

Calendar No. 551

104TH CONGRESS
2^D SESSION

S. 1735

[Report No. 104-341]

A BILL

To establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

JULY 31, 1996

Reported with amendments

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To establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

IN THE SENATE OF THE UNITED STATES

MAY 8, 1996

Mr. PRESSLER (for himself, Mr. BRYAN, Mr. WARNER, Mr. BURNS, Mr. STEVENS, Mr. HOLLINGS, Mr. INOUE, Mr. FORD, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. AKAKA, Mr. JOHNSTON, Mr. COVERDELL, Ms. SNOWE, Mr. SIMPSON, Mr. GRAHAM, Mr. HELMS, Mr. INHOFE, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. WYDEN, Mr. EXON, Mr. ABRAHAM, Mrs. FEINSTEIN, Mr. SANTORUM, Mr. MCCONNELL, Mr. FEINGOLD, Mr. LEAHY, Mr. CAMPBELL, Mr. HARKIN, and Mr. ROBB) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 31, 1996

Reported by Mr. PRESSLER, with amendments

[Omit the part struck through and insert the part printed in *italie*]

A BILL

To establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

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

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

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

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

24 (5) employment in major sectors of the travel
25 industry is expected to increase 35 percent by the
26 year 2005;

1 (6) 99.7 percent of travel businesses are defined
2 by the Federal Government as small businesses; and

3 (7) the White House Conference on Travel and
4 Tourism in 1995 brought together 1,700 travel and
5 tourism industry executives from across the nation
6 and called for the establishment, by federal charter,
7 of a new national tourism organization to promote
8 international tourism to all parts of the United
9 States.

10 **SEC. 3. UNITED STATES TOURISM ORGANIZATION.**

11 (a) ESTABLISHMENT.—There is established with a
12 Federal charter, the United States Tourism Organization
13 (hereafter in this Act referred to as the “Organization”).
14 The Organization shall be a ~~nonprofit~~ *not for profit* orga-
15 nization. The Organization shall maintain its principal of-
16 fices and national headquarters in the ~~city of Washington,~~
17 ~~District of Columbia,~~ *greater metropolitan area of Wash-*
18 *ington, D.C.*, and may hold its annual and special meetings
19 in such places as the Organization shall determine.

20 (b) ORGANIZATION NOT A FEDERAL AGENCY.—Not-
21 withstanding any other provision of the law, the Organiza-
22 tion shall not be considered a Federal agency for the pur-
23 poses of civil service laws or any other provision of Federal
24 law governing the operation of Federal agencies, including
25 personnel or budgetary matters relating to Federal agen-

1 cies. The Federal Advisory Committee Act (5 U.S.C. App.)
2 shall not apply to the Organization or any entities within
3 the Organization.

4 (c) DUTIES.—The Organization shall—

5 (1) facilitate the development and use of public-
6 private partnerships for travel and tourism policy-
7 making;

8 (2) seek to, and work for, an increase in the
9 share of the United States in the global tourism
10 market;

11 (3) implement the national travel and tourism
12 strategy developed by the National Tourism Board
13 under section 4;

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

18 (5) establish a travel-tourism data bank and,
19 through that data bank collect and disseminate
20 international market data:

21 (6) conduct market research necessary for the
22 effective promotion of the travel and tourism mar-
23 ket; and

24 (7) promote United States travel and tourism.

25 (d) POWERS.—The Organization—

1 (1) shall have perpetual succession;

2 (2) shall represent the United States in its rela-
3 tions with international tourism agencies;

4 (3) may sue and be sued;

5 (4) may make contracts;

6 (5) may acquire, hold, and dispose of real and
7 personal property as may be necessary for its cor-
8 porate purposes;

9 (6) may accept gifts, legacies, and devices in
10 furtherance of its corporate purposes;

11 (7) may provide financial assistance to any or-
12 ganization or association, other than a corporation
13 organized for profit, in furtherance of the purpose of
14 the corporation;

15 (8) may adopt and alter a corporate seal;

16 (9) may establish and maintain offices for the
17 conduct of the affairs of the Organization;

18 (10) may publish a newspaper, magazine, or
19 other publication consistent with its corporate pur-
20 poses;

21 (11) may do any and all acts and things nec-
22 essary and proper to carry out the purposes of the
23 Organization; and

24 (12) may adopt and amend a constitution and
25 bylaws not inconsistent with the laws of the United

1 States or of any State, except that the Organization
2 may amend its constitution only if it—

3 (A) publishes in its principal publication a
4 general notice of the proposed alteration of the
5 constitution, including the substantive terms of
6 the alteration, the time and place of the Orga-
7 nization’s regular meeting at which the alter-
8 ation is to be decided, and a provision inform-
9 ing interested persons that they may submit
10 materials as authorized in subparagraph (B);
11 and

12 (B) gives to all interested persons, prior to
13 the adoption of any amendment, an opportunity
14 to submit written data, views, or arguments
15 concerning the proposed amendment for a pe-
16 riod of at least 60 days after the date of publi-
17 cation of the notice.

