

Public Law 102-372
102d Congress

An Act

Sept. 30, 1992
[S. 680]

Tourism Policy
and Export
Promotion Act
of 1992.
Commerce and
trade.
Foreign
relations.
22 USC 2121
note.

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note.

To amend the International Travel Act of 1961 to assist in the growth of international travel and tourism in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) **SHORT TITLE.**—This Act may be cited as the “Tourism Policy and Export Promotion Act of 1992”.

(b) **REFERENCE.**—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.).

SEC. 2. FINDINGS.

The Congress finds that—

(1) the travel and tourism industry is the second largest retail or service industry in the United States;

(2) travel and tourism receipts make up over 6.7 percent of the United States gross national product;

(3) in 1991, the travel and tourism industry generated about six million jobs directly and about two million five hundred thousand indirectly;

(4) travel and tourism expenditures in 1991 were approximately \$352,000,000,000;

(5) forty-two million international visitors spent approximately \$64,700,000,000 in the United States in 1991;

(6) travel and tourism services ranked as the largest United States business services export in 1991, providing a United States travel trade balance of \$16,800,000,000;

(7) many local communities with significant tourism potential are unable to realize the economic and employment opportunities that tourism provides because they lack the necessary local resources and expertise needed to induce tourism trade;

(8) increased efforts directed at the promotion of rural tourism will contribute to the economic development of rural America and further the conservation and promotion of natural, scenic, historic, scientific, educational, inspirational, and recreational resources for future generations of Americans and foreign visitors;

(9) foreign tourists entering the United States are frequently faced with unnecessary delays at the United States border;

(10) advanced technologies, industrial targeting, the industrialization of the Third World, and the flight of some United States manufacturing capacity to overseas locations have affected the international competitiveness of the United States;

(11) exporting those goods and services which United States industry can produce at a comparative cost advantage, such as travel and tourism services, will be in the Nation's long-term strategic interest; and

(12) the emergence of democratic governments in the formerly Communist nations of Eastern Europe and in the former Soviet Union provide new opportunities for United States firms engaged in both the inbound and outbound tourism markets.

SEC. 3. SURVEY OF INTERNATIONAL AIR TRAVELERS.

22 USC 2122
note.

The Secretary of Commerce, to the extent available resources permit, shall improve the survey of international air travelers conducted to provide the data needed to estimate the Nation's balance of payments in international travel by—

(1) expanding the survey to cover travel to and from the Middle East, Africa, South America, and the Caribbean and enhancing coverage for Mexico, Oceania, the Far East, and Europe; and

(2) improving the methodology for conducting on-board surveys by (A) enhancing communications, training, and liaison activities in cooperation with participating air carriers, (B) providing for the continuation of needed data bases, and (C) utilizing improved sampling procedures.

The Secretary of Commerce shall seek to increase the reporting frequency of the data provided by Statistics Canada and the Bank of Mexico on international travel trade between the United States and both Canada and Mexico. The Secretary shall improve the quarterly statistical report on United States international travel receipts and payments published in the Bureau of Economic Analysis document known as "The Survey of Current Services" and heighten its visibility.

SEC. 4. RURAL TOURISM DEVELOPMENT FOUNDATION.

22 USC 2124c.

(a) ESTABLISHMENT OF FOUNDATION.—In order to assist in the development and promotion of rural tourism, there is established a charitable and nonprofit corporation to be known as the Rural Tourism Development Foundation (hereafter in this section referred to as the "Foundation").

(b) FUNCTIONS.—The functions of the Foundation shall be the planning, development, and implementation of projects and programs which have the potential to increase travel and tourism export revenues by attracting foreign visitors to rural America. Initially, such projects and programs shall include—

(1) participation in the development and distribution of educational and promotional materials pertaining to both private and public attractions located in rural areas of the United States, including Federal parks and recreational lands, which can be used by foreign visitors;

(2) development of educational resources to assist in private and public rural tourism development; and

(3) participation in Federal agency outreach efforts to make such resources available to private enterprises, State and local governments, and other persons and entities interested in rural tourism development.

