

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4171

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 1996

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

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## A BILL

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Forest Foun-  
3 dation Act Amendment Act of 1996”.

4 **SEC. 2. AMENDMENTS TO NATIONAL FOREST FOUNDATION**  
5 **ACT.**

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

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

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

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

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

22 (b) **MATCHING FUNDS.**—

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

1 **“SEC. 410. AVAILABILITY OF FUNDS TO MATCH FOUNDA-**  
2 **TION CONTRIBUTIONS.**

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

9 (2) CONFORMING AMENDMENTS.—Section 405  
10 of the National Forest Foundation Act (16 U.S.C.  
11 583j–3) is amended—

12 (A) by striking subsection (a);

13 (B) in subsection (b)—

14 (i) by striking “In addition to the  
15 startup funds provided under subsection  
16 (a) of this section, for” and inserting  
17 “For”;

18 (ii) by striking “October 1, 1992,”  
19 and inserting “October 1, 1997,”; and

20 (iii) by striking “section 410(b)” and  
21 inserting “section 410”; and

22 (C) by redesignating subsections (b) and  
23 (c) as subsections (a) and (b), respectively.

24 (3) EFFECT OF AMENDMENTS.—The amend-  
25 ments made by this subsection shall not affect the  
26 availability or use of funds made available for fiscal

1 year 1997 under sections 405(b) and 410(b) of the  
2 National Forest Foundation Act, as in effect on the  
3 day before the date of the enactment of this Act.

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

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

16 (d) EXCEPTION FROM AUDIT REPORTING AND COM-  
17 PLIANCE REQUIREMENTS.—Section 407(a) of the Na-  
18 tional Forest Foundation Act (16 U.S.C. 583j–5(a)) is  
19 amended by adding at the end the following new sentence:  
20 “A subgrantee of the Foundation shall be exempt from  
21 the audit reporting and compliance requirements of Office  
22 of Management and Budget Circular A–133 (or any suc-  
23 cessor administrative regulation or policy) in the case of  
24 grants of \$250,000 or less.”.

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

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

6 (2) by inserting after subsection (f), as added  
7 by subsection (c) of this section, the following new  
8 subsections:

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

21 “(2) All net income derived from licenses and author-  
22 izations provided under paragraph (1) shall be expended  
23 by the Foundation in accordance with policies and prior-  
24 ities of the Forest Service on programs, projects, or activi-  
25 ties that benefit the National Forest System or the Forest

1 Service, as identified by the Secretary in consultation with  
2 the Foundation.

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

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

10 “(h) VIOLATION OF LICENSING REQUIREMENTS.—  
11 Except as provided in subsection (g), no person may use  
12 for commercial purposes any trademark, tradename, sign,  
13 symbol, emblem, insignia, slogan, or related artistic design  
14 belonging to the Forest Service. Whoever, without the au-  
15 thorization of the Foundation under subsection (g), uses  
16 for purposes of trade, to induce the sale of any good or  
17 service, to promote any commercial activity, or for other  
18 commercial purpose, the name of the Foundation or any  
19 trademark, tradename, sign, symbol, emblem, insignia,  
20 logo, likeness, or slogan referred to in subsection (g), or  
21 any facsimile or simulation thereof tending to cause confu-  
22 sion, to cause mistake, to deceive, or to suggest falsely  
23 that an individual, company, or particular good or service  
24 is an official sponsor or official supporter of the National  
25 Forest System or the Forest Service, shall be subject to

1 suit in a civil action by the Foundation for the remedies  
2 provided in title VI of the Act of July 5, 1946 (commonly  
3 referred to as the Trademark Act of 1946; 15 U.S.C. 1114  
4 et seq.).”.

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

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

21 “(1) visitation levels in the National Forest  
22 System;  
23 “(2) the image of the National Forest System;  
24 “(3) achievement of the needs and priorities of  
25 the Forest Service;

1           “(4) appropriations for the National Forest  
2           System; and

3           “(5) the costs of the Foundation and the Sec-  
4           retary to administer the program.”.

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