18 (e) NONPOLITICAL NATURE OF THE ORGANIZA-
19 TION.—The Organization shall be nonpolitical and shall
20 not promote the candidacy of any person seeking public
21 office.

22 (f) PROHIBITION AGAINST ISSUANCE OF STOCK OR
23 BUSINESS ACTIVITIES.—The Organization shall have no
24 power to issue capital stock or to engage in business for
25 pecuniary profit or gain.

1 **SEC. 4. NATIONAL TOURISM BOARD.**

2 (a) ESTABLISHMENT.—The Organization shall be
3 governed by a Board of Directors known as the National
4 Tourism Board (hereinafter in this Act referred to as the
5 “Board”).

6 (b) MEMBERSHIP.—

7 (1) COMPOSITION.—The Board shall be com-
8 posed of 46 members, and shall be self-perpetuating.
9 Initial members shall be appointed as provided in
10 paragraph (2). The Board shall elect a chair from
11 among its members.

12 (2) FOUNDING MEMBERS.—The founding mem-
13 bers of the Board shall be appointed, or elected, as
14 follows:

15 (A) The Under Secretary of Commerce for
16 International Trade Administration shall serve
17 as a member ex officio.

18 (B) 5 State Travel Directors elected by the
19 National Council of State Travel Directors.

20 (C) 5 members elected by the International
21 Association of Convention and Visitor Bureaus.

22 (D) 3 members elected by the Air Trans-
23 port Association.

24 (E) 1 member elected by the National As-
25 sociation of Recreational Vehicle Parks and

1 Campgrounds; 1 member elected by the Recre-
2 ation Vehicle Industry Association.

3 (F) 2 members elected by the International
4 Association of Amusement Parks and Attrac-
5 tions.

6 (G) 3 members appointed by major compa-
7 nies in the travel payments industry.

8 (H) 5 members elected by the American
9 Hotel and Motel Association.

10 (I) 2 members elected by the American
11 Car Rental Association; 1 member elected by
12 the American Automobile Association; 1 mem-
13 ber elected by the American Bus Association; 1
14 member elected by Amtrak.

15 (J) 1 member elected by the National Tour
16 Association; 1 member elected by the United
17 States Tour Operators Association.

18 (K) 1 member elected by the Cruise Lines
19 International Association; 1 member elected by
20 the National Restaurant Association; one mem-
21 ber elected by the National Park Hospitality
22 Association; 1 member elected by the Airports
23 Council International; 1 member elected by the
24 Meeting Planners International; 1 member
25 elected by the American Sightseeing Inter-

1 national; 4 members elected by the Travel In-
2 dustry Association of ~~America~~ *America*; 1 mem-
3 ber elected by the *Retail Travel Agents Associa-*
4 *tion*; 1 member elected by the *American Society*
5 *of Travel Agents*; and 1 member elected by the
6 *Rural Tourism Development Foundation*.

7 (3) TERMS.—Terms of Board members and of
8 the Chair shall be determined by the Board and
9 made part of the Organization bylaws.

10 (c) DUTIES OF THE BOARD.—The Board shall—

11 (1) develop a national travel and tourism strat-
12 egy for increasing tourism to and within the United
13 States; and

14 (2) advise the President, the Congress, and
15 members of the travel and tourism industry concern-
16 ing the implementation of the national strategy re-
17 ferred to in paragraph (1) and other matters that
18 affect travel and tourism.

19 (d) AUTHORITY.—The Board is hereby authorized to
20 meet to complete the organization of the Organization by
21 the adoption of a constitution and bylaws, and by doing
22 all things necessary to carry into effect the provisions of
23 this Act.

1 (e) INITIAL MEETINGS.—Not later than 30 days
 2 after the date on which all members of the Board have
 3 been appointed, the Board shall have its first meeting.