(c) BOARD OF DIRECTORS.—

(1) COMPOSITION.—(A) The Foundation shall have a Board of Directors (hereafter in this section referred to as the "Board") that—

(i) during its first two years shall consist of nine voting members; and

(ii) thereafter shall consist of those nine members plus up to six additional voting members as determined in accordance with the bylaws of the Foundation.

(B)(i) The Under Secretary of Commerce for Travel and Tourism shall, within six months after the date of enactment of this Act, appoint the initial nine voting members of the Board and thereafter shall appoint the successors of each of three such members, as provided by such bylaws.

(ii) The voting members of the Board, other than those referred to in clause (i), shall be appointed in accordance with procedures established by such bylaws.

(C) The voting members of the Board shall be individuals who are not Federal officers or employees and who have demonstrated an interest in rural tourism development. Of such voting members, at least a majority shall have experience and expertise in tourism trade promotion, at least one shall have experience and expertise in resource conservation, at least one shall have experience and expertise in financial administration in a fiduciary capacity, at least one shall be a representative of an Indian tribe who has experience and expertise in rural tourism on an Indian reservation, at least one shall represent a regional or national organization or association with a major interest in rural tourism development or promotion, and at least one shall be a representative of a State who is responsible for tourism promotion.

(D) Voting members of the Board shall each serve a term of six years, except that—

(i) initial terms shall be staggered to assure continuity of administration;

(ii) if a person is appointed to fill a vacancy occurring prior to the expiration of the term of the person's predecessor, that person shall serve only for the remainder of the predecessor's term; and

(iii) any such appointment to fill a vacancy shall be made within sixty days after the vacancy occurs.

(2) EX-OFFICIO MEMBERS.—The Under Secretary of Commerce for Travel and Tourism and representatives of Federal agencies with responsibility for Federal recreational sites in rural areas (including the National Park Service, Bureau of Land Management, Forest Service, Corps of Engineers, Bureau of Indian Affairs, Tennessee Valley Authority, and such other Federal agencies as the Board determines appropriate) shall be nonvoting ex-officio members of the Board.

(3) CHAIR.—The Chairman and Vice Chairman of the Board shall be elected by the voting members of the Board for terms of two years.

(4) MEETINGS.—The Board shall meet at the call of the Chairman and there shall be at least two meetings each year. A majority of the voting members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Foundation shall have an official seal, which shall be judicially noticed. Voting membership on the Board shall not be deemed to be an office within the meaning of the laws of the United States.

(d) **COMPENSATION AND EXPENSES.**—No compensation shall be paid to the members of the Board for their services as members, but they may be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as such members out of Foundation funds available to the Board for such purposes.

(e) **ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS.**—

(1) **IN GENERAL.**—The Foundation is authorized to accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein for the benefit of or in connection with rural tourism, except that the Foundation may not accept any such gift, devise, or bequest which entails any expenditure other than from the resources of the Foundation. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of rural tourism.

(2) **INDIANS.**—A gift, devise, or bequest accepted by the Foundation for the benefit of or in connection with rural tourism on Indian reservations, pursuant to the Act of February 14, 1931 (25 U.S.C. 451), shall be maintained in a separate accounting for the benefit of Indian tribes in the development of tourism on Indian reservations.

(f) **INVESTMENTS.**—Except as otherwise required by the instrument of transfer, the Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income thereof as the Board may from time to time determine. The Foundation shall not engage in any business, nor shall the Foundation make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer and may retain any property accepted by the Foundation.

(g) **PERPETUAL SUCCESSION; LIABILITY OF BOARD MEMBERS.**—The Foundation shall have perpetual succession, with all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name, but the members of the Board shall not be personally liable, except for malfeasance.

