

110TH CONGRESS  
1ST SESSION

# H. R. 3232

To establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2007

Mr. DELAHUNT (for himself, Mr. BLUNT, Mr. FARR, Mr. PORTER, Mr. EMANUEL, Mr. BARTON of Texas, Mr. GEORGE MILLER of California, Mr. SMITH of Texas, Ms. SLAUGHTER, Mr. STEARNS, Ms. LORETTA SANCHEZ of California, and Mr. FEENEY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.

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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Travel Promotion Act of 2007”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

- 3 Sec. 1. Short title; table of contents.
- 4 Sec. 2. Findings.
- 5 Sec. 3. The Corporation for Travel Promotion.
- 6 Sec. 4. Accountability measures.
- 7 Sec. 5. Matching public and private funding.
- 8 Sec. 6. Travel Promotion Fund fees.
- 9 Sec. 7. Investment of Funds.
- 10 Sec. 8. Amendments to the International Travel Act of 1961.
- 11 Sec. 9. Definitions.

12 **SEC. 2. FINDINGS.**

13 The Congress finds as follows:

14 (1) Securing the borders of the United States  
15 and facilitating international travel to the United  
16 States are not mutually exclusive.

17 (2) As part of the effort to protect the people  
18 of the United States from attacks by al-Qaeda and  
19 other foreign groups opposed to our policies in the  
20 predominantly Muslim regions of the world, Con-  
21 gress and the Administration tightened the entry  
process to the United States after the attacks of  
September 11, 2001.

(3) As confirmed by a large-scale random poll  
in four Muslim nations in 2007 by the Program on  
International Policy Attitudes, an improved image of  
the United States abroad damages the ability of al-  
Qaeda and similar groups to recruit and to operate.

(4) Foreign nationals who have visited the  
United States tend to give more favorable ratings to

1 the United States than foreign nationals who have  
2 not visited the United States, with scientific polls by  
3 such firms as the Pew Research Center and Zogby  
4 International consistently finding a roughly 10 per-  
5 centage point increase for travelers, and even their  
6 friends and family members rate the United States  
7 significantly more favorably than do other nonvisi-  
8 tors.

9 (5) Inviting and facilitating travel to the United  
10 States by tourists, business people, students, and  
11 scholars will not only help improve our image  
12 abroad, but will produce significant domestic eco-  
13 nomic benefits.

14 (6) The tightening of the entry process to the  
15 United States after September 11, 2001, is partly  
16 responsible for the number of international travelers  
17 to the United States in the six years from 2001 to  
18 2006, as recorded by the Department of Commerce,  
19 being 56,000,000, or 17 percent, lower than the ex-  
20 pected number of international travelers during that  
21 period, based on the trend from the previous six  
22 years.

23 (7) Department of Commerce estimates for  
24 spending by international travelers indicate that  
25 these 56,000,000 expected travelers would have

1 spent \$98,000,000,000 (valued in 2007 dollars) in  
2 the United States.

3 (8) Universities in the United States have fre-  
4 quently reported since 2001 that potential foreign  
5 enrollees have chosen to study in other countries be-  
6 cause of a perception that there would have been  
7 delays in visa approval and an unpleasant entry  
8 process.

9 (9) Scientists and scholars in the United States  
10 have frequently reported since 2001 that inter-  
11 national conferences that might have been held in  
12 the United States are held elsewhere, because of a  
13 perception that participation will be reduced by  
14 delays in visa approval and an unpleasant entry  
15 process.

16 (10) Businesses in the United States have fre-  
17 quently reported since 2001 that delays and denials  
18 for visa applications for short-term visits by current  
19 and prospective employees, consultants, and inves-  
20 tors have significantly hampered their international  
21 competitiveness.

22 (11) It is in the national interest of the United  
23 States that there be a coordinated effort to identify  
24 perceptions regarding the United States entry policy  
25 that tend to limit the number of international trav-

1       elers to the United States, to communicate facts  
2       about the entry policy to potential travelers that will  
3       encourage them to travel to the United States, and  
4       to promote generally travel to the United States by  
5       tourists, business people, students, and scholars.

