

106TH CONGRESS
2^D SESSION

H. R. 4409

To amend the National Marine Sanctuaries Act to establish the National Marine Sanctuary Foundation to accept and use donations for the benefit of the National Marine Sanctuary System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2000

Mr. SAXTON introduced the following bill; which was referred to the
Committee on Resources

A BILL

To amend the National Marine Sanctuaries Act to establish the National Marine Sanctuary Foundation to accept and use donations for the benefit of the National Marine Sanctuary System, and for other purposes.

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

3 **SECTION 1. ESTABLISHMENT OF NATIONAL MARINE SANC-**
4 **TUARY FOUNDATION.**

5 Title III of the National Marine Sanctuaries Act is
6 amended by adding at the end the following:

1 **“SEC. 317. NATIONAL MARINE SANCTUARY FOUNDATION.**

2 “(a) ESTABLISHMENT.—There is hereby established
3 a charitable and nonprofit corporation to be known as the
4 ‘National Marine Sanctuary Foundation’ (in this section
5 referred to as the ‘Foundation’).

6 “(b) OPERATION.—The Foundation shall be subject
7 to the laws of the District of Columbia that govern chari-
8 table and nonprofit corporations.

9 “(c) BOARD.—

10 “(1) IN GENERAL.—The National Marine Sanc-
11 tuary Foundation shall be under the direction of a
12 Board comprised of—

13 “(A) at least 6, but not more than 14, pri-
14 vate citizens of the United States appointed by
15 the Secretary; and

16 “(B) the Secretary and the Under Sec-
17 retary of Commerce for Oceans and Atmos-
18 phere, who shall be ex officio members.

19 “(2) TERMS OF APPOINTED MEMBERS.—(A)
20 Except as provided in subparagraphs (B) and (C),
21 the members of the Board appointed by the Sec-
22 retary shall serve a term of 6 years.

23 “(B) Of the members initially appointed by the
24 Secretary, as specified by the Secretary at the time
25 of appointment—

26 “(i) 2 shall serve a term of 4 years; and

1 “(ii) 2 shall serve a term of 2 years.

2 “(C) A member appointed to fill a vacancy oc-
3 ccurring prior to the expiration of the term for which
4 the predecessor was appointed shall be appointed
5 only for the remainder of that term.

6 “(3) CHAIR.—The Board shall choose one of its
7 members to be the Chair of the Board. The mem-
8 bers of the Board appointed by the Secretary shall
9 not be considered to be employees of the United
10 States based on such membership.

11 “(4) MEETINGS.—A majority of the members
12 of the Board serving shall constitute a quorum for
13 the transaction of business. The Board shall meet at
14 the call of the Chair. The Chair shall call at least
15 1 meeting each year.

16 “(5) COMPENSATION.—Members of the Board
17 shall not receive any pay or benefits from the United
18 States for their services as members, but may be re-
19 imbursed by the Foundation for actual and nec-
20 essary traveling and subsistence expenses incurred
21 by them in the performance of their duties as such
22 members out of National Marine Sanctuary Founda-
23 tion funds available to the Board for such purposes.

1 “(6) OFFICIAL SEAL.—The Foundation shall
2 adopt an official seal, which shall be judicially no-
3 ticed.

4 “(7) IMMUNITY.—The members of the Board
5 shall not be personally liable for their official actions
6 except for malfeasance.

7 “(d) GIFTS, DEVISES, AND BEQUESTS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), the Foundation may encourage, solicit,
10 accept, receive, hold, administer, and use any gift,
11 devise, or bequest, either absolutely or in trust, of
12 real or personal property, and any income therefrom
13 or other interest therein—

14 “(A) for the benefit of the National Marine
15 Sanctuary System or any individual sanctuary;
16 and

17 “(B) for activities that the Secretary deter-
18 mines will implement the final management
19 plan under section 304 for any sanctuary.

20 “(2) LIMITATION.—The Foundation may not
21 accept any gift, devise, or bequest that is condi-
22 tioned on the making of any expenditure other than
23 from the resources of the Foundation, except ex-
24 penditures of matching funds under paragraph (5).

1 “(3) ENCUMBERED OR RESTRICTED DONA-
2 TIONS.—The Foundation may accept a gift, devise,
3 or bequest even though it is encumbered, restricted,
4 or subject to beneficial interests of private persons
5 if any current or future interest therein is for the
6 benefit of the National Marine Sanctuary System
7 and activities that the Secretary determines will im-
8 plement a final management plan for a national ma-
9 rine sanctuary under section 304.

