

104TH CONGRESS
2D SESSION

H. R. 3819

To amend the Act establishing the National Park Foundation.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1996

Mr. HANSEN (for himself, Mr. HEFLEY, Mr. TORKILDSEN, Mr. SAXTON, Mr. GOSS, Mr. KASICH, Mr. DEFAZIO, and Mr. RICHARDSON) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Act establishing the National Park Foundation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act of December 18, 1967 (16 U.S.C. 19e–19n),
4 entitled “An Act to establish the National Park Founda-
5 tion”, is amended—

6 (1) in section 1—

7 (A) by striking “therein” and inserting in
8 lieu thereof “therein, and to develop and imple-
9 ment means of securing funds from the private
10 sector, to enhance funding for the National

1 Park System without supplanting appropriated
2 funds otherwise available for the National Park
3 System,”; and

4 (B) by striking “to accept and administer
5 such gifts”;

6 (2) in section 3—

7 (A) by inserting “(a)” after “SEC. 3.”; and

8 (B) by inserting at the end:

9 “(b)(1) In furtherance of the purposes of this Act,
10 the Foundation shall have exclusive authority to license
11 or authorize persons to use such trademarks, tradenames,
12 signs, symbols, emblems, insignia, logos, likenesses or slo-
13 gans that are or may be in the future adopted and owned
14 by the Foundation, and for which the Foundation has filed
15 an application or applications with the U.S. Patent and
16 Trademark Office, for the purposes of representing, pro-
17 moting or advertising for commercial purposes or pecu-
18 niary gain that an individual, company, or particular good
19 or service is an official sponsor or official supporter of the
20 National Park System or National Park Service.

21 “(2) The authority provided in paragraph (1) shall
22 be subject to the following conditions:

23 “(A) The criteria and guidelines for the com-
24 petitive issuance and the maintenance of a license or
25 authorization, and the issuance of each license or

1 authorization, shall be subject to the prior written
2 approval of the Secretary as being appropriate to the
3 image of the National Park System and consistent
4 with the management policies and practices of the
5 National Park Service, and such approval authority
6 may not be delegated.

7 “(B) Neither the Secretary of the Interior, the
8 Foundation, nor any other person may authorize an
9 individual, company, or particular good or service to
10 represent, promote, or advertise, and no person may
11 represent or imply, for commercial purposes or for
12 pecuniary gain that it is an official sponsor or offi-
13 cial supporter of any individual unit of the National
14 Park System.

15 “(C) The advertisements and promotional ac-
16 tivities undertaken by a licensee or authorized per-
17 son shall be appropriate to the image of the Na-
18 tional Park System and consistent with the manage-
19 ment policies and practices of the National Park
20 Service.

21 “(D) Neither the Secretary of the Interior, the
22 Foundation, nor any other person may authorize an
23 individual, company, or particular good or service to
24 represent that it is endorsed by the National Park
25 Service.

1 “(E) Nothing in this Act shall in any way re-
2 strict or preclude the Statue of Liberty—Ellis Island
3 Foundation, Inc. (the ‘Statue of Liberty Founda-
4 tion’), so long as its activities are authorized by a
5 Memorandum of Agreement with the Secretary of
6 the Interior, from raising donations for the restora-
7 tion of the Statue of Liberty and Ellis Island by,
8 among other things, offering to any third parties ex-
9 clusive rights to any trademark, tradename, sign,
10 symbol, insignia, emblem, logo, likeness, or slogan
11 owned by the Statue of Liberty Foundation.

12 “(F) Activities of the Foundation undertaken
13 pursuant to this Act, including the licensing or au-
14 thorizing of official sponsors and official supporters
15 of the National Park System or National Park Serv-
16 ice by the Foundation, shall not preclude charitable
17 organizations or cooperating associations from con-
18 ducting fundraising activities or selling merchandise
19 to generate support for a unit or units of the Na-
20 tional Park System or the National Park Service, so
21 long as such activities do not convey a right to be
22 considered as an official sponsor or official supporter
23 of such unit or units as prohibited by subparagraph
24 (B) or of the National Park System or National
25 Park Service.

