

108TH CONGRESS  
2D SESSION

# H. R. 5120

To improve the operation and utilization of the United States National Arboretum in the District of Columbia, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2004

Mr. DOOLEY of California (for himself and Mr. FRELINGHUYSEN) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To improve the operation and utilization of the United States National Arboretum in the District of Columbia, 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. SHORT TITLE.**

4       This Act may be cited as the “U.S. National Arbo-  
5       retum Appreciation Act of 2004”.

6       **SEC. 2. PARTNERING AGREEMENTS TO EXPAND OPER-**  
7                       **ATION AND USE OF UNITED STATES NA-**  
8                       **TIONAL ARBORETUM.**

9       (a) FINDINGS.—Congress finds the following:

1           (1) The United States National Arboretum,  
2           which is located in the District of Columbia and is  
3           operated by the Agriculture Research Service of the  
4           Department of Agriculture, is nationally and inter-  
5           nationally recognized for its outstanding research  
6           and public education contributions.

7           (2) However, the National Arboretum has been  
8           under-utilized by the public, thereby creating a need  
9           for greater visibility, awareness, and use of the Na-  
10          tional Arboretum.

11          (3) Expanded use of the National Arboretum  
12          would bring increased financial support, public rec-  
13          ognition, and appreciation of the facility and its re-  
14          search and education functions.

15          (4) The Friends of the National Arboretum is  
16          a private nonprofit organization whose mission is  
17          solely the support and promotion of the National Ar-  
18          boretum.

19          (5) A congressional oversight hearing in 2003  
20          highlighted the bipartisan consensus for greater out-  
21          reach and fund-raising events to be conducted at the  
22          National Arboretum through the Friends of the Na-  
23          tional Arboretum.

24          (6) At a time of extreme budget constraints,  
25          many Federal agencies are permitting the use of

1       their buildings and facilities for private functions  
2       and special events that raise funds to supplement  
3       appropriated funds.

4               (7) Despite encouragement from Congress, the  
5       Secretary of Agriculture has not taken adequate  
6       steps to improve the accessibility and use of the Na-  
7       tional Arboretum.

8       (b) PARTNERING AGREEMENT WITH THE FRIENDS  
9       OF THE NATIONAL ARBORETUM.—Not later than 30 days  
10      after the date of the enactment of this Act, the Secretary  
11      of Agriculture shall enter into a contract with the Friends  
12      of the National Arboretum, either through a sole-source  
13      contract or other method, to authorize the Friends of the  
14      National Arboretum to act as agent of the Department  
15      of Agriculture for the purpose of—

16              (1) allowing the use of the grounds and facili-  
17      ties of the National Arboretum by private persons  
18      and entities;

19              (2) providing services related to planning and  
20      overseeing special events at the National Arboretum;  
21      and

22              (3) making such other arrangements as appro-  
23      priate for the private use of the National Arboretum.

24       (c) ADDITIONAL CONTRACT AUTHORITY.—The Sec-  
25      retary of Agriculture may enter into contracts with other

1 persons or entities for the private use of the grounds and  
2 facilities of the National Arboretum so long as such con-  
3 tracts do not conflict with the contract with the Friends  
4 of the National Arboretum.

5 (d) EFFECT OF FAILURE TO COMPLY.—If the con-  
6 tract required by subsection (b) is not entered into by the  
7 end of the 30-day period specified in such subsection, the  
8 contract proposal submitted to the Department of Agri-  
9 culture by the Friends of the National Arboretum on Jan-  
10 uary 13, 2004, shall be deemed to be a legal and binding  
11 sole-source contract between the Secretary of Agriculture  
12 and the Friends of the National Arboretum for a period  
13 of five years, effective beginning at the end of such 30-  
14 day period. The Secretary shall publish a copy of the con-  
15 tract proposal in the Federal Register as soon as prac-  
16 ticable after the contract proposal takes legal effect pursu-  
17 ant to this subsection. The contract proposal may be  
18 amended or extended by the mutual agreement of the par-  
19 ties.

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