established Rehabilitation Services Administration in Office of Secretary of Health, Education, and Welfare. Functions and offices of Secretary and Department of Health, Education, and Welfare relating to Rehabilitation Act of 1973 transferred to Secretary and Department of Education by section 3441 of Title 20, Education. The Secretary and Department of Health, Education, and Welfare redesignated Secretary and Department of Health and Human Services by section 3508(b) of Title 20, Education.

§ 2104. Authority of Federal officers and agencies unaffected

Nothing in this chapter shall be construed to repeal or restrict authority vested in the President, the Secretary of State, the Secretary of Health, Education, and Welfare, the Surgeon General of the Public Health Service, or any other officer or agency of the United States by any other provision of law.

(Pub. L. 86–610, § 6, July 12, 1960, 74 Stat. 369.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this joint resolution'', which enacted this chapter and section 308 of the Public Health Service Act (act July 1, 1944, ch. 373, 58 Stat. 682). Such section 308 was redesignated section 307 by Pub. L. 93–353, July 23, 1974, title I, § 106, 88 Stat. 367, and is classified to section 242*l* of Title 42, The Public Health and Welfare.

TRANSFER OF FUNCTIONS

See Transfer of Functions notes set out under sections 2102 and 2103 of this title.

CHAPTER 31—INTERNATIONAL TRAVEL

SUBCHAPTER I—NATIONAL TOURISM POLICY

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SUBCHAPTER I—NATIONAL TOURISM POLICY

§ 2121. Congressional findings; establishment of policy

(a) The Congress finds that—

(1) the tourism and recreation industries are important to the United States, not only because of the numbers of people they serve and the vast human, financial, and physical resources they employ, but because of the great benefits tourism, recreation, and related activities confer on individuals and on society as a whole;

(2) the Federal Government for many years has encouraged tourism and recreation implicitly in its statutory commitments to the shorter workyear and to the national passenger transportation system, and explicitly in a number of legislative enactments to promote tourism and support development of outdoor recreation, cultural attractions, and historic and natural heritage resources;

(3) as incomes and leisure time continue to increase, and as our economic and political systems develop more complex global relationships, tourism and recreation will become ever more important aspects of our daily lives; and

(4) the existing extensive Federal Government involvement in tourism, recreation, and other related activities needs to be better coordinated to effectively respond to the national interest in tourism and recreation and, where appropriate, to meet the needs of State and local governments and the private sector.

(b) There is established a national tourism policy to—

(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) 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;

(6) make the opportunity for and benefits of tourism and recreation in the United States universally accessible to residents of the United States and foreign countries and insure that present and future generations are afforded adequate tourism and recreation resources;

(7) contribute to personal growth, health, education, and intercultural appreciation of the geography, history, and ethnicity of the United States;

(8) encourage the free and welcome entry of individuals traveling to the United States, in order to enhance international understanding and goodwill, consistent with immigration laws, the laws protecting the public health, and laws governing the importation of goods into the United States;

(9) eliminate unnecessary trade barriers to the United States tourism industry operating throughout the world;

(10) encourage competition in the tourism industry and maximum consumer choice through the continued viability of the retail travel agent industry and the independent tour operator industry;

(11) promote the continued development and availability of alternative personal payment mechanisms which facilitate national and international travel;

(12) promote quality, integrity, and reliability in all tourism and tourism-related services offered to visitors to the United States;

(13) preserve the historical and cultural foundations of the Nation as a living part of community life and development, and insure future generations an opportunity to appreciate and enjoy the rich heritage of the Nation;

(14) insure the compatibility of tourism and recreation with other national interests in energy development and conservation, environmental protection, and the judicious use of natural resources;

(15) assist in the collection, analysis, and dissemination of data which accurately measure the economic and social impact of tourism to and within the United States, in order to facilitate planning in the public and private sectors; and

(16) harmonize, to the maximum extent possible, all Federal activities in support of tourism and recreation with the needs of the general public and the States, territories, local governments, and the tourism and recreation industry, and to give leadership to all concerned with tourism, recreation, and national heritage preservation in the United States.

(Pub. L. 87–63, title I, § 101, formerly § 1, June 29, 1961, 75 Stat. 129; renumbered and amended Pub. L. 97–63, § 2(a), Oct. 16, 1981, 95 Stat. 1011; Pub. L. 102–372, § 5, Sept. 30, 1992, 106 Stat. 1175.)

AMENDMENTS

1992—Subsec. (b)(1). Pub. L. 102–372, § 5(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''optimize the contribution of the tourism and recreation industries to economic prosperity, full employment, and the international balance of payments of the United States;''.