(h) **CONTRACTUAL POWER.**—The Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

(i) **ADMINISTRATION.**—

(1) **IN GENERAL.**—In carrying out the provisions of this section, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and may hire officers and employees and contract for any other necessary services. Such officers and employees shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and may be paid without regard to the provisions of chapters 51 and 53 of such title relating to classification and General Schedule pay rates.

(2) **SERVICES.**—The Secretary of Commerce may accept the voluntary and uncompensated services of the Foundation, the Board, and the officers and employees of the Foundation in the performance of the functions authorized under this section,

without regard to section 1342 of title 31, United States Code, or the civil service classification laws, rules, or regulations.

(3) CONSTRUCTION.—Neither an officer or employee hired under paragraph (1) nor an individual who provides services under paragraph (2) shall be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(j) EXEMPTION FROM TAXES; CONTRIBUTIONS.—The Foundation and any income or property received or owned by it, and all transactions relating to such income or property, shall be exempt from all Federal, State, and local taxation with respect thereto. The Foundation may, however, in the discretion of the Board, contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay such government if it were not exempt from taxation by virtue of this subsection or by virtue of its being a charitable and nonprofit corporation and may agree so to contribute with respect to property transferred to it and the income derived therefrom if such agreement is a condition of the transfer. Contributions, gifts, and other transfers made to or for the use of the Foundation shall be regarded as contributions, gifts, or transfers to or for the use of the United States.

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

(l) ANNUAL REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives an annual report of its proceedings and activities, including a full and complete statement of its receipts, expenditures, and investments.

(m) DEFINITIONS.—As used in this section—

(1) the term “Indian reservation” has the meaning given the term “reservation” in section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d));

(2) the term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(3) the term “local government” has the meaning given that term in section 3371(2) of title 5, United States Code; and

(4) the term “rural tourism” has the meaning given that term by the Secretary of Commerce and shall include activities related to travel and tourism that occur on Federal recreational sites, on Indian reservations, and in the territories, possessions, and commonwealths of the United States.

(n) ASSISTANCE BY SECRETARY OF COMMERCE.—Section 202(a) of the International Travel Act of 1961 (22 U.S.C. 2123(a)) is amended by striking paragraph (15) and inserting in lieu thereof the following new paragraph:

“(15) may assist the Rural Tourism Development Foundation, established under section 4 of the Tourism Policy and Export Promotion Act of 1992, in the development and promotion of rural tourism.”.

SEC. 5. POLICY CLARIFICATIONS.

Section 101(b) (22 U.S.C. 2121(b)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) optimize the contributions of the tourism and recreation industries to the position of the United States with respect to international competitiveness, economic prosperity, full employment, and the balance of payments;”;

(2) by redesignating paragraphs (2) through (12) as paragraphs (6) through (16), respectively; and

(3) by inserting immediately after paragraph (1) the following new paragraphs:

“(2) increase United States export earnings from United States tourism and transportation services traded internationally;

“(3) ensure the orderly growth and development of tourism;

“(4) coordinate and encourage the development of the tourism industry in rural communities which—

“(A) have been severely affected by the decline of agriculture, family farming, or the extraction or manufacturing industries, or by the closing of military bases; and

“(B) have the potential necessary to support and sustain an economy based on tourism;

“(5) promote increased and more effective investment in international tourism by the States, local governments, and cooperative tourism marketing programs;”.

SEC. 6. DUTIES OF THE SECRETARY OF COMMERCE.