1 “(c) No license or authorization referred to in sub-
2 section (b) shall grant any person any right or authority
3 to market, advertise, display, sell, or promote, any goods,
4 products or services in any unit of the National Park Sys-
5 tem or in any related facility operated outside the bound-
6 aries of any unit, or to advertise or promote that it is an
7 official sponsor or official supporter within the meaning
8 of subsection (b) in any such unit or related facility: *Pro-*
9 *vided*, That the Secretary of the Interior may authorize
10 limited recognition of official sponsors or official support-
11 ers within the meaning of subsection (b) in units of the
12 National Park System or any related facility operated out-
13 side the boundaries of any unit but only under such appro-
14 priate policies and procedures which ensure that status as
15 an official sponsor or official supporter within the meaning
16 of subsection (b) shall not be commercially exploited in
17 any manner within any such unit or related facility.”;

18 (3) in section 4—

19 (A) by inserting “and section 8(b)” be-
20 tween “transfer” and the comma;

21 (B) by inserting “license,” between
22 “lease,” and “invest”; and

23 (C) by striking “any business, nor shall the
24 Foundation” and inserting in lieu thereof
25 “business for pecuniary profit or gain, except

1 for the purposes set forth in this Act; operate
2 any commercial establishment or enterprise
3 within any unit of the National Park System;
4 engage in any lobbying activities as defined in
5 section 3(7) of the Lobbying Disclosure Act of
6 1995 (2 U.S.C. 1602(7)) concerning the man-
7 agement of the National Park System; or”;

8 (4) in section 8—

9 (A) by inserting “(a)” after “SEC. 8.”; and

10 (B) by inserting at the end:

11 “(b) All of the income in the Foundation, net of rea-
12 sonable operating expenses, any contributions to local gov-
13 ernment pursuant to subsection (a), and reserves deter-
14 mined necessary or appropriate by the Board, shall be pro-
15 vided to or for the benefit of the National Park Service:
16 *Provided*, That all such net income derived from the li-
17 censes and authorizations referred to in section 3(b) shall
18 be expended in accordance with policies and priorities of
19 the National Park Service on programs, projects, or activi-
20 ties that benefit the National Park System or National
21 Park Service as identified by the Secretary in consultation
22 with the Foundation.”;

23 (5) in section 10—

24 (A) by inserting “(a)” after “SEC. 10.”;

25 and

1 (B) by inserting at the end:

2 “(b) Within 30 days of the execution of each license
3 or authorization referred to in section 3(b), the Founda-
4 tion shall transmit a copy thereof to the Committee on
5 Resources of the United States House of Representatives
6 and the Committee on Energy and Natural Resources of
7 the United States Senate.

8 “(c) No later than 5 years after the date of enact-
9 ment of this subsection, the Secretary of the Interior shall
10 submit to the Committee on Resources of the House of
11 Representatives and the Committee on Energy and Natu-
12 ral Resources of the United States Senate a report assess-
13 ing the cost, effectiveness, and effects of the licensing and
14 authorization program established pursuant to section
15 3(b). The report shall include, but not be limited to, as-
16 sessments of the effect of such program on—

17 “(1) visitation levels in the National Park Sys-
18 tem;

19 “(2) the image of the National Park System;

20 “(3) achievement of the needs and priorities of
21 the National Park Service;

22 “(4) appropriations for the National Park Sys-
23 tem; and

1 “(5) the costs of the Foundation and the Sec-
2 retary of the Interior to administer the program.”;
3 and

4 (6) at the end, by inserting:

5 “SEC. 11. Whoever, without the authorization of the
6 Foundation, uses for purposes of trade, to induce the sale
7 of any good or service, to promote any commercial activity,
8 or for other commercial purpose the name of the Founda-
9 tion or any trademark, tradename, sign, symbol, emblem,
10 insignia, logo, likeness, or slogan referred to in section
11 3(b)(1), or any facsimile or simulation thereof tending to
12 cause confusion, to cause mistake, to deceive, or to suggest
13 falsely that an individual, company, or particular good or
14 service is an official sponsor or official supporter of the
15 National Park System or National Park Service, shall be
16 subject to suit in a civil action by the Foundation for the
17 remedies provided in the Act of July 5, 1946, 60 Stat.
18 427 (15 U.S.C. 501 et seq.).

19 “SEC. 12. Section 1 of Public Law 88–504 (36
20 U.S.C. 1101), as amended, is further amended by adding
21 at the end ‘(78) The National Park Foundation’.”.

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