Subsec. (b)(2) to (16). Pub. L. 102–372, § 5(2), (3), added pars. (2) to (5) and redesignated former pars. (2) to (12) as (6) to (16), respectively.

1981—Pub. L. 97–63 substituted provisions setting out a detailed 4-point recital of Congressional findings and establishing a 12-point national tourism policy for provisions setting out the former declaration of purpose of this chapter which was to strengthen the domestic and foreign commerce of the United States, and promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the United States and by facilitating international travel generally.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 6 of Pub. L. 97–63 provided that: ''The amendments made by this Act [see Short Title of 1981 Amendment note below] shall take effect October 1, 1981.''

SHORT TITLE OF 1992 AMENDMENT

Section 1(a) of Pub. L. 102–372 provided that: ''This Act [enacting sections 2123a to 2123d and 2124c of this title, amending this section and sections 2122, 2123, 2124 to 2124b, and 2126 of this title, repealing sections 2123a and 2123b of this title, and enacting provisions set out as notes under this section and sections 2122 and 2124 of this title] may be cited as the 'Tourism Policy and Export Promotion Act of 1992'.''

SHORT TITLE OF 1981 AMENDMENT

Section 1 of Pub. L. 97–63 provided that: ''This Act [enacting sections 2123b, 2124a, and 2124b of this title, amending this section and sections 2122, 2123, 2123a, 2124, and 2126 of this title, repealing section 2128 of this title, and enacting, amending, and repealing provisions set out as notes under this section] may be cited as the 'National Tourism Policy Act'.''

SHORT TITLE

Section 1 of Pub. L. 87–63, as amended by Pub. L. 97–63, § 2(a), Oct. 16, 1981, 95 Stat. 1011, provided: ''That this Act [enacting this chapter] may be cited as the 'International Travel Act of 1961'.''

Section 8, formerly § 7, of Pub. L. 87–63, as renumbered Pub. L. 91–477, § 5, Oct. 21, 1970, 84 Stat. 1072, which had formerly authorized the citation of Pub. L. 87–63 as the ''International Travel Act of 1961'', was repealed by Pub. L. 97–63, § 5(b), Oct. 16, 1981, 95 Stat. 1018.

TOURISM POLICY AND EXPORT PROMOTION; CONGRESSIONAL STATEMENT OF FINDINGS

Section 2 of Pub. L. 102–372 provided that: ''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.''

NATIONAL TOURISM RESOURCES REVIEW COMMISSION

Pub. L. 91–477, § 6, Oct. 21, 1970, 84 Stat. 1073, provided that:

''(a) [*Establishment; membership*]. There is established a commission to be known as the National Tourism Resources Review Commission (hereafter in this section referred to as the 'Commission') composed of fifteen members as follows:

''(1) One representative of the Department of Commerce designated by the Secretary of Commerce.

''(2) One representative of the Department of the Interior designated by the Secretary of the Interior.

''(3) One representative of the Department of State designated by the Secretary of State.

''(4) One representative of the Department of Transportation designated by the Secretary of Transportation.

''(5) Eleven individuals appointed by the President from private life who are informed about and concerned with the improvement, development, and promotion of United States tourism resources and opportunities or who are otherwise experienced in tourism research, promotion, or planning. The President shall designate one of the individuals appointed by him to serve as Chairman of the Commission.

''(b) [*Study and investigation; report to President and Congress; recommendations; termination*]. The Commission shall make a full and complete study and investigation for the purpose of—

''(1) determining the domestic travel needs of the people of the United States and of visitors from other countries at the present time and to the year 1980;

''(2) determining the travel resources of the United States available to satisfy such needs now and to the year 1980;

''(3) determining policies and programs which will insure that the domestic travel needs of the present and the future are adequately and efficiently met;

''(4) determining a recommended program of Federal assistance to the States in promoting domestic travel; and

''(5) determining whether a separate agency of the Government should be established, or whether an existing department, agency, or instrumentality within the Government should be designated, to consolidate and coordinate tourism research, planning, and development activities presently performed by different existing agencies of the Government.

The Commission shall submit a comprehensive report of its activities and the results of such study and investigation, together with its recommendations with respect thereto, to the President and to the Congress not later than two years after the first meeting of the Commission. The Commission shall cease to exist sixty days after the date of the submission of its comprehensive report. The comprehensive report of the Commission shall propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations.

''(c) [*Secretarial, clerical, and other assistance by Secretary of Commerce; information and assistance by Governmental departments and agencies*]. The Secretary of Commerce shall make available to the Commission such secretarial, clerical, and other assistance as the Commission may require to carry out its functions under this section. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by its Chairman.