(a) DUTIES OF SECRETARY.—Section 201 (22 U.S.C. 2122) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(2) in paragraph (3) (as so redesignated) by striking “tourist facilities,” and all that follows and inserting in lieu thereof the following: “receptive, linguistic, informational, currency exchange, meal, and package tour services required by the international market;”;

(3) by inserting immediately after paragraph (1) the following:

“(2) provide export promotion services that will increase the number of States, local governments (as defined in section 3371(2) of title 5, United States Code), and companies in the United States that sell their tourism services in the international market, expand the number of foreign markets in which exporting States, cities, and companies are active, and inform States, cities, and companies in the United States regarding the specialized services the international market requires;”;

(4) by striking the period at the end of paragraph (7) (as so redesignated) and inserting in lieu thereof the following: “and the use of other United States providers of travel products and services; and”; and

(5) by inserting immediately after such paragraph (7) the following new paragraph:

“(8) advise and provide information and technical assistance to United States firms seeking to facilitate travel to and from the emerging democracies of Eastern Europe and the

former Soviet Union and compile statistics, as available, regarding such travel.”

(b) PERFORMANCE OF DUTIES.—Section 202(a) (22 U.S.C. 2123(a)) is amended—

(1) by amending paragraph (5) to read as follows:

“(5) shall provide financial assistance under section 203 to cooperative tourism marketing programs;”;

(2) in paragraph (9), by striking “United States travel and tourism interests” and inserting in lieu thereof “the United States national tourism interest”; and

(3) in paragraph (12), by inserting immediately before the semicolon at the end the following: “and the use of other United States providers of travel products and services”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 202 (22 U.S.C. 2123) is amended—

(1) in the first sentence of subsection (c), by striking “paragraph (5) of subsection (a)” and inserting in lieu thereof “section 203”;

(2) in the second sentence of subsection (c), by striking “paragraph” and inserting in lieu thereof “subsection”;

(3) in the third sentence of subsection (c), by striking “paragraph (5) of subsection (a) of this section” and inserting in lieu thereof “section 203”; and

(4) in subsection (d), by striking “paragraph (5) of subsection (a) of this section” and inserting in lieu thereof “section 203”.

SEC. 7. TOURISM TRADE DEVELOPMENT.

Section 202 (22 U.S.C. 2123) is amended by adding at the end the following new subsection:

“(e)(1) The Secretary’s tourism trade development efforts shall focus on the markets which have the greatest potential for increasing travel and tourism revenues.

“(2) By October 1 of each year (commencing October 1, 1993), the Secretary shall publish a notice in the Federal Register soliciting comment, from persons interested in tourism trade, concerning markets that would be an appropriate focus of tourism trade development efforts to be carried out in the twelve-month period that begins twelve months after the notice is published.

“(3) Not later than three months after the notice is published under paragraph (2), the Secretary shall select the markets that the Secretary determines are an appropriate focus of tourism trade development efforts to be carried out in the twelve-month period described in paragraph (2). The selection shall be announced by publication in the Federal Register.

“(4) At the same time the Secretary announces the selection of markets under paragraph (3), the Secretary shall issue a request for proposals from cooperative tourism marketing programs to develop and implement tourism trade development programs applicable to the markets so selected. The Secretary shall provide financial assistance in accordance with section 203 to carry out proposals submitted under this subparagraph. Such financial assistance shall be provided on or before September 30 of the year in which the markets are selected under paragraph (3).

“(5) During each twelve-month period described in paragraph (2), tourism trade development efforts shall be directed at the markets selected under paragraph (3).”.

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SEC. 8. TOURISM MARKETING PROGRAMS.

(a) **FINANCIAL ASSISTANCE.**—Sections 203 and 204 (22 U.S.C. 2123a and 2123b) are repealed and the following new section is inserted immediately after section 202:

“SEC. 203. (a) The Secretary shall provide financial assistance to cooperative tourism marketing programs in accordance with this section. 22 USC 2123a.

“(b)(1) To be eligible for financial assistance under subsection (a), a cooperative tourism marketing program shall, at a minimum—

“(A) involve the participation of—

“(i) two or more States;

“(ii) one or more States and one or more political subdivisions of States; or

“(iii) one or more States and one or more nonprofit organizations;

“(B) be established for the purpose of increasing the number of foreign visitors to the region in which such States or local governments are located; and

“(C) have a written regional tourism marketing plan which includes advertising, publication of promotional materials, or other promotional or market research activities designed to increase the number of foreign visitors to such region.