10 “(4) USE OF CERTAIN GIFTS, DEVISES, AND
11 BEQUESTS.—The Foundation shall use any gift, de-
12 vise, or bequest made for the benefit of a particular
13 national marine sanctuary only for the benefit of
14 that sanctuary.

15 “(5) MATCHING AMOUNTS.—Subject to the
16 availability of appropriations, the Secretary may
17 transfer funds to the Foundation to match gifts, de-
18 vise, and bequests to the Foundation. With respect
19 to each gift, devise, or bequest, the amount of Fed-
20 eral funds provided under this paragraph may not
21 exceed the amount or fair market value of the gift,
22 devise, or bequest.

23 “(6) TRANSFERS TO SECRETARY.—The Foun-
24 dation may transfer to the Secretary any gift, de-
25 vise, or bequest made to the Foundation to support

1 the National Marine Sanctuary System. Amounts
2 transferred to the Secretary may be used by the Sec-
3 retary, without further appropriation, in accordance
4 with the terms of the gift, devise, or bequest.

5 “(e) PROPERTY AND INCOME MANAGEMENT AND
6 TRANSACTIONS.—

7 “(1) IN GENERAL.—Except as otherwise re-
8 quired by the instrument of transfer by which the
9 Foundation acquires property, the Foundation may
10 sell, lease, invest, reinvest, retain, manage, or other-
11 wise dispose of any property held by the Foundation,
12 or income thereof, as the Board may from time to
13 time determine.

14 “(2) SERVICES OF FEDERAL AGENCIES.—The
15 Foundation may utilize the services and facilities of
16 any agency of the Department of Commerce, and
17 the head of such an agency may provide such serv-
18 ices and facilities to the Foundation on request by
19 the Board to the extent practicable without reim-
20 bursement therefor.

21 “(f) LIABILITY OF UNITED STATES.—The United
22 States shall not be liable for any debts, defaults, acts, or
23 omissions of the Foundation.

24 “(g) ANNUAL REPORTS TO CONGRESS.—The Foun-
25 dation shall, as soon as practicable after the end of each

1 fiscal year, transmit to the Congress an annual report of
2 its proceedings and activities, including a full and com-
3 plete statement of its receipts, expenditures, and invest-
4 ments.

5 “(h) AUTHORIZATION AND USE OF NATIONAL MA-
6 RINE SANCTUARY SYMBOLS.—The Secretary may author-
7 ize the Foundation to conduct the following activities
8 under section 316:

9 “(1) Solicit persons to be designated as official
10 sponsors of the national marine sanctuary program
11 or of any individual national marine sanctuary.

12 “(2) Designate persons as official sponsors of
13 the national marine sanctuary program or of any in-
14 dividual sanctuary.

15 “(3) Authorize the manufacture, reproduction,
16 or other use of any symbol published under section
17 316(a)(1), including the sale of items bearing such
18 a symbol, by official sponsors of the national marine
19 sanctuary program or of any individual national ma-
20 rine sanctuary.

21 “(4) Create, market, and sell products to pro-
22 mote the National Marine Sanctuary System or any
23 individual national marine sanctuary, and to enter
24 into exclusive or nonexclusive agreements author-

1 izing entities to create, market or sell on the Sec-
2 retary’s behalf.

3 “(5) Solicit monetary or in-kind contributions
4 from official sponsors for the manufacture, repro-
5 duction or use of the symbols published under sec-
6 tion 316(a)(1).”.

7 **SEC. 2. USE OF NATIONAL MARINE SANCTUARY PROGRAM**
8 **SYMBOLS.**

9 Section 316 (16 U.S.C. 1445b) is amended—

10 (1) in subsection (a)(4) by striking “use of any
11 symbol published under paragraph (1)” and insert-
12 ing “manufacture, reproduction, or other use of any
13 symbol published under paragraph (1), including the
14 sale of items bearing such a symbol,”;

15 (2) by amending subsection (e)(3) to read as
16 follows:

17 “(3) to manufacture, reproduce, or otherwise
18 use any symbol adopted by the Secretary under sub-
19 section (a)(1), including to sell any item bearing
20 such a symbol, unless authorized by the Secretary
21 under subsection (a)(4) or subsection (f); or”;

22 (3) by adding at the end the following:

23 “(f) COLLABORATIONS.—The Secretary may author-
24 ize the use of a symbol adopted by the Secretary under
25 subsection (a)(1) by any person engaged in a collaborative

1 effort with the Secretary to carry out the purposes and
2 policies of this title and to benefit a national marine sanc-
3 tuary or the System.”.

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