6       **SEC. 3. THE CORPORATION FOR TRAVEL PROMOTION.**

7       (a) ESTABLISHMENT.—The Corporation for Travel  
8       Promotion is established as a nonprofit corporation. The  
9       Corporation shall not be an agency or establishment of  
10      the United States Government. The Corporation shall be  
11      subject to the provisions of the District of Columbia Non-  
12      profit Corporation Act (sec. 29–301.01 et seq., D.C. Offi-  
13      cial Code), to the extent that such provisions are con-  
14      sistent with this section, and shall have the powers con-  
15      ferred upon a nonprofit corporation by that Act to carry  
16      out its purposes and activities.

17      (b) BOARD OF DIRECTORS.—

18           (1) IN GENERAL.—The Corporation shall have  
19      a board of directors of 14 members, appointed by  
20      the Secretary of Commerce after consultation with  
21      the Secretaries of Homeland Security, State, and  
22      Education, each of whom is a United States citizen,  
23      and of whom—

1 (A) one shall have appropriate expertise  
2 and experience in the hotel accommodations  
3 sector;

4 (B) one shall have appropriate expertise  
5 and experience in the restaurant sector;

6 (C) one shall have appropriate expertise  
7 and experience in the national-level retail sec-  
8 tor;

9 (D) one shall have appropriate expertise  
10 and experience in the local-level retail sector, or  
11 in associations representing that sector;

12 (E) one shall have appropriate expertise  
13 and experience in the advertising sector;

14 (F) one shall have appropriate expertise  
15 and experience in the attractions sector;

16 (G) one shall have appropriate expertise  
17 and experience in the recreation sector;

18 (H) one shall have appropriate expertise  
19 and experience in the research, development, or  
20 manufacturing sector;

21 (I) one shall have appropriate expertise  
22 and experience in the financial services sector;

23 (J) one shall have appropriate expertise  
24 and experience in the passenger air sector;

1           (K) one shall have appropriate expertise  
2           and experience in the car rental sector;

3           (L) one shall have appropriate expertise  
4           and experience as an official at the state and  
5           municipal level, or in associations of such offi-  
6           cials;

7           (M) one shall have appropriate expertise  
8           and experience in the higher education sector;  
9           and

10          (N) one shall have appropriate expertise  
11          and experience in the non-profit scientific re-  
12          search sector and in coordinating international  
13          scholarly conferences in the United States.

14          (2) INCORPORATION.—The members of the ini-  
15          tial board of directors shall serve as incorporators  
16          and shall take whatever actions are necessary to es-  
17          tablish the Corporation under the District of Colum-  
18          bia Nonprofit Corporation Act (sec. 29–301.01 et  
19          seq.).

20          (3) TERM OF OFFICE.—The term of office of  
21          each member of the board appointed by the Sec-  
22          retary shall be 3 years, except that, of the members  
23          first appointed—

24                  (A) 3 shall be appointed for terms of 1  
25                  year;

1           (B) 4 shall be appointed for terms of 2  
2           years; and

3           (C) 4 shall be appointed for terms of 3  
4           years.

5           (4) VACANCIES.—Any vacancy in the board  
6           shall not affect its power, but shall be filled in the  
7           manner required by this section. Any member whose  
8           term has expired may serve until the member’s suc-  
9           cessor has taken office, or until the end of the cal-  
10          endar year in which the member’s term has expired,  
11          whichever is earlier. Any member appointed to fill a  
12          vacancy occurring prior to the expiration of the term  
13          for which that member’s predecessor was appointed  
14          shall be appointed for the remainder of the prede-  
15          cessor’s term. No member of the board shall be eligi-  
16          ble to serve more than 2 consecutive full terms.

17          (5) ELECTION OF CHAIRMAN AND VICE CHAIR-  
18          MAN.—Members of the board shall annually elect  
19          one of their members to be Chairman and elect 1 or  
20          more of their members as a Vice Chairman or Vice  
21          Chairmen.