“(2) Financial assistance may be provided under subsection (a) if the applicant for the assistance demonstrates to the satisfaction of the Secretary that the assistance will be used for a purpose described in subsection (c) and that—

“(A) such cooperative tourism marketing program for which the financial assistance will be provided will increase the travel of foreign visitors to the region for which the assistance is sought;

“(B) such program will contribute to the economic well-being of such region;

“(C) such region is developing or has developed a regional transportation system that will enhance travel to the facilities and attractions in such region; and

“(D) such program will focus its efforts on the countries in the markets selected by the Secretary under section 202(e)(3).

“(c) Financial assistance provided under subsection (a) may be used for the purpose of—

“(1) promoting or marketing to foreign visitors or potential foreign visitors the tourism and recreational opportunities in the region for which such financial assistance is sought;

“(2) targeting foreign visitors to develop or enhance their interest in tourism and recreational opportunities in such region;

“(3) encouraging the development by such cooperative tourism marketing program of regional strategies for international tourism promotion and marketing; or

“(4) developing and implementing tourism trade development programs applicable to markets selected under section 202(e)(3).

“(d) In connection with financial assistance provided under subsection (a), a cooperative tourism marketing program may enter into agreements with individuals and private profit and nonprofit businesses and organizations who will assist in carrying out the purposes for which such financial assistance is provided. Such an agreement shall be disclosed in any application for financial assist-

ance under subsection (a) and such an application may be approved by the Secretary only if the Secretary finds that such agreement meets all applicable legal requirements and is consistent with the purposes of this Act.

Regulations.

“(e) After notice and opportunity for public comment and within one hundred and eighty days after the date of enactment of the Tourism Policy and Export Promotion Act of 1992, the Secretary shall issue rules and guidelines to carry out this section. Proposed rules and guidelines shall be issued within ninety days after such date of enactment.

“(f)(1) The total amount of financial assistance that may be provided under subsection (a) shall, in each of the fiscal years 1994, 1995, and 1996, be not less than 25 percent of the amount appropriated to the Secretary for such fiscal year under section 304.

“(2) Not more than 50 percent of the financial assistance provided under subsection (a) for any fiscal year may be used for tourism trade development designed to promote travel and tourism in the United States generally without promotion of a particular area of the United States. Cooperative tourism marketing programs receiving financial assistance under subsection (a) shall pool 50 percent of their financial assistance for such general tourism trade development in each market selected by the Secretary under section 202(e)(3). The Secretary shall provide technical assistance to recipients of such financial assistance and coordinate such efforts.”.

(b) **FEDERAL SHARE OF PROJECT COSTS.**—The first sentence of section 202(c) (22 U.S.C. 2123(c)) is amended by striking all after “sources” and inserting in lieu thereof a period and the following new sentence: “Any recipient of financial assistance under section 203 shall provide matching funds (consisting of actual dollar expenditures on the program for which such financial assistance is provided) equal to at least 25 percent of such financial assistance.”.

SEC. 9. TOURISM TRADE BARRIERS.

Title II (22 U.S.C. 2122 et seq.), as amended by section 8 of this Act, is further amended by adding at the end the following new section:

22 USC 2123b.

“SEC. 204. For each calendar year beginning with calendar year 1994, the Secretary shall—

“(1) identify and analyze acts, policies, or practices of each foreign country that constitute significant barriers to, or distortions of, United States travel and tourism exports;

“(2) make an estimate of the trade-distorting impact on United States commerce of any act, policy, or practice identified under paragraph (1); and

“(3) make an estimate, if feasible, of the value of additional United States travel and tourism exports that would have been exported to each foreign country during such calendar year if each of such acts, policies, and practices of such country did not exist.”.

SEC. 10. ACTION TO FACILITATE ENTRY OF FOREIGN TOURISTS.