4 (f) MEETINGS.—The Board shall meet at the call of
 5 the Chair, but not less frequently than semiannually.

6 (g) COMPENSATION AND EXPENSES.—The chairman
 7 and members of the Board shall serve without compensa-
 8 tion but may be compensated for expenses incurred in car-
 9 rying out the duties of the Board.

10 (h) TESTIMONY, REPORTS, AND SUPPORT.—The
 11 Board may present testimony to the President, to the Con-
 12 gress, and to the legislatures of the States and issue re-
 13 ports on its findings and recommendations.

14 (i) IMMUNITY.—*Members of the Board shall not be per-*
 15 *sonally liable for any action taken by the Board.*

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

17 (a) IN GENERAL.—The Organization shall provide
 18 for the design of such symbols, emblems, trademarks, and
 19 names as may be appropriate and shall take all action nec-
 20 essary to protect and regulate the use of such symbols,
 21 emblems, trademarks, and names under law.

22 (b) UNAUTHORIZED USE; CIVIL ACTION.—Any per-
 23 son who, without the consent of the Organization, uses—

24 (1) the symbol of the Organization;

25 (2) the emblem of the Organization;

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

4 (4) the words “United States Tourism Organi-
5 zation”, or any combination or simulation thereof
6 tending to cause confusion, to cause mistake, to de-
7 ceive, or to falsely suggest a connection with the
8 Organization or any Organization activity;
9 for the purpose of trade, to induce the sale of any goods
10 or services, or to promote any exhibition shall be subject
11 to suit in a civil action brought in the appropriate court
12 by the Organization for the remedies provided in the Act
13 of July 5, 1946 (60 Stat. 427; 15 U.S.C. 1501 et seq.),
14 popularly known as the Trademark Act of 1946. Para-
15 graph (4) of this subsection shall not be construed to pro-
16 hibit any person who, before the date of enactment of this
17 Act, actually used the words “United States Tourism Or-
18 ganization” for any lawful purpose from continuing such
19 lawful use for the same purpose and for the same goods
20 and services.

21 (c) CONTRIBUTORS AND SUPPLIERS.—The Organiza-
22 tion may authorize contributors and suppliers of goods
23 and services to use the trade name of the Organization
24 as well as any trademark, symbol, insignia, or emblem of
25 the Organization in advertising that the contributions,

1 goods, or services were donated, supplied, or furnished to
2 or for the use of, approved, selected, or used by the Orga-
3 nization.

4 (d) **EXCLUSIVE RIGHT OF THE ORGANIZATION.**—The
5 Organization shall have exclusive right to use the name
6 “United States Tourism Organization”, the symbol de-
7 scribed in subsection (b)(1), the emblem described in sub-
8 section (b)(2), and the words “United States Tourism
9 Organization”, or any combination thereof, subject to the
10 use reserved by the second sentence of subsection (b).

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

12 (a) **SECRETARY OF STATE.**—The Secretary of State
13 shall—

14 (1) place a high priority on implementing rec-
15 ommendations by the Organization; and

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

18 (b) **DIRECTOR OF THE UNITED STATES INFORMA-**
19 **TION AGENCY.**—The Director of the United States Infor-
20 mation Agency shall—

21 (1) place a high priority on implementing rec-
22 ommendations by the Organization; and

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

1 (c) TRADE PROMOTION COORDINATING COMMIT-
 2 TEE.— Section 2312 of the Export Enhancement Act of
 3 1988 (15 U.S.C. 4727) is amended—

4 (1) by striking out “and” at the end of sub-
 5 section (c)(4);

6 (2) by striking the period at the end of sub-
 7 section (c)(5) and inserting a semicolon and the
 8 word “and”;

9 (3) by adding at the end thereof the following:

10 “(6) reflect recommendations by the National
 11 Tourism Board established under the United States
 12 Tourism Organization Act.” and

13 (2) in paragraph (d)(1) by striking “and” in
 14 subparagraph (L), by redesignating subparagraph
 15 (M) as subparagraph (N), and by inserting the fol-
 16 lowing:

17 “(M) the Chairman of the Board of the United
 18 States Tourism Organization, as established under
 19 the United States Tourism Organization Act; and”.

20 **SEC. 7. SUNSET.**

21 If, by the date that is 2 years after the date of incor-
 22 poration of the Organization, a plan for the long-term fi-
 23 nancing of the Organization has not been implemented,
 24 the Organization and the Board shall terminate.

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