

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

# H. R. 2579

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 1996

Received

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## AN ACT

To establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States National  
3 Tourism Organization Act of 1996”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) The travel and tourism industry is the sec-  
7 ond largest service and retail industry in the United  
8 States, and travel and tourism services ranked as  
9 the largest United States export in 1995, generating  
10 an \$18.6 billion surplus for the United States.

11 (2) Domestic and international travel and tour-  
12 ism expenditures totaled \$433 billion in 1995, \$415  
13 billion spent directly within the United States and  
14 an additional \$18 billion spent by international trav-  
15 elers on United States carriers traveling to the Unit-  
16 ed States.

17 (3) Direct travel and tourism receipts make up  
18 6 percent of the United States gross domestic prod-  
19 uct.

20 (4) In 1994, the travel and tourism industry  
21 was the nation’s second largest employer, directly re-  
22 sponsible for 6.3 million jobs and indirectly respon-  
23 sible for another 8 million jobs.

24 (5) Employment in major sectors of the travel  
25 and tourism industry is expected to increase 35 per-  
26 cent by the year 2005.

1           (6) 99.7 percent of travel businesses are defined  
2 by the Federal government as small businesses.

3           (7) The White House Conference on Travel and  
4 Tourism in 1995 recommended the establishment of  
5 a new national tourism organization to represent  
6 and promote international travel and tourism to the  
7 United States.

8           (8) Recent Federal tourism promotion efforts  
9 have failed to stem the rapid erosion of our coun-  
10 try's international tourism market share.

11           (9) In fact, the United States' share of world-  
12 wide travel receipts dropped from a peak of 19.3  
13 percent in 1992 down to 15.7 percent by the end of  
14 1994.

15           (10) The United States has now fallen to only  
16 the third leading international destination.

17           (11) Because the United States Travel and  
18 Tourism Administration had insufficient resources  
19 and effectiveness to reverse the recent decline in the  
20 United States' share of international travel and  
21 tourism, Congress discontinued USTTA's funding.

22           (12) Promotion of the United States' inter-  
23 national travel and tourism interests can be more ef-  
24 fectively managed by a private organization at less  
25 cost to the taxpayers.

1 (b) PURPOSE.—The purpose of this Act is to create  
2 a privately managed, federally sanctioned United States  
3 National Tourism Organization to represent and promote  
4 United States international travel and tourism.

5 **SEC. 3. UNITED STATES NATIONAL TOURISM ORGANIZA-**  
6 **TION.**

7 (a) ESTABLISHMENT.—There is established the Unit-  
8 ed States National Tourism Organization which shall be  
9 a private not-for-profit organization.

10 (b) ORGANIZATION NOT A FEDERAL AGENCY.—The  
11 Organization shall (1) not be considered a Federal agency,  
12 (2) have employees appointed without regard to the provi-  
13 sions of title 5, United States Code, governing appoint-  
14 ments in the competitive service, and paid without regard  
15 to the provisions of chapter 51 and subchapter III of chap-  
16 ter 53 of that title relating to classification and General  
17 Schedule pay rates, and (3) not be subject to the Federal  
18 Advisory Committee Act or any other Federal law govern-  
19 ing the operation of Federal agencies.

20 (c) IRS STATUS.—The Organization shall be pre-  
21 sumed to have the status of an organization described in  
22 section 501(c)(6) of the Internal Revenue Code of 1986  
23 until such time as the Secretary of the Treasury deter-  
24 mines that the Organization does not meet the require-  
25 ments of such section.

1 (d) PURPOSE OF THE ORGANIZATION.—The Organi-  
2 zation shall—

3 (1) seek and work for an increase in the share  
4 of the United States in the global tourism market;

5 (2) work in conjunction with Federal, State,  
6 and local agencies to develop and implement a co-  
7 ordinated United States travel and tourism policy;

8 (3) advise the President, the Congress, and the  
9 domestic travel and tourism industry on the imple-  
10 mentation of the national travel and tourism strat-  
11 egy and on other matters affecting travel and tour-  
12 ism;

13 (4) operate travel and tourism promotion pro-  
14 grams outside the United States in partnership with  
15 the travel and tourism industry in the United  
16 States;

17 (5) establish a travel and tourism data bank to  
18 gather and disseminate travel and tourism market  
19 data;

20 (6) conduct market research necessary for ef-  
21 fective promotion of the travel and tourism market;  
22 and

23 (7) promote United States travel and tourism,  
24 including international trade shows and conferences.