Title II (22 U.S.C. 2122 et seq.), as amended by section 9, is further amended by adding at the end the following new section:

22 USC 2123c.

“SEC. 205. The Secretary shall, in coordination with appropriate Federal agencies, take appropriate action to ensure that foreign tourists are not unnecessarily delayed when entering the United

States and to ensure that the international processing standard of the International Civil Aviation Organization is met.”.

SEC. 11. PERFORMANCE OF THE UNITED STATES TRAVEL AND TOURISM ADMINISTRATION.

Title II (22 U.S.C. 2122 et seq.), as amended by section 10 of this Act, is further amended by adding at the end the following:

“SEC. 206. (a) Beginning October 1, 1994, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives the goals of the United States Travel and Tourism Administration for the applicable forthcoming fiscal year, including quantifiable measures on which such Administration’s performance can be evaluated. Such goals shall include—

22 USC 2123d.

“(1) the number of written and telephone inquiries regarding the possibility of foreign travel to the United States expected to be generated by the financial assistance provided to cooperative tourism marketing programs under section 203;

“(2) the number of tour packages for foreign visitors to the United States expected to be sold in connection with such financial assistance;

“(3) the number of tourists from countries in markets selected under section 202(e)(3) expected to visit the United States destinations being promoted in such countries in connection with such financial assistance; and

“(4) the actions recommended to eliminate acts, policies, and practices of foreign countries identified under section 204 that constitute significant barriers to or distortions of United States travel and tourism exports.

“(b) By December 31, 1995, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report outlining the degree to which the goals set forth for the prior fiscal year have been attained. Such report shall include—

Reports.

“(1) the number of written and telephone inquiries regarding the possibility of foreign travel to the United States actually received by the Secretary and by persons receiving financial assistance under section 203;

“(2) the number of tour packages for foreign visitors to the United States actually sold in connection with such financial assistance;

“(3) the number of tourists from countries in markets selected under section 202(e)(3) that actually visited the United States destinations being promoted in such countries in connection with such financial assistance;

“(4) an evaluation of the effectiveness of such financial assistance; and

“(5) an evaluation of the effectiveness of any actions recommended under subsection (a)(4) which were taken to eliminate acts, policies, and practices that constitute significant barriers to, or distortions of, United States travel and tourism exports.

“(c) The Secretary shall collect from persons receiving financial assistance under section 203 such information as may be necessary to enable the Secretary to comply with subsections (a) and (b).

The Secretary may condition the receipt of such financial assistance on the agreement of the recipient to provide such information to the Secretary at such times and in such manner and form as the Secretary deems appropriate.”.

SEC. 12. ADMINISTRATION.

Section 301(a) (22 U.S.C. 2124(a)) is amended—

- (1) by striking the third and fourth sentences;
- (2) by inserting “(1)” immediately after “(a)”; and
- (3) by adding at the end the following new paragraph:
“(2) The Secretary shall designate a Deputy Under Secretary for Tourism Trade Development who shall be drawn from, and serve as a member of, the career service. The Deputy Under Secretary shall have responsibility for—

“(A) facilitating the interaction between industry and government concerning tourism trade development;

“(B) directing and managing field operations;

“(C) directing program evaluation research and industry statistical research;

“(D) developing an outreach program to those communities with underutilized tourism potential to assist them in development of strategies for expansion of tourism trade;

“(E) implementing the program to provide financial assistance under section 203 in support of non-Federal tourism trade development activities; and

“(F) performing such other functions as the Under Secretary may assign.”.

SEC. 13. COORDINATION.

Section 301 (22 U.S.C. 2124) is amended by adding at the end the following new subsection:

“(c) The Under Secretary of Commerce for Travel and Tourism shall continue to seek the assistance of the United States and Foreign Commercial Service and shall continue to be available to assist the United States Travel and Tourism Administration at locations identified by the Under Secretary, in consultation with the Director General of the United States and Foreign Commercial Service, as necessary to assist the Administration’s foreign offices in stimulating and encouraging travel to the United States by foreign residents and in carrying out other powers and duties of the Secretary specified in section 202.”.

