Public Law 104–288
104th Congress

An Act

Oct. 11, 1996
[H.R. 2579]

To establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States.

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

United States National Tourism Organization Act of 1996.
22 USC 2141 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States National Tourism Organization Act of 1996".

22 USC 2141.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) The travel and tourism industry is the second largest service and retail industry in the United States, and travel and tourism services ranked as the largest United States export in 1995, generating an $18.6 billion surplus for the United States.

(2) Domestic and international travel and tourism expenditures totaled $433 billion in 1995, $415 billion spent directly within the United States and an additional $18 billion spent by international travelers on United States carriers traveling to the United States.

(3) Direct travel and tourism receipts make up 6 percent of the United States gross domestic product.

(4) In 1994, the travel and tourism industry was the nation's second largest employer, directly responsible for 6.3 million jobs and indirectly responsible for another 8 million jobs.

(5) Employment in major sectors of the travel and tourism industry is expected to increase 35 percent by the year 2005.

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

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

(8) Recent Federal tourism promotion efforts have failed to stem the rapid erosion of our country's international tourism market share.

(9) In fact, the United States' share of worldwide travel receipts dropped from a peak of 19.3 percent in 1992 down to 15.7 percent by the end of 1994.

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

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

(12) Promotion of the United States' international travel and tourism interests can be more effectively managed by a private organization at less cost to the taxpayers.

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

SEC. 3. UNITED STATES NATIONAL TOURISM ORGANIZATION. 22 USC 2141a.

(a) ESTABLISHMENT.—There is established the United States National Tourism Organization which shall be a private not-for-profit organization.

(b) ORGANIZATION NOT A FEDERAL AGENCY.—The Organization shall (1) not be considered a Federal agency, (2) have employees appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, and (3) not be subject to the Federal Advisory Committee Act or any other Federal law governing the operation of Federal agencies.

(c) IRS STATUS.—The Organization shall be presumed to have the status of an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 until such time as the Secretary of the Treasury determines that the Organization does not meet the requirements of such section.

(d) PURPOSE OF THE ORGANIZATION.—The Organization shall—

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

(2) work in conjunction with Federal, State, and local agencies to develop and implement a coordinated United States travel and tourism policy;

(3) advise the President, the Congress, and the domestic travel and tourism industry on the implementation of the national travel and tourism strategy and on other matters affecting travel and tourism;

(4) operate travel and tourism promotion programs outside the United States in partnership with the travel and tourism industry in the United States;

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

(6) conduct market research necessary for effective promotion of the travel and tourism market; and

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

(e) POWERS OF THE ORGANIZATION.—The Organization—

(1) shall have perpetual succession;

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

(3) may sue and be sued, make contracts, and acquire, hold, and dispose of real and personal property, as may be necessary for its corporate purposes;

(4) may provide financial assistance to any organization or association in furtherance of the purpose of the corporation;

(5) may adopt and alter a corporate seal;

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

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

(f) FUNDING.—

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

(2) EXPENSES.—The Organization may also accept such gifts, legacies, devises, contributions, and payments on behalf of the National Tourism Organization Board to cover the expenses of the Board.

(g) POLITICAL ACTIVITIES PROHIBITED.—The Organization shall not engage in any activities designed in part or in whole to promote a political party or the candidacy of any person seeking or holding political office.

22 USC 2141b.

SEC. 4. UNITED STATES NATIONAL TOURISM ORGANIZATION BOARD.

(a) ESTABLISHMENT.—There is established the United States National Tourism Organization Board for the purposes of governing and supervising the activities of the Organization.

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

(1) The Under Secretary of Commerce for International Trade of the Department of Commerce, who will serve as a member ex officio;

(2) 5 State Travel Directors elected by the National Council of State Travel Directors;

(3) 5 members elected by the International Association of Convention and Visitors Bureaus;

(4) 3 members elected by the Air Transport Association;

(5) 1 member elected by the National Association of Recreational Vehicle Parks and Campgrounds, 1 member elected by the Recreation Vehicle Industry Association;

(6) 2 members elected by the International Association of Amusement Parks and Attractions;

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

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

(9) 2 members elected by the American Car Rental Association; 1 member elected by the American Automobile Association, 1 member elected by the American Bus Association, 1 member elected by Amtrak;

(10) 1 member elected by the American Society of Travel Agents, and 1 member elected by the Association of Retail Travel Agents;

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

(12) 1 member elected by the Cruise Lines International Association, 1 member elected by the National Restaurant Association, 1 member elected by the National Park Hospitality

Association, 1 member elected by the Airports Council International, 1 member elected by the Meeting Professionals International, 1 member elected by the American Sightseeing International, 4 members elected by the Travel Industry Association of America;

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

(14) 1 member elected by the American Association of Museums; and

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

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

(d) PRESIDENT.—The Board shall appoint and establish the compensation and duties of a President of the Organization who shall assist the Chair in organizing and carrying out the necessary functions of the Board. The duties of the President shall include serving as a non-voting member of the Tourism Policy Council established under section 301 of the International Travel Act of 1961.