1 (e) POWERS OF THE ORGANIZATION.—The Organiza-  
2 tion—

3 (1) shall have perpetual succession;

4 (2) shall represent the United States travel and  
5 tourism industry in its relations with international  
6 tourism agencies;

7 (3) may sue and be sued, make contracts, and  
8 acquire, hold, and dispose of real and personal prop-  
9 erty, as may be necessary for its corporate purposes;

10 (4) may provide financial assistance to any or-  
11 ganization or association in furtherance of the pur-  
12 pose of the corporation;

13 (5) may adopt and alter a corporate seal;

14 (6) may establish and maintain offices for the  
15 conduct of the affairs of the Organization; and

16 (7) may conduct any and all acts necessary and  
17 proper to carry out the purposes of this Act.

18 (f) FUNDING.—

19 (1) FURTHERANCE OF ACT.—The Organization  
20 may accept gifts, legacies, devises, contributions, and  
21 payments in furtherance of the purposes of this Act.

22 (2) EXPENSES.— The Organization may also  
23 accept such gifts, legacies, devises, contributions,  
24 and payments on behalf of the National Tourism Or-

1 organization Board to cover the expenses of the  
2 Board.

3 (g) **POLITICAL ACTIVITIES PROHIBITED.**—The Orga-  
4 nization shall not engage in any activities designed in part  
5 or in whole to promote a political party or the candidacy  
6 of any person seeking or holding political office.

7 **SEC. 4. UNITED STATES NATIONAL TOURISM ORGANIZA-**  
8 **TION BOARD.**

9 (a) **ESTABLISHMENT.**—There is established the Unit-  
10 ed States National Tourism Organization Board for the  
11 purposes of governing and supervising the activities of the  
12 Organization.

13 (b) **MEMBERS.**—The Board shall be self perpetuating  
14 and the initial members of the Board shall be appointed  
15 or elected as follows:

16 (1) The Under Secretary of Commerce for  
17 International Trade of the Department of Com-  
18 merce, who will serve as a member *ex officio*;

19 (2) 5 State Travel Directors elected by the Na-  
20 tional Council of State Travel Directors;

21 (3) 5 members elected by the International As-  
22 sociation of Convention and Visitors Bureaus;

23 (4) 3 members elected by the Air Transport As-  
24 sociation;

1           (5) 1 member elected by the National Associa-  
2           tion of Recreational Vehicle Parks and Camp-  
3           grounds, 1 member elected by the Recreation Vehicle  
4           Industry Association;

5           (6) 2 members elected by the International As-  
6           sociation of Amusement Parks and Attractions;

7           (7) 3 members of the travel payments industry  
8           appointed by the Travel Industry Association of  
9           America;

10          (8) 5 members elected by the American Hotel  
11          and Motel Association;

12          (9) 2 members elected by the American Car  
13          Rental Association; 1 member elected by the Amer-  
14          ican Automobile Association, 1 member elected by  
15          the American Bus Association, 1 member elected by  
16          Amtrak;

17          (10) 1 member elected by the American Society  
18          of Travel Agents, and 1 member elected by the Asso-  
19          ciation of Retail Travel Agents;

20          (11) 1 member elected by the National Tour  
21          Association, 1 member elected by the United States  
22          Tour Operators Association;

23          (12) 1 member elected by the Cruise Lines  
24          International Association, 1 member elected by the  
25          National Restaurant Association, 1 member elected

1 by the National Park Hospitality Association, 1  
2 member elected by the Airports Council Inter-  
3 national, 1 member elected by the Meeting Profes-  
4 sionals International, 1 member elected by the  
5 American Sightseeing International, 4 members  
6 elected by the Travel Industry Association of Amer-  
7 ica;

8 (13) 1 member elected by the Rural Tourism  
9 Foundation;

10 (14) 1 member elected by the American Asso-  
11 ciation of Museums; and

12 (15) 1 member elected by the National Trust  
13 for Historic Preservation.

14 (c) CHAIR.—The Board shall elect a Chair for an ini-  
15 tial term of 2 years. After such initial term, the Chair  
16 shall be elected for such term as the Board may designate.

17 (d) PRESIDENT.—The Board shall appoint and es-  
18 tablish the compensation and duties of a President of the  
19 Organization who shall assist the Chair in organizing and  
20 carrying out the necessary functions of the Board. The  
21 duties of the President shall include serving as a non-vot-  
22 ing member of the Tourism Policy Council established  
23 under section 301 of the International Travel Act of 1961.