22          (6) STATUS AS FEDERAL EMPLOYEES.—Not-  
23          withstanding any provision of law to the contrary,  
24          no member of the board may be considered to be a

1 Federal employee of the United States by virtue of  
2 his or her service as a member of the board.

3 (7) COMPENSATION; EXPENSES.—No member  
4 of the board shall receive any compensation from the  
5 Federal government by virtue of his or her service  
6 as a member of the board. Each member of the  
7 board shall be paid actual travel expenses and per  
8 diem in lieu of subsistence expenses when away from  
9 his or her usual place of residence, in accordance  
10 with section 5703 of title 5, United States Code.

11 (c) OFFICERS AND EMPLOYEES.—

12 (1) IN GENERAL.—The Corporation shall have  
13 a President, and such other officers as may be  
14 named and appointed by the board for terms and at  
15 rates of compensation fixed by the board. No indi-  
16 vidual other than a citizen of the United States may  
17 be an officer of the Corporation. The corporation  
18 may hire and fix the compensation of such employ-  
19 ees as may be necessary to carry out its purposes.  
20 No officer or employee of the Corporation may re-  
21 ceive any salary or other compensation (except for  
22 compensation for services on boards of directors of  
23 other organizations that do not receive funds from  
24 the Corporation, on committees of such boards, and  
25 in similar activities for such organizations) from any

1 sources other than the Corporation for services ren-  
2 dered during the period of his or her employment by  
3 the Corporation. Service by any officer on boards of  
4 directors of other organizations, on committees of  
5 such boards, and in similar activities for such orga-  
6 nizations shall be subject to annual advance ap-  
7 proval by the board and subject to the provisions of  
8 the Corporation's Statement of Ethical Conduct. All  
9 officers and employees shall serve at the pleasure of  
10 the board.

11 (2) NONPOLITICAL NATURE OF APPOINT-  
12 MENT.—No political test or qualification shall be  
13 used in selecting, appointing, promoting, or taking  
14 other personnel actions with respect to officers,  
15 agents, or employees of the Corporation.

16 (d) NONPROFIT AND NONPOLITICAL NATURE OF  
17 CORPORATION.—

18 (1) STOCK.—The Corporation shall have no  
19 power to issue any shares of stock, or to declare or  
20 pay any dividends.

21 (2) PROFIT.—No part of the income or assets  
22 of the Corporation shall inure to the benefit of any  
23 director, officer, employee, or any other individual  
24 except as salary or reasonable compensation for  
25 services.

1           (3) POLITICS.—The Corporation may not con-  
2           tribute to or otherwise support any political party or  
3           candidate for elective public office.

4           (e) DUTIES AND POWERS.—

5           (1) IN GENERAL.—The Corporation shall de-  
6           velop and execute a plan—

7                   (A) to provide useful information to for-  
8                   eign tourists, business people, students, schol-  
9                   ars, scientists and others interested in traveling  
10                  to the United States, including the distribution  
11                  of material provided by the Federal Government  
12                  concerning entry requirements, required docu-  
13                  mentation, fees, and processes, to prospective  
14                  travelers, travel agents, tour operators, meeting  
15                  planners, foreign governments, travel media and  
16                  other international stakeholders;

17                  (B) to identify and address perceptions in  
18                  other countries regarding United States entry  
19                  policies that tend to limit attempts to travel to  
20                  the United States; and

21                  (C) to maximize the economic and diplo-  
22                  matic benefits of travel to the United States by  
23                  promoting the United States of America to  
24                  world travelers through the use of, but not lim-  
25                  ited to, all forms of advertising, outreach to

1 trade shows, and other appropriate promotional  
2 activities.

3 (2) SPECIFIC POWERS.—In order to carry out  
4 the purposes of this section, the Corporation may—

5 (A) obtain grants from and make contracts  
6 with individuals and private companies, State,  
7 and Federal agencies, organizations, and insti-  
8 tutions;

9 (B) hire or accept the voluntary services of  
10 consultants, experts, advisory boards, and pan-  
11 els to aid the Corporation in carrying out its  
12 purposes; and

13 (C) take such other actions as may be nec-  
14 essary to accomplish the purposes set forth in  
15 this section.

16 (f) OPEN MEETINGS.—Meetings of the board of di-  
17 rectors of the Corporation, including any committee of the  
18 board, shall be open to the public. The board may, by ma-  
19 jority vote, close any such meeting only for the time nec-  
20 essary to preserve the confidentiality of commercial or fi-  
21 nancial information that is privileged or confidential, to  
22 discuss personnel matters, or to discuss legal matters af-  
23 fecting the Corporation, including pending or potential liti-  
24 gation.