''(d) [*Powers of Commission*]. In order to carry out the provisions of this section, the Commission is authorized—

''(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Commission;

''(2) to appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this section and to prescribe their authority and duties; and

''(3) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

''(e) [*Compensation and travel expenses*]. (1) Members of the Commission from private life, while engaged in the performance of their duties as members of the Commission, shall receive compensation at a rate to be fixed by the President, not to exceed $100 each day, including traveltime, and shall, while so serving away from their homes or regular places of business, be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(2) Members of the Commission who are officers or employees of the United States shall serve without additional compensation, but shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(f) [*Authorization of appropriations*]. There are authorized to be appropriated such sums, not to exceed $750,000, as may be necessary to carry out the provisions of this section.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2122 of this title.

SUBCHAPTER II—DUTIES

§ 2122. Powers and duties of Secretary of Commerce

In order to carry out the national tourism policy established in section 2121(b) of this title and by the United States National Tourism Organization Act of 1996 [22 U.S.C. 2141 et seq.], the Secretary of Commerce (hereafter in this chapter 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.

(Pub. L. 87–63, title II, § 201, formerly § 2, June 29, 1961, 75 Stat. 129; Pub. L. 93–623, § 6, Jan. 3, 1975, 88 Stat. 2105; renumbered and amended Pub. L. 97–63, § 3(b), (e)(1), Oct. 16, 1981, 95 Stat. 1012, 1013; Pub. L. 102–372, § 6(a), Sept. 30, 1992, 106 Stat. 1175; Pub. L. 104–288, § 10, Oct. 11, 1996, 110 Stat. 3407.)

REFERENCES IN TEXT

The United States National Tourism Organization Act of 1996, referred to in text, is Pub. L. 104–288, Oct. 11, 1996, 110 Stat. 3407, which is classified principally to chapter 31A (§ 2141 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2141 of this title and Tables.

AMENDMENTS

1996—Pub. L. 104–288 amended section generally to narrow tourism-related duties of Secretary of Commerce, in view of creation of United States National Tourism Organization, with Secretary to focus on critical promotion functions which, in determination of Secretary, are not being carried out by new Organization or other private sector or State entities.

1992—Par. (2). Pub. L. 102–372, § 6(3), added par. (2). Former par. (2) redesignated (3).

Par. (3). Pub. L. 102–372, § 6(a)(1), (2), redesignated former par. (2) as (3) and substituted ''receptive, linguistic, informational, currency exchange, meal, and package tour services required by the international market'' for ''tourist facilities, low cost unit tours, and other arrangements within the United States for meeting the requirements of foreign visitors''. Former par. (3) redesignated (4).

Pars. (4) to (6). Pub. L. 102–372, § 6(a)(1), redesignated former pars. (3) to (5) as (4) to (6), respectively. Former par. (6) redesignated (7).

Par. (7). Pub. L. 102–372, § 6(1), (4), redesignated former par. (6) as (7) and substituted ''and the use of other United States providers of travel products and services; and'' for period at end.

Par. (8). Pub. L. 102–372, § 6(5), added par. (8).

1981—Pub. L. 97–63, § 3(b), substituted ''In order to carry out the national tourism policy established by section 2121(b) of this title'' for ''In order to carry out the purpose of this chapter''.

1975—Par. (6). Pub. L. 93–623 added par. (6).

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–63 effective Oct. 1, 1981, see section 6 of Pub. L. 97–63, set out as a note under section 2121 of this title.

SURVEY OF INTERNATIONAL AIR TRAVELERS

Section 3 of Pub. L. 102–372 provided that: ''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 onboard 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.''

REPORT ON TOURISM AND TRAVEL ACTIVITIES

Section 18 of Pub. L. 102–372 directed Secretary of Commerce, within 18 months after Sept. 30, 1992, to report to Congress on (1) status of actions required by section 3 of Pub. L. 102–372 and desirability and feasibility of publishing international travel receipts and payments on a monthly basis, (2) Secretary's actions under 22 U.S.C. 2122(8) regarding the inbound and outbound tourism trade between United States and emerging democracies of Eastern Europe and the former Soviet Union, (3) activities of Department of Commerce and other Federal agencies to increase tourism opportunities for, and encourage travel by, disabled persons, and (4) efforts undertaken under 22 U.S.C. 2123c to improve visitor facilitation and effect on United States travel and tourism as a result of those improvements.