24 (e) POWERS AND DUTIES OF THE BOARD.—

1           (1) The Board shall adopt for itself and the Or-  
2           ganization such bylaws and delegation of authority  
3           as it deems necessary and proper, which shall—

4                   (A) require at least a three-fifths majority  
5           vote for amendment;

6                   (B) set forth the process for the number,  
7           terms, and appointment or election of future  
8           Board members;

9                   (C) provide the authority for the hiring  
10          and compensation of staff; and

11                  (D) establish the procedures for calling  
12          meetings and providing appropriate notice, in-  
13          cluding procedures for closing meetings where  
14          confidential information or strategy will be dis-  
15          cussed.

16           (2) The Board shall designate a place of busi-  
17          ness for the receipt of process for the Organization,  
18          subject to the laws of the State or district so des-  
19          ignated, where such laws do not conflict with the  
20          provisions of this Act.

21           (3) The Board shall present testimony and  
22          make available reports on its findings and rec-  
23          ommendations to the Congress and to legislatures of  
24          the States on at least a biannual basis.

1           (4) Within one year of the date of its first  
2 meeting, the Board shall report to the Senate Com-  
3 mittee on Commerce, Science, and Transportation  
4 and the House Committee on Commerce on a plan  
5 for long-term financing for the Organization, with a  
6 focus on contributions from the private sector and  
7 State and local entities, and, if necessary, make rec-  
8 ommendations to the Congress and the President for  
9 further legislation.

10       (f) COMPENSATION AND EXPENSES.—The Chair and  
11 members of the Board shall serve without compensation  
12 but may be compensated for expenses incurred in carrying  
13 out the duties of the Board.

14       (g) IMMUNITY.—Members of the Board shall not be  
15 personally liable for any action taken by the Board.

16       (h) MEETINGS.—The Board shall meet at the call of  
17 the Chair, but not less frequently than semiannually. The  
18 Board shall meet within 2 months of appointment of all  
19 members, but in any case no later than 6 months after  
20 the date of the enactment of this Act.

21 **SEC. 5. SYMBOLS, EMBLEMS, TRADEMARKS, AND NAMES.**

22       (a) IN GENERAL.—The Organization shall provide  
23 for the design of such symbols, emblems, trademarks, and  
24 names as may be appropriate and shall take all action nec-

1 essary to protect and regulate the use of such symbols,  
2 emblems, trademarks, and names under law.

3 (b) EXCLUSIVE RIGHT OF THE ORGANIZATION.—The  
4 Organization shall have exclusive right to use the name  
5 “United States National Tourism Organization” and the  
6 acronym “USNTO”, the symbol described in subsection  
7 (c)(1)(A), the emblem described in subsection (c)(1)(B),  
8 and the words “United States National Tourism Organi-  
9 zation”, or any combination thereof, subject to the use re-  
10 served by subsection (c)(2).

11 (c) UNAUTHORIZED USE; CIVIL ACTION.—

12 (1) IN GENERAL.—Any person who, without the  
13 consent of the Organization, uses—

14 (A) the symbol of the Organization;

15 (B) the emblem of the Organization;

16 (C) any trademark, trade name, sign, sym-  
17 bol, or insignia falsely representing association  
18 with, or authorization by, the Organization; or

19 (D) the words “United States National  
20 Tourism Organization” or the acronym  
21 “USNTO” or any combination or simulation  
22 thereof tending to cause confusion, to cause  
23 mistake, to deceive, or to falsely suggest a con-  
24 nection with the Organization or any Organiza-  
25 tion activity;

1 for the purpose of trade, to induce the sale of any  
2 goods or services, or to promote any exhibition, shall  
3 be subject to suit in a civil action brought in the ap-  
4 propriate court by the Organization for the remedies  
5 provided in the Act of July 5, 1946 (60 Stat. 427;  
6 15 U.S.C. 1501 et seq.) (popularly known as the  
7 Trademark Act of 1946).

8 (2) EXCEPTION.—Paragraph (1)(D) shall not  
9 be construed to prohibit any person who, before the  
10 date of the enactment of this Act, actually used the  
11 words “United States National Tourism Organiza-  
12 tion” or the acronym “USNTO” for any lawful pur-  
13 pose from continuing such lawful use for the same  
14 purpose and for the same goods and services.

15 (d) CONTRIBUTORS AND SUPPLIERS.—The Organiza-  
16 tion may authorize contributors and suppliers of goods  
17 and services to use the trade name of the Organization  
18 as well as any trademark, symbol, insignia, or emblem of  
19 the Organization in advertising that the contributions,  
20 goods, or services were donated, supplied, or furnished to  
21 or for the use of, approved, selected, or used by the Orga-  
22 nization.