SEC. 14. LIMITATION ON CERTAIN EXPENDITURES.

Section 301 (22 U.S.C. 2124), as amended by section 13, is further amended by adding at the end the following new subsection:

“(d) The expenditures for personnel compensation, rental payments, communications, utilities, miscellaneous charges, and equipment shall not exceed—

“(1) in fiscal year 1993, 55 percent of the amount appropriated to the Secretary under section 304;

“(2) in fiscal year 1994, 52.5 percent of the amount appropriated to the Secretary under section 304; and

“(3) in fiscal year 1995 and in subsequent fiscal years, 50 percent of the amount appropriated to the Secretary under section 304.”.

SEC. 15. TOURISM POLICY COUNCIL.

(a) **MEMBERSHIP.**—Section 302(b)(1) (22 U.S.C. 2124a(b)(1)) is amended—

(1) by redesignating subparagraphs (H) and (I) as subparagraphs (O) and (P); and

(2) by inserting immediately after subparagraph (G) the following new subparagraphs:

“(H) the Secretary of Agriculture;

“(I) the Chairman of the Tennessee Valley Authority;

“(J) the Commanding General of the Corps of Engineers of the Army, within the Department of Defense;

“(K) the Administrator of the Small Business Administration;

“(L) the Commissioner of the Immigration and Naturalization Service;

“(M) the Chief Executive Officer of the National Railroad Passenger Corporation;

“(N) the Commissioner of Customs;”.

(b) **DETAILS.**—Section 302(d) (22 U.S.C. 2124a(d)) is amended by adding at the end the following new paragraph:

“(4)(A) Every year, upon designation by the Secretary in accordance with subparagraph (B), up to three Federal departments and agencies represented on the Council shall each detail to the Council for that year one staff person and associated resources.

“(B) In making the designation referred to in subparagraph (A), the Secretary shall designate a different group of agencies and departments each year and shall not redesignate any agency or department until all the other agencies and departments represented on the Council have been designated the same number of years.”.

SEC. 16. ADVISORY BOARD.

(a) **MEMBERSHIP.**—Section 303(a)(3) (22 U.S.C. 2124b(a)(3)) is amended—

(1) in subparagraph (A), by striking “and”;

(2) in subparagraph (B), by striking “one shall be a representative of the States who is” and inserting in lieu thereof “two shall be representatives of the States who are” and by striking the period at the end and inserting in lieu thereof “; and”;

(3) by adding at the end the following new subparagraph:

“(C) at least one shall be a representative of a city who is knowledgeable of tourism promotion.”.

(b) **TERMS.**—The last sentence of section 303(b) (22 U.S.C. 2124b(b)) is amended by striking “two consecutive terms of three years each” and inserting in lieu thereof “six consecutive years or nine years in the aggregate”.

(c) **ADVICE.**—The first sentence of section 303(f) (22 U.S.C. 2124b(f)) is amended by striking “and shall advise” and all that follows through “202(a)(15)”.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 304 (22 U.S.C. 2126) is amended—

(1) in the first sentence, by inserting immediately before the period the following: “, not to exceed \$21,000,000 for fiscal year 1993, not to exceed \$22,500,000 for fiscal year 1994, not

to exceed \$24,000,000 for fiscal year 1995, and not to exceed \$26,000,000 for fiscal year 1996"; and

(2) by striking the last two sentences and inserting in lieu thereof the following: "Funds appropriated under this section may be expended by the Secretary without regard to sections 501 and 3702 of title 44, United States Code. Funds appropriated under this section for the printing of travel promotional materials shall remain available for 2 fiscal years.".

22 USC 2122
note.

SEC. 18. REPORT ON TOURISM AND TRAVEL ACTIVITIES.