1 (g) MAJOR CAMPAIGNS.—The board may not author-  
2 ize the Corporation to obligate or expend more than  
3 \$25,000,000 on any advertising campaign, promotion, or  
4 related effort unless—

5 (1) the obligation or expenditure is approved by  
6 an affirmative vote of at least  $\frac{2}{3}$  of the members of  
7 the board present at the meeting;

8 (2) at least 8 members of the board are present  
9 at the meeting at which it is approved; and

10 (3) each member of the board has been given  
11 at least 3 days advance notice of the meeting at  
12 which the vote is to be taken and the matters to be  
13 voted upon at that meeting.

14 (h) FISCAL ACCOUNTABILITY.—

15 (1) FISCAL YEAR.—The Corporation shall es-  
16 tablish as its fiscal year the 12-month period begin-  
17 ning on October 1.

18 (2) BUDGET.—The Corporation shall adopt a  
19 budget for each fiscal year.

20 (3) ANNUAL AUDITS.—The Corporation shall  
21 engage an independent accounting firm to conduct  
22 an annual financial audit of the Corporation's oper-  
23 ations and shall publish the results of the audit. The  
24 Comptroller General shall have full and complete ac-  
25 cess to the books and records of the Corporation.

1 **SEC. 4. ACCOUNTABILITY MEASURES.**

2 (a) OBJECTIVES.—The Board shall establish annual  
3 objectives for the Corporation for each fiscal year subject  
4 to approval by the Secretary. The Corporation shall estab-  
5 lish a marketing plan for each fiscal year not less than  
6 60 days before the beginning of that year and provide a  
7 copy of the plan, and any revisions thereof, to the Sec-  
8 retary.

9 (b) BUDGET.—The board shall transmit a copy of the  
10 Corporation’s budget for the forthcoming fiscal year to the  
11 Secretary no later than August 16 immediately preceding  
12 that fiscal year, together with an explanation of any ex-  
13 penditure provided for by the budget in excess of  
14 \$5,000,000 for the fiscal year. The Corporation shall  
15 make a copy of the budget and the explanation available  
16 to the public and shall provide public access to the budget  
17 and explanation on the Corporation’s website.

18 (c) ANNUAL REPORT TO CONGRESS.—The Corpora-  
19 tion shall submit an annual report for the preceding fiscal  
20 year to the Secretary of Commerce for transmittal to the  
21 Congress on or before the 15th day of May of each year.  
22 The report shall include—

23 (1) a comprehensive and detailed report of the  
24 Corporation’s operations, activities, financial condi-  
25 tion, and accomplishments under this Act;

1           (2) a comprehensive and detailed inventory of  
2 amounts obligated or expended by the Corporation  
3 during the preceding fiscal year;

4           (3) a detailed description of each in-kind con-  
5 tribution, its fair market value, the individual or or-  
6 ganization responsible for contributing, its specific  
7 use, and a justification for its use within the context  
8 of the Corporation's mission;

9           (4) an objective and quantifiable measurement  
10 of its progress, on an objective-by-objective basis, in  
11 meeting the objectives established by the board;

12           (5) an explanation of the reason for any failure  
13 to achieve an objective established by the board; and

14           (6) such recommendations as the Corporation  
15 deems appropriate.

16 **SEC. 5. MATCHING PUBLIC AND PRIVATE FUNDING.**

17           (a) ESTABLISHMENT OF TRAVEL PROMOTION  
18 FUND.—There is hereby established in the Treasury a  
19 fund which shall be known as the “Travel Promotion  
20 Fund”.

21           (b) FUNDING.—

22           (1) FIRST YEAR.—For fiscal year 2008, the  
23 Corporation may borrow from the Treasury, begin-  
24 ning on October 1, 2007, such sums as may be nec-  
25 essary, but not to exceed \$10,000,000, to cover its

1 initial expenses and activities under this Act. At the  
2 earliest practicable date, the Corporation shall reim-  
3 burse the Treasury any such amounts borrowed  
4 from the Treasury, with at least 50 percent reim-  
5 bursed before October 1, 2010, and the remainder  
6 reimbursed before October 1, 2012. Reimbursement  
7 shall include interest at a rate determined by the  
8 Treasury to ensure that there is no loss of real pur-  
9 chasing power to the Treasury from this borrowing  
10 due to inflation.