23 (d) LIMITATION.—The Organization may not adopt  
24 or use any existing symbol, emblem, trademark, or name

1 that is protected under law (including any treaty to which  
2 the United States is a party).

3 **SEC. 6. UNITED STATES GOVERNMENT COOPERATION.**

4 (a) IN GENERAL.—The Secretary of Commerce, Sec-  
5 retary of State, the United States Trade Representative,  
6 Director of the United States Information Agency, and the  
7 Trade and Development Agency shall—

8 (1) give priority consideration to recommenda-  
9 tions of the Organization; and

10 (2) cooperate with the Organization in carrying  
11 out its duties.

12 (b) REPORT.—The Under Secretary for International  
13 Trade, the Assistant Secretary for Trade Development,  
14 the Assistant Secretary and Director General for the Unit-  
15 ed States and Foreign Commercial Service, the Director  
16 of the United States Information Agency, the United  
17 States Trade Representative, and the Trade and Develop-  
18 ment Agency shall report within 2 years of the date of  
19 the enactment of this Act, and every 2 years thereafter  
20 to the Senate Committee on Commerce, Science, and  
21 Transportation and the House Committee on Commerce  
22 on any travel and tourism activities carried out with the  
23 participation of the United States Federal Government.

1 **SEC. 7. SUNSET.**

2 (a) TWO YEAR DEADLINE FOR DEVELOPMENT OF  
3 COMPREHENSIVE LONG- TERM FINANCING PLAN.—If  
4 within 2 years after the date of the enactment of this Act,  
5 the Board has not developed and implemented a com-  
6 prehensive plan for the long-term financing of the Organi-  
7 zation, then sections 3 through 6 of this Act are repealed.

8 (b) SUSPENSION OR TERMINATION OF OPERATIONS  
9 FOR INSUFFICIENT FUNDS.—The Board may suspend or  
10 terminate the Organization if sufficient private sector and  
11 State or local government funds are not identified or made  
12 available to continue the Organization’s operations.

13 **SEC. 8. TRADE PROMOTION COORDINATING COMMITTEE.**

14 Section 2312 of the Export Enhancement Act of  
15 1988 (15 U.S.C. 4727) is amended in subsection (c) as  
16 follows:

17 (1) By striking “and” at the end of paragraph  
18 (4).

19 (2) By striking the period at the end of para-  
20 graph (5) and inserting “; and”.

21 (3) By adding after paragraph (5) the follow-  
22 ing:

23 “(6) reflect the recommendations of the United  
24 States National Tourism Organization to the degree  
25 considered appropriate by the TPCC.”.

1 **SEC. 9. REPEAL OF UNITED STATES TRAVEL AND TOURISM**  
2 **ADMINISTRATION AND RELATED PROVI-**  
3 **SIONS.**

4 (a) IN GENERAL.—Sections 202, 203, 204, 205, 206,  
5 301, 303, 304, 305, 306, and 307 of the International  
6 Travel Act of 1961 (22 U.S.C 2123, 2123a–2123d, 2124,  
7 2124b, and 2126–2129) are repealed.

8 (b) TOURISM POLICY AND EXPORT PROMOTION ACT  
9 OF 1992.—Section 4 of the Tourism Policy and Export  
10 Promotion Act of 1992 is amended in subsection  
11 (c)(1)(B)(i) and subsection (c)(2) by striking “Under Sec-  
12 retary of Commerce for Travel and Tourism” and insert-  
13 ing “Secretary of Commerce”.

14 **SEC. 10. POWERS AND DUTIES OF SECRETARY OF COM-**  
15 **MERCE.**

16 Section 201 of the International Travel Act of 1961  
17 (22 U.S.C. 2122) is amended to read as follows:

18 “SEC. 201. In order to carry out the national tourism  
19 policy established in section 101(b) and by the United  
20 States National Tourism Organization Act of 1996, the  
21 Secretary of Commerce (hereafter in this Act referred to  
22 as the ‘Secretary’) shall develop and implement a com-  
23 prehensive plan to perform critical tourism functions  
24 which, in the determination of the Secretary, are not being  
25 carried out by the United States National Tourism Orga-

1 nization or other private sector entities or State govern-  
2 ments. Such plan may include programs to—

3 “(1) collect and publish comprehensive inter-  
4 national travel and tourism statistics and other mar-  
5 keting information;

6 “(2) design, implement, and publish inter-  
7 national travel and tourism forecasting models;

8 “(3) facilitate the reduction or elimination of  
9 barriers to international travel and tourism; and

10 “(4) work with the United States National  
11 Tourism Organization, the Tourism Policy Council,  
12 State tourism agencies, and Federal agencies in—

13 “(A) coordinating the Federal implementa-  
14 tion of a national travel and tourism policy;

15 “(B) representing the United States’ inter-  
16 national travel and tourism interests to foreign  
17 governments; and

18 “(C) maintaining United States participa-  
19 tion in international travel and tourism trade  
20 shows and fairs until such activities can be  
21 transferred to such Organization and other pri-  
22 vate sector entities.”.

