section, the usual powers of a corporation acting as a trustee, including the power—

- (A) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;
- (B) to acquire by purchase or exchange any real or personal property or interest therein;
- (C) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;
- (D) to sue, or to be sued, and complain or defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;
- (E) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and
- (F) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

(d) Conditions on donations

(1) For the purposes of this section, 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 future interest therein is for the benefit of the Foundation.

(2) No donation, gift, devise, bequest, property (either real or personal), voluntary services, or any other thing of value may be accepted by the Foundation if it—

- (A) is contingent upon the transmission by the Foundation of materials or information prepared by the donor or a third party in such a fashion as to convey a particular point of

view favorable to the economic interests of the donor or its constituents or associates; or

(B) in the judgment of the Board carries with it an explicit or implied requirement on the part of the Foundation to do a specific act or make general representations which are to the benefit of the donor and which are not consistent with the environmental and education goals and policies of the Environmental Protection Agency and with the intents and purposes of this chapter.

(3) No materials bearing “logos”, letterhead or other means of identification associated with a donor or third party may be transmitted by the Foundation, for use in environmental education and training except as required pursuant to subsection (f) of this section.

(e) Administrative services and support

Subject to the requirements of this subsection, the Administrator may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses under subsection (b)(6) of this section, not to exceed then current Federal Government per diem rates, for a period of up to 4 years from November 16, 1990, and may accept reimbursement therefor, to be deposited in the Treasury to the credit of the appropriations then current and chargeable for the costs of providing such services. With respect to personnel, the Administrator may provide no more than 1 full-time employee to serve the Foundation in a policy capacity, and may provide clerical and other support staff at a level equivalent to 2 full-time equivalent employees to the Foundation, for a period not to exceed 2 years from the date of initial assignment of any personnel for this purpose.

(f) Omitted**(g) Volunteer status**

The Administrator may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Environmental Protection Agency, as volunteers in the performance of the functions authorized herein, in the manner provided for under this section.

(h) Audits and petition of Attorney General for equitable relief

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.

(i) 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 obligation of the Foundation.

(j) Amendment and repeal

The Congress expressly reserves the right to repeal or amend this section at any time.

(Pub. L. 101-619, § 10, Nov. 16, 1990, 104 Stat. 3335.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec.

(b)(7)(B)(i), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

The civil service classification laws, referred to in subsec. (g), probably should refer to civil service and classification laws. The civil service laws are set forth in Title 5. See, particularly, section 3301 et seq. of Title 5. The classification laws are set forth in chapter 51 and subchapter III of chapter 53 of Title 5.

CODIFICATION

Subsec. (f) of this section, which required the Foundation, as soon as practicable after the end of each fiscal year, to transmit to Congress a report of its proceedings and activities, including a full and complete statement of its receipts, expenditures, and investments, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 183 of House Document No. 103-7.

In subsec. (h), “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 (Public Law 88-504; 36 U.S.C. 1101-1103)” 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.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 5510. Authorization

(a) Authorization of appropriations

There is hereby authorized to be appropriated to the Environmental Protection Agency to carry out this chapter not to exceed \$12,000,000 for each fiscal year 1992 and 1993, not to exceed \$13,000,000 for fiscal year 1994, and not to exceed \$14,000,000 for each fiscal year 1995 and 1996.

(b) Limitations

Of such sums appropriated in a fiscal year, 25 percent shall be available for the activities of

the Office of Environmental Education, 25 percent shall be available for the operation of the environmental education and training program, 38 percent shall be available for environmental education grants, 10 percent shall be available for support of the National Environmental Education and Training Foundation, and 2 percent shall be available to support awards pursuant to section 5507(e) of this title.

(c) Availability of funds to National Environmental Education and Training Foundation

Funds appropriated pursuant to this section may be made available to the National Environmental Education and Training Foundation to—

(1) match partially or wholly the amount or value of contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local governments; and

(2) provide administrative services under section 5509(d) of this title:

Provided, That the Administrator determines that such funds will be used to carry out the statutory purposes of the Foundation in a manner consistent with the goals, objectives and programs of this chapter.

(Pub. L. 101-619, §11, Nov. 16, 1990, 104 Stat. 3339.)

CHAPTER 66—MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

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5606.	Establishment of Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund. (a) Establishment of Trust Fund. (b) Investment of Trust Fund assets.
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5607a.	Environmental Dispute Resolution Fund. (a) Establishment. (b) Expenditures. (c) Distinction from Trust Fund. (d) Investment of amounts.
5607b.	Use of Institute by Federal agency or other entity. (a) Authorization. (b) Payment. (c) Notification and concurrence. (d) Exceptions. (e) Non-Federal entities.
5608.	Administrative provisions. (a) In general. (b) The Institute.
5609.	Authorization of appropriations. (a) Trust Fund.