11 (2) SUBSEQUENT YEARS.—For each of fiscal  
12 years 2009 through 2012, from amounts deposited  
13 in the general fund of the Treasury during the pre-  
14 ceding fiscal year from fees under section 6, the Sec-  
15 retary of the Treasury shall transfer not more than  
16 \$100,000,000 to the Fund, which shall be made  
17 available to the Corporation, subject to subsection  
18 (c), to carry out its functions under this Act. Trans-  
19 fers shall be made at least quarterly on the basis of  
20 estimates by the Secretary, and proper adjustments  
21 shall be made in amounts subsequently transferred  
22 to the extent prior estimates were in excess or less  
23 than the amounts required to be transferred.

24 (c) MATCHING REQUIREMENT.—

1           (1) IN GENERAL.—No amounts may be made  
2 available to the Corporation under this section after  
3 fiscal year 2008, except to the extent that—

4           (A) for fiscal year 2009, the Corporation  
5 provides matching funds from non-Federal  
6 sources equal in the aggregate to 50 percent or  
7 more of the amount transferred to the Fund  
8 under subsection (b); and

9           (B) for any fiscal year after fiscal year  
10 2009, the Corporation provides matching funds  
11 from non-Federal sources equal in the aggre-  
12 gate to 100 percent of the amount transferred  
13 to the Fund under subsection (b) for the fiscal  
14 year.

15           (2) GOODS AND SERVICES.—For the purpose of  
16 determining the amount of matching funds, other  
17 than money, available to the Corporation—

18           (A) the fair market value, as determined  
19 by the Corporation, of goods and services (in-  
20 cluding advertising) contributed to the Corpora-  
21 tion for use under this Act may be included in  
22 the determination; but

23           (B) the fair market value of such goods  
24 and services may not account for more than 80

1           percent of the matching requirement for the  
2           Corporation in any fiscal year.

3           (3) RIGHT OF REFUSAL.—The Corporation may  
4           decline to accept any contribution in kind that it de-  
5           termines to be inappropriate, not useful, or commer-  
6           cially worthless.

7 **SEC. 6. TRAVEL PROMOTION FUND FEES.**

8           If a fully automated electronic traveler authorization  
9           system to collect basic biographical information in order  
10          to determine, in advance of travel, the eligibility of an  
11          alien to travel to the United States is implemented, the  
12          United States Government may charge a fee to an appli-  
13          cant for the use of the system. The amount of any such  
14          fee initially shall be at least \$10, plus such amounts as  
15          may be necessary to cover the cost of operating such a  
16          system, but may be reduced thereafter if that amount is  
17          not necessary to ensure that the Corporation is fully fund-  
18          ed.

19 **SEC. 7. INVESTMENT OF FUNDS.**

20          Pending disbursement pursuant to a program, plan,  
21          or project, the Corporation may invest funds received by  
22          the Corporation only in obligations of the United States  
23          or any agency thereof, in general obligations of any State  
24          or any political subdivision thereof, in any interest-bearing  
25          account or certificate of deposit of a bank that is a mem-

1 ber of the Federal Reserve System, or in obligations fully  
2 guaranteed as to principal and interest by the United  
3 States.

4 **SEC. 8. AMENDMENTS TO THE INTERNATIONAL TRAVEL**  
5 **ACT OF 1961.**

6 (a) **POWERS AND DUTIES OF SECRETARY OF COM-**  
7 **MERCE.**—Section 201 of the International Travel Act of  
8 1961 (22 U.S.C. 2122) is amended—

9 (1) in the first sentence of the matter preceding  
10 paragraph (1)—

11 (A) by striking “and by the United States  
12 National Tourism Organization Act of 1996”;  
13 and

14 (B) by striking “United States National  
15 Tourism Organization” and inserting “Corpora-  
16 tion for Travel Promotion (established by sec-  
17 tion 3 of the Travel Promotion Act of 2007)”;

18 (2) in paragraph (4), by striking “United  
19 States National Tourism Organization” and insert-  
20 ing “Corporation for Travel Promotion”; and

21 (3) by adding at the end the following:  
22 “Such plan may not include a comprehensive international  
23 advertising campaign relating to critical tourism func-  
24 tions.”.