(e) POWERS AND DUTIES OF THE BOARD.—

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

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

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

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

(D) establish the procedures for calling meetings and providing appropriate notice, including procedures for closing meetings where confidential information or strategy will be discussed.

(2) The Board shall designate a place of business for the receipt of process for the Organization, subject to the laws of the State or district so designated, where such laws do not conflict with the provisions of this Act.

(3) The Board shall present testimony and make available reports on its findings and recommendations to the Congress and to legislatures of the States on at least a biannual basis.

(4) Within one year of the date of its first meeting, the Board shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Commerce on a plan for long-term financing for the Organization, with a focus on contributions from the private sector and State and local entities, and, if necessary, make recommendations to the Congress and the President for further legislation.

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

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

(h) MEETINGS.—The Board shall meet at the call of the Chair, but not less frequently than semiannually. The Board shall meet within 2 months of appointment of all members, but in any case

no later than 6 months after the date of the enactment of this Act.

22 USC 2141c.

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

(a) IN GENERAL.—The Organization shall provide for the design of such symbols, emblems, trademarks, and names as may be appropriate and shall take all action necessary to protect and regulate the use of such symbols, emblems, trademarks, and names under law.

(b) EXCLUSIVE RIGHT OF THE ORGANIZATION.—The Organization shall have exclusive right to use the name "United States National Tourism Organization" and the acronym "USNTO", the symbol described in subsection (c)(1)(A), the emblem described in subsection (c)(1)(B), and the words "United States National Tourism Organization", or any combination thereof, subject to the use reserved by subsection (c)(2).

(c) UNAUTHORIZED USE; CIVIL ACTION.—

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

(A) the symbol of the Organization;

(B) the emblem of the Organization;

(C) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the Organization; or

(D) the words "United States National Tourism Organization" or the acronym "USNTO" or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the Organization or any Organization activity;

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

(2) EXCEPTION.—Paragraph (1)(D) shall not be construed to prohibit any person who, before the date of the enactment of this Act, actually used the words "United States National Tourism Organization" or the acronym "USNTO" for any lawful purpose from continuing such lawful use for the same purpose and for the same goods and services.

(d) CONTRIBUTORS AND SUPPLIERS.—The Organization may authorize contributors and suppliers of goods and services to use the trade name of the Organization as well as any trademark, symbol, insignia, or emblem of the Organization in advertising that the contributions, goods, or services were donated, supplied, or furnished to or for the use of, approved, selected, or used by the Organization.

(d) LIMITATION.—The Organization may not adopt or use any existing symbol, emblem, trademark, or name that is protected under law (including any treaty to which the United States is a party).

22 USC 2141d.

SEC. 6. UNITED STATES GOVERNMENT COOPERATION.

(a) IN GENERAL.—The Secretary of Commerce, Secretary of State, the United States Trade Representative, Director of the United States Information Agency, and the Trade and Development Agency shall—

(1) give priority consideration to recommendations of the Organization; and

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

(b) REPORT.—The Under Secretary for International Trade, the Assistant Secretary for Trade Development, the Assistant Secretary and Director General for the United States and Foreign Commercial Service, the Director of the United States Information Agency, the United States Trade Representative, and the Trade and Development Agency shall report within 2 years of the date of the enactment of this Act, and every 2 years thereafter to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Commerce on any travel and tourism activities carried out with the participation of the United States Federal Government.

SEC. 7. SUNSET. 22 USC 2141e.

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

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

SEC. 8. TRADE PROMOTION COORDINATING COMMITTEE.

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

(1) By striking "and" at the end of paragraph (4).

(2) By striking the period at the end of paragraph (5) and inserting "; and".

(3) By adding after paragraph (5) the following:

"(6) reflect the recommendations of the United States National Tourism Organization to the degree considered appropriate by the TPCC.".