§§ 2123 to 2123d. Repealed. Pub. L. 104–288, § 9(a), Oct. 11, 1996, 110 Stat. 3407

Section 2123, Pub. L. 87–63, title II, § 202, formerly § 3, June 29, 1961, 75 Stat. 130; Pub. L. 91–477, §§ 1, 2, Oct. 21, 1970, 84 Stat. 1071, 1072; renumbered and amended Pub. L. 97–63, § 3(c), (d), (e)(1), Oct. 16, 1981, 95 Stat. 1012, 1013; Pub. L. 102–372, §§ 4(n), 6(b), (c), 7, 8(b), Sept. 30, 1992, 106 Stat. 1174, 1176, 1178, enumerated duties of Secretary of Commerce in carrying out national tourism policy.

Section 2123a, Pub. L. 87–63, title II, § 203, as added Pub. L. 102–372, § 8(a), Sept. 30, 1992, 106 Stat. 1177, provided for program of financial assistance to cooperative tourism marketing programs.

A prior section 2123a, Pub. L. 87–63, title II, § 203, formerly § 5, June 29, 1961, 75 Stat. 130; renumbered title II, § 203, and amended Pub. L. 97–63, § 3(e), Oct. 16, 1981, 95 Stat. 1013, directed Secretary to submit annual reports to President and Congress on activities under this chapter, prior to repeal by Pub. L. 102–372, § 8(a), Sept. 30, 1992, 106 Stat. 1177. Section was formerly classified to section 2125 of this title prior to its renumbering by Pub. L. 97–63.

Section 2123b, Pub. L. 87–63, title II, § 204, as added Pub. L. 102–372, § 9, Sept. 30, 1992, 106 Stat. 1178, provided for program to identify and eliminate tourism trade barriers.

A prior section 2123b, Pub. L. 87–63, title II, § 204, as added Pub. L. 97–63, § 3(f), Oct. 16, 1981, 95 Stat. 1013, related to a regional tourism promotional and marketing program, prior to repeal by Pub. L. 102–372, § 8(a), Sept. 30, 1992, 106 Stat. 1177.

Section 2123c, Pub. L. 87–63, title II, § 205, as added Pub. L. 102–372, § 10, Sept. 30, 1992, 106 Stat. 1178, directed Secretary of Commerce to take appropriate steps to prevent unnecessary delays when foreign tourists enter United States.

Section 2123d, Pub. L. 87–63, title II, § 206, as added Pub. L. 102–372, § 11, Sept. 30, 1992, 106 Stat. 1179, provided for measurement and evaluation of performance of United States Travel and Tourism Administration.

SUBCHAPTER III—ADMINISTRATION

§ 2124. Tourism Policy Council

(a) Establishment

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 chapter referred to as the ''Council'').

(b) Membership

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) No additional compensation for Council members

Members of the Council shall serve without additional compensation.

(d) Council meetings

The Council shall conduct its first meeting not later than 6 months after October 11, 1996. Thereafter the Council shall meet not less than 2 times each year.

(e) Involvement of Federal agencies and departments

(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) Closed meetings

Where necessary to prevent the public disclosure of non-public 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) Annual report

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—

(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) Applicability of Federal Advisory Committee Act

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.

(Pub. L. 87–63, title III, § 301, as added Pub. L. 104–288, § 11, Oct. 11, 1996, 110 Stat. 3408.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (h), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 2124, Pub. L. 87–63, title III, § 301, formerly § 4, June 29, 1961, 75 Stat. 130; Pub. L. 88–426, title III, § 305(29), Aug. 14, 1964, 78 Stat. 426; Pub. L. 91–477, § 3(a), Oct. 21, 1970, 84 Stat. 1072; renumbered and amended Pub. L. 97–63, § 4(a)(1)–(3), (b), (c)(2), Oct. 16, 1981, 95 Stat. 1014, 1015; Pub. L. 102–372, §§ 12–14, Sept. 30, 1992, 106 Stat. 1180, related to establishment of United States Travel and Tourism Administration, prior to repeal by Pub. L. 104–288, § 9(a), Oct. 11, 1996, 110 Stat. 3407. See section 2141 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2141b of this title.

§§ 2124a, 2124b. Repealed. Pub. L. 104–288, §§ 9(a), 11, Oct. 11, 1996, 110 Stat. 3407, 3408

Section 2124a, Pub. L. 87–63, title III, § 302, as added Pub. L. 97–63, § 4(c)(2), Oct. 16, 1981, 95 Stat. 1015; amended Pub. L. 102–372, § 15, Sept. 30, 1992, 106 Stat. 1181, provided for establishment of Tourism Policy Council. See section 2124 of this title.