The Secretary of Commerce shall, within 18 months after the date of the enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on—

(1) the status of the actions required by section 3 and the desirability and feasibility of publishing international travel receipts and payments on a monthly basis;

(2) the Secretary's actions under section 201(8) of the International Travel Act of 1961 (as amended by section 6 of this Act), regarding the inbound and outbound tourism trade between the United States and emerging democracies of Eastern Europe and the former Soviet Union (including statistics, as available, on the number of inbound and outbound tourists, receipts from and expenditures by such tourists, the number of tourists traveling into and out of Eastern Europe and the former Soviet Union on American carriers, and other relevant matters);

(3) the activities of the Department of Commerce and other Federal agencies to increase tourism opportunities for, and encourage travel by, disabled persons; and

(4) efforts undertaken under section 205 of the International Travel Act of 1961 (as amended by section 13 of this Act) to improve visitor facilitation and the effect on United States travel and tourism as a result of those improvements.

22 USC 2124
note.

SEC. 19. REPORT ON FOREIGN OFFICES.

(a) **REPORT BY SECRETARY.**—The Secretary of Commerce shall, within one year after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the offices of the United States Travel and Tourism Administration located in foreign countries.

(b) **CONTENTS.**—The report required by subsection (a) shall include the following:

(1) **DESCRIPTION OF OFFICES.**—A description of each foreign office of the United States Travel and Tourism Administration, including the number of United States national employees, foreign national employees, and contract personnel who perform duties for the foreign office and a statement as to how many of each category of employees or personnel are part-time and full-time.

(2) **INFORMATION ON LOCAL LAWS.**—Information on the laws of the country in which each foreign office is located. The information shall state the country's legal requirements concerning the termination or reassignment of employees or contract personnel, any actions altering the terms or conditions

of employment that will result in a requirement to pay additional compensation to the affected employee, and the legally mandated duties to affected employees and contract personnel where an entire foreign office is closed after appropriate notice.

(3) **EXISTING LEASES.**—Information on all existing leases of office space (or space sharing arrangements with the United States embassy) applicable to each foreign office, including an analysis of the Secretary's ability to terminate such leases or other arrangements and the costs associated with such termination.

(4) **COST REDUCTIONS AND MARKETING EFFICIENCIES.**—Analysis of and recommendations for possible cost reductions and marketing efficiencies with respect to the activities of foreign offices, including the advantages and disadvantages of consolidating foreign office functions by establishing three regional offices of the United States Travel and Tourism Administration based in and responsible for the following respective geographic areas:

(A) Europe and Africa.

(B) Asia and the Pacific region.

(C) North America, South America, and the Caribbean region.

(5) **ORGANIZATIONAL FLEXIBILITY.**—Analysis and recommendations concerning methods for increasing organizational flexibility (particularly with respect to the establishment, operations, closing, and relocation of foreign offices) in response to changing market conditions, fiscal constraints, and policy conditions.

(c) **DELAY IN CERTAIN ADMINISTRATIVE ACTIONS.**—At offices of the United States Travel and Tourism Administration located in foreign countries—

(1) no new foreign national employees nor contract personnel may be hired, except for employees or contract personnel that directly replace foreign national employees or contract personnel; and

(2) no new leases of office space, nor renewals of existing leases for longer than two years, may be executed, until six months after the report required by subsection (a) is received.

Approved September 30, 1992.

LEGISLATIVE HISTORY—S. 680 (H.R. 3645):

HOUSE REPORTS: No. 102-355 accompanying H.R. 3645 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 102-150 (Comm. on Commerce, Science and Transportation).

CONGRESSIONAL RECORD:

Vol. 137 (1991): Oct. 24, considered and passed Senate.

Nov. 23, H.R. 3645 considered and passed House; S. 680, amended, passed in lieu.

Vol. 138 (1992): Aug. 12, Senate concurred in House amendments with an amendment.

Sept. 15, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

Sept. 30, Presidential statement.