25 (b) **TOURISM POLICY COUNCIL.**—

1           (1) MEMBERSHIP.—Subsection (b) of section  
2           301 of the International Travel Act of 1961 (22  
3           U.S.C. 2124) is amended—

4                   (A) by striking paragraphs (8) through  
5                   (10);

6                   (B) by redesignating paragraph (11) as  
7                   paragraph (13);

8                   (C) by inserting after paragraph (7) the  
9                   following new paragraphs:

10                   “(8) The Secretary of Homeland Security.

11                   “(9) The Commissioner of U.S. Customs and  
12                   Border Protection of the Department of Homeland  
13                   Security.

14                   “(10) The Assistant Secretary of U.S. Customs  
15                   and Immigration Enforcement of the Department of  
16                   Homeland Security.

17                   “(11) The Secretary of Education.

18                   “(12) The President of the Corporation for  
19                   Travel Promotion (established by section 3 of the  
20                   Travel Promotion Act of 2007).”; and

21                   (D) in paragraph (13) (as redesignated by  
22                   subparagraph (B) of this paragraph), by insert-  
23                   ing “, in consultation with other members of  
24                   the Council” at the end before the period.

1           (2) MEETINGS.—Subsection (d) of such section  
2           is amended to read as follows:

3           “(d) The Council shall meet not less than 2 times  
4 a year. For the purposes of conducting business, each  
5 member of the Council may appoint a designee to rep-  
6 resent such member during one or more meetings of the  
7 Council.”.

8           (3) INVOLVEMENT OF FEDERAL AGENCIES AND  
9           DEPARTMENTS.—Subsection (e) of such section is  
10          amended by adding at the end the following new  
11          paragraph:

12          “(4) Members of the Council shall provide the Cor-  
13 poration for Travel Promotion with timely information re-  
14 garding documentation and procedures required for ad-  
15 mission to the United States and regarding strategies  
16 planned by any Federal department or agency to promote  
17 travel to the United States for tourism, business, study,  
18 scholarship, scientific exchange, or other purposes, so that  
19 the Corporation for Travel Promotion may better conduct  
20 its communications and promotion activities.”.

21          (4) ANNUAL REPORT.—Subsection (g)(3) of  
22          such section is amended by striking “United States  
23          National Tourism Organization” and inserting “Cor-  
24          poration for Travel Promotion”.

1           (5) APPLICABILITY OF FEDERAL ADVISORY  
2           COMMITTEE ACT.—Subsection (h) of such section is  
3           amended by striking “President of the United States  
4           National Tourism Organization” and inserting  
5           “President of the Corporation for Travel Pro-  
6           motion”.

7           (c) REPEAL OF AUTHORITIES RELATING TO THE  
8           UNITED STATES TRAVEL AND TOURISM PROMOTION AD-  
9           VISORY BOARD.—Section 210 of the Department of Com-  
10          merce and Related Agencies Appropriations Act, 2003  
11          (contained in title II of division B of Public Law 108-  
12          7; 117 Stat. 78–79; 22 U.S.C. 2122 note) is amended—

13                 (1) by striking subsections (b) through (d); and

14                 (2) by redesignating subsection (e) as sub-  
15          section (b).

16 **SEC. 9. DEFINITIONS.**

17          In this Act:

18                 (1) BOARD.—The term “Board” means the  
19          board of directors of the Corporation.

20                 (2) CORPORATION.—The term “Corporation”  
21          means the Corporation for Travel Promotion estab-  
22          lished by section 3.

23                 (3) FUND.—The term “Fund” means the Trav-  
24          el Promotion Fund established by section 5.

1           (4) SECRETARY.—Except as otherwise expressly  
2           provided, the term “Secretary” means the Secretary  
3           of Commerce.

○