Section 2124b, Pub. L. 87–63, title III, § 303, as added Pub. L. 97–63, § 4(c)(2), Oct. 16, 1981, 95 Stat. 1017; amended Pub. L. 102–372, § 16, Sept. 30, 1992, 106 Stat. 1181, provided for establishment of Travel and Tourism Advisory Board.

§ 2124c. Rural Tourism Development Foundation

(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 Secretary of Commerce shall, within six months after September 30, 1992, 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 Secretary of Commerce 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 section 451 of title 25, 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 dis-

pose 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 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 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, relating to compensation for work injuries, and chapter 171 of title 28, 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 1452(d) of title 25;

(2) the term ''Indian tribe'' has the meaning given that term in section 450b(e) of title 25;

(3) the term ''local government'' has the meaning given that term in section 3371(2) of title 5; 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.

(Pub. L. 102–372, § 4, Sept. 30, 1992, 106 Stat. 1171; Pub. L. 104–288, § 9(b), Oct. 11, 1996, 110 Stat. 3407.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (i)(1), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The civil service classification laws, referred to in subsec. (i)(2), probably should refer to civil service and classification laws. The civil service laws are set forth in Title 5. See, particularly, section 3301 et seq. of Title 5. The classification laws are set forth in chapter 51 and subchapter III of chapter 53 of Title 5.

CODIFICATION

Section is comprised of section 4 of Pub. L. 102–372. Subsec. (n) of section 4 of Pub. L. 102–372 amended section 2123(a) of this title.

Section was enacted as part of the Tourism Policy and Export Promotion Act of 1992, and not as part of the International Travel Act of 1961 which comprises this chapter.

AMENDMENTS

1996—Subsec. (c)(1)(B)(i), (2). Pub. L. 104–288 substituted ''Secretary of Commerce'' for ''Under Secretary of Commerce for Travel and Tourism''.

CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on

Commerce of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2125. Transferred

CODIFICATION

Section, Pub. L. 87–63, title II, § 203, formerly § 5, June 29, 1961, 75 Stat. 130, which related to annual reports to the President and Congress, was renumbered by Pub. L. 97–63, § 3(e), Oct. 16, 1981, 95 Stat. 1013, transferred to section 2123a of this title, and subsequently repealed by Pub. L. 102–372, § 8(a), Sept. 30, 1992, 106 Stat. 1177.

§§ 2126 to 2129. Repealed. Pub. L. 104–288, § 9(a), Oct. 11, 1996, 110 Stat. 3407

Section 2126, Pub. L. 87–63, title III, § 304, formerly § 6, June 29, 1961, 75 Stat. 130; Pub. L. 91–477, § 4, Oct. 21, 1970, 84 Stat. 1072; Pub. L. 93–193, § 1(a), Dec. 19, 1973, 87 Stat. 765; Pub. L. 94–55, § 1, July 9, 1975, 89 Stat. 262; Pub. L. 96–85, § 1, Oct. 10, 1979, 93 Stat. 655; renumbered and amended Pub. L. 97–63, § 5(a), Oct. 16, 1981, 95 Stat. 1018; Pub. L. 102–372, § 17, Sept. 30, 1992, 106 Stat. 1181, authorized appropriations to carry out this chapter.

Section 2127, Pub. L. 87–63, title III, § 305, formerly § 7, as added Pub. L. 91–477, § 5, Oct. 21, 1970, 84 Stat. 1072, and renumbered Pub. L. 97–63, § 5(b), Oct. 16, 1981, 95 Stat. 1018, defined terms used in this chapter.

Section 2128, Pub. L. 87–63, title III, § 306, as added Pub. L. 101–508, title X, § 10301(a), Nov. 5, 1990, 104 Stat. 1388–395, provided for United States Travel and Tourism Administration Facilitation fee to be collected from each airline and cruise ship line transporting passengers to United States.

A prior section 2128, Pub. L. 87–63, § 9, as added Pub. L. 96–85, § 2, Oct. 10, 1979, 93 Stat. 655, related to reduction in number of employees of United States Travel Service in District of Columbia offices, prior to repeal by Pub. L. 97–63, § 5(b), Oct. 16, 1981, 95 Stat. 1018, effective Oct. 1, 1981.

Section 2129, Pub. L. 87–63, title III, § 307, as added Pub. L. 101–508, title X, § 10301(b), Nov. 5, 1990, 104 Stat. 1388–396, provided civil penalties for nonpayment of Travel and Tourism Administration Facilitation fee.

CHAPTER 31A—NATIONAL TOURISM ORGANIZATION

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2122 of this title.

§ 2141. 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[1] 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.

(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 chapter is to create a privately managed, federally sanctioned United States National Tourism Organization to rep-

[1] So in original. Probably should be capitalized.