SEC. 9. REPEAL OF UNITED STATES TRAVEL AND TOURISM ADMINISTRATION AND RELATED PROVISIONS.

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

(b) TOURISM POLICY AND EXPORT PROMOTION ACT OF 1992.—Section 4 of the Tourism Policy and Export Promotion Act of 1992 is amended in subsection (c)(1)(B)(i) and subsection (c)(2) by striking "Under Secretary of Commerce for Travel and Tourism" and inserting "Secretary of Commerce". 22 USC 2124c.

SEC. 10. POWERS AND DUTIES OF SECRETARY OF COMMERCE.

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

"SEC. 201. In order to carry out the national tourism policy established in section 101(b) and by the United States National Tourism Organization Act of 1996, the Secretary of Commerce

(hereafter in this Act referred to as the 'Secretary') shall develop and implement a comprehensive plan to perform critical tourism functions which, in the determination of the Secretary, are not being carried out by the United States National Tourism Organization or other private sector entities or State governments. Such plan may include programs to—

"(1) collect and publish comprehensive international travel and tourism statistics and other marketing information;

"(2) design, implement, and publish international travel and tourism forecasting models;

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

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

"(A) coordinating the Federal implementation of a national travel and tourism policy;

"(B) representing the United States' international travel and tourism interests to foreign governments; and

"(C) maintaining United States participation in international travel and tourism trade shows and fairs until such activities can be transferred to such Organization and other private sector entities.".

SEC. 11. TOURISM POLICY COUNCIL.

Section 302 of the International Travel Act of 1961 (22 U.S.C. 2124a) is repealed and the following is inserted:

Establishment.
22 USC 2124.

"SEC. 301. (a) In order to ensure that the United States' national interest in tourism is fully considered in Federal decision making, there is established a coordinating council to be known as the Tourism Policy Council (hereafter in this Act referred to as the 'Council').

"(b) The Council shall consist of the following individuals:

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

"(2) The Under Secretary of Commerce for International Trade.

"(3) The Director of the Office of Management and Budget.

"(4) The Secretary of State.

"(5) The Secretary of the Interior.

"(6) The Secretary of Labor.

"(7) The Secretary of Transportation.

"(8) The Commissioner of the United States Customs Service.

"(9) The President of the United States National Tourism Organization.

"(10) The Commissioner of the Immigration and Naturalization Service.

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

"(c) Members of the Council shall serve without additional compensation.

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

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

"(2) The Council may request directly from any Federal department or agency such personnel, information, services, or facilities as deemed necessary by the Chairman and to the extent permitted by law and within the limits of available funds.

"(3) Federal departments and agencies may, in their discretion, detail to temporary duty with the Council such personnel as the Chairman may request for carrying out the functions of the Council. Each such detail of personnel shall be without loss of seniority, pay, or other employee status.

"(f) Where necessary to prevent the public disclosure of nonpublic information which may be presented by a Council member, the Council may hold, at the discretion of the Chairman, a closed meeting which may exclude any individual who is not an officer or employee of the United States.

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

"(1) a comprehensive and detailed report of the activities and accomplishments of the Council;

"(2) the results of Council efforts to coordinate the policies and programs of member's agencies that have a significant effect on international travel and tourism, recreation, and national heritage resources, including progress toward resolving interagency conflicts and development of cooperative program activity;

"(3) an analysis of problems referred to the Council by State and local governments, the tourism industry, the United States National Tourism Organization, the Secretary of Commerce, along with a detailed summary of any action taken or anticipated to resolve such problems; and

"(4) any recommendation as deemed appropriate by the Council.

"(h) The membership of the President of the United States National Tourism Organization on the Council shall not in itself make the Federal Advisory Committee Act applicable to the Council.".

22 USC 2141f.

SEC. 12. DEFINITIONS.

For purposes of this Act—

(1) the term "Organization" means the United States National Tourism Organization established under section 3; and

(2) the term "Board" means the United States National Tourism Organization Board established under section 4.

Approved October 11, 1996.

LEGISLATIVE HISTORY—H.R. 2579 (S. 1735):

HOUSE REPORTS: No. 104–839, Pt. 1 (Comm. on Commerce).
SENATE REPORTS: No. 104–341 accompanying S. 1735 (Comm. on Commerce, Science, and Transportation).
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Aug. 2, S. 1735 considered and passed Senate.
Sept. 26, H.R. 2579 considered and passed House.
Sept. 28, considered and passed Senate.