1 **SEC. 11. TOURISM POLICY COUNCIL.**

2 Section 302 of the International Travel Act of 1961  
3 (22 U.S.C. 2124a) is repealed and the following is in-  
4 serted:

5 “SEC. 301. (a) In order to ensure that the United  
6 States’ national interest in tourism is fully considered in  
7 Federal decision making, there is established a coordinat-  
8 ing council to be known as the Tourism Policy Council  
9 (hereafter in this Act referred to as the ‘Council’).

10 “(b) The Council shall consist of the following indi-  
11 viduals:

12 “(1) The Secretary of Commerce, who shall  
13 serve as the Chairman of the Council.

14 “(2) The Under Secretary of Commerce for  
15 International Trade.

16 “(3) The Director of the Office of Management  
17 and Budget.

18 “(4) The Secretary of State.

19 “(5) The Secretary of Interior.

20 “(6) The Secretary of Labor.

21 “(7) The Secretary of Transportation.

22 “(8) The Commissioner of the United States  
23 Customs Service.

24 “(9) The President of the United States Na-  
25 tional Tourism Organization.

1           “(10) The Commissioner of the Immigration  
2           and Naturalization Service.

3           “(11) Representatives of other Federal agencies  
4           which have affected interests at each meeting as  
5           deemed appropriate and invited by the Chairman.

6           “(c) Members of the Council shall serve without addi-  
7           tional compensation.

8           “(d) The Council shall conduct its first meeting not  
9           later than 6 months after the date of the enactment of  
10          the United States National Tourism Organization Act of  
11          1996. Thereafter the Council shall meet not less than 2  
12          times each year.

13          “(e)(1) The Council shall coordinate national policies  
14          and programs relating to international travel and tourism,  
15          recreation, and national heritage resources, which involve  
16          Federal agencies;

17          “(2) The Council may request directly from any Fed-  
18          eral department or agency such personnel, information,  
19          services, or facilities as deemed necessary by the Chairman  
20          and to the extent permitted by law and within the limits  
21          of available funds.

22          “(3) Federal departments and agencies may, in their  
23          discretion, detail to temporary duty with the Council such  
24          personnel as the Chairman may request for carrying out  
25          the functions of the Council. Each such detail of personnel

1 shall be without loss of seniority, pay, or other employee  
2 status.

3 “(f) Where necessary to prevent the public disclosure  
4 of non-public information which may be presented by a  
5 Council member, the Council may hold, at the discretion  
6 of the Chairman, a closed meeting which may exclude any  
7 individual who is not an officer or employee of the United  
8 States.

9 “(g) The Council shall submit an annual report for  
10 the preceding fiscal year to the President for transmittal  
11 to the Congress on or before December 31 of each year.  
12 The report shall include—

13 “(1) a comprehensive and detailed report of the  
14 activities and accomplishments of the Council;

15 “(2) the results of Council efforts to coordinate  
16 the policies and programs of member’s agencies that  
17 have a significant effect on international travel and  
18 tourism, recreation, and national heritage resources,  
19 including progress towards resolving interagency  
20 conflicts and development of cooperative program ac-  
21 tivity;

22 “(3) an analysis of problems referred to the  
23 Council by State and local governments, the tourism  
24 industry, the United States National Tourism Orga-  
25 nization, the Secretary of Commerce, along with a

1 detailed summary of any action taken or anticipated  
2 to resolve such problems; and

3 “(4) any recommendation as deemed appro-  
4 priate by the Council.

5 “(h) The membership of the President of the United  
6 States National Tourism Organization on the Council  
7 shall not in itself make the Federal Advisory Committee  
8 Act applicable to the Council.”.

9 **SEC. 12. DEFINITIONS.**

10 For purposes of this Act—

11 (1) the term “Organization” means the United  
12 States National Tourism Organization established  
13 under section 3; and

14 (2) the term “Board” means the United States  
15 National Tourism Organization Board established  
16 under section 4.

Passed the House of Representatives September 26,  
1996.

Attest:

ROBIN H. CARLE,

*Clerk.*