

104TH CONGRESS
2D SESSION

S. 1735

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, and Mr. COVERDELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Tourism
5 Organization Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) the travel and tourism industry is the sec-
2 ond largest retail or service industry in the United
3 States, and travel and tourism services ranked as
4 the largest United States export in 1995, generating
5 an \$18.6 billion trade surplus for the United States;

6 (2) domestic and international travel and tour-
7 ism expenditures totaled \$433 billion in 1995, \$415
8 billion spent directly within the United States and
9 an additional \$18 billion spent by international trav-
10 elers on United States flag carriers traveling to the
11 United States;

12 (3) direct travel and tourism receipts make up
13 6 percent of the United States gross domestic prod-
14 uct;

15 (4) in 1994 the travel and tourism industry was
16 the nation's second largest employer, directly respon-
17 sible for 6.3 million jobs and indirectly responsible
18 for another 8 million jobs;

19 (5) employment in major sectors of the travel
20 industry is expected to increase 35 percent by the
21 year 2005;

22 (6) 99.7 percent of travel businesses are defined
23 by the federal government as small businesses; and

24 (7) the White House Conference on Travel and
25 Tourism in 1995 brought together 1,700 travel and

1 tourism industry executives from across the nation
2 and called for the establishment, by federal charter,
3 of a new national tourism organization to promote
4 international tourism to all parts of the United
5 States.

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

7 (a) ESTABLISHMENT.—There is established with a
8 Federal charter, the United States Tourism Organization
9 (hereafter in this Act referred to as the “Organization”).
10 The Organization shall be a nonprofit organization. The
11 Organization shall maintain its principal offices and na-
12 tional headquarters in the city of Washington, District of
13 Columbia, and may hold its annual and special meetings
14 in such places as the Organization shall determine.

15 (b) ORGANIZATION NOT A FEDERAL AGENCY.—Not-
16 withstanding any other provision of the law, the Organiza-
17 tion shall not be considered a Federal agency for the pur-
18 poses of civil service laws or any other provision of Federal
19 law governing the operation of Federal agencies, including
20 personnel or budgetary matters relating to Federal agen-
21 cies. The Federal Advisory Committee Act (5 U.S.C. App.)
22 shall not apply to the Organization or any entities within
23 the Organization.

24 (c) DUTIES.—The Organization shall—

1 (1) facilitate the development and use of public-
2 private partnerships for travel and tourism policy-
3 making;

4 (2) seek to, and work for, an increase in the
5 share of the United States in the global tourism
6 market;

7 (3) implement the national travel and tourism
8 strategy developed by the National Tourism Board
9 under section 4;

10 (4) operate travel and tourism promotion pro-
11 grams outside the United States in partnership with
12 the travel and tourism industry in the United
13 States;

14 (5) establish a travel-tourism data bank and,
15 through that data bank collect and disseminate
16 international market data;

17 (6) conduct market research necessary for the
18 effective promotion of the travel and tourism mar-
19 ket; and

20 (7) promote United States travel and tourism.

21 (d) POWERS.—The Organization—

22 (1) shall have perpetual succession;

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

25 (3) may sue and be sued;

1 (4) may make contracts;

2 (5) may acquire, hold, and dispose of real and
3 personal property as may be necessary for its cor-
4 porate purposes;

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

7 (7) may provide financial assistance to any or-
8 ganization or association, other than a corporation
9 organized for profit, in furtherance of the purpose of
10 the corporation;

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

12 (9) may establish and maintain offices for the
13 conduct of the affairs of the Organization;

14 (10) may publish a newspaper, magazine, or
15 other publication consistent with its corporate pur-
16 poses;

17 (11) may do any and all acts and things nec-
18 essary and proper to carry out the purposes of the
19 Organization; and

20 (12) may adopt and amend a constitution and
21 bylaws not inconsistent with the laws of the United
22 States or of any State, except that the Organization
23 may amend its constitution only if it—

24 (A) publishes in its principal publication a
25 general notice of the proposed alteration of the

constitution, including the substantive terms of the alteration, the time and place of the Organization's regular meeting at which the alteration is to be decided, and a provision informing interested persons that they may submit materials as authorized in subparagraph (B); and

(B) gives to all interested persons, prior to the adoption of any amendment, an opportunity to submit written data, views, or arguments concerning the proposed amendment for a period of at least 60 days after the date of publication of the notice.

(e) NONPOLITICAL NATURE OF THE ORGANIZATION.—The Organization shall be nonpolitical and shall not promote the candidacy of any person seeking public office.

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

SEC. 4. NATIONAL TOURISM BOARD.

(a) ESTABLISHMENT.—The Organization shall be governed by a Board of Directors known as the National

1 Tourism Board (hereinafter in this Act referred to as the
2 “Board”).

3 (b) MEMBERSHIP.—

4 (1) COMPOSITION.—The Board shall be com-
5 posed of 45 members, and shall be self-perpetuating.
6 Initial members shall be appointed as provided in
7 paragraph (2). The Board shall elect a chair from
8 among its members.

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

12 (A) The Under Secretary of Commerce for
13 International Trade Administration shall serve
14 as a member ex officio.

15 (B) 5 State Travel Directors elected by the
16 National Council of State Travel Directors.

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

19 (D) 3 members elected by the Air Trans-
20 port Association.

21 (E) 1 member elected by the National As-
22 sociation of Recreational Vehicle Parks and
23 Campgrounds; 1 member elected by the Recre-
24 ation Vehicle Industry Association.

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

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

6 (H) 5 members elected by the American
7 Hotel and Motel Association.

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

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

16 (K) 1 member elected by the Cruise Lines
17 International Association; 1 member elected by
18 the National Restaurant Association; 1 member
19 elected by the National Park Hospitality Asso-
20 ciation; 1 member elected by the Airports Coun-
21 cil International; 1 member elected by the Meet-
22 ing Planners International; 1 member elected
23 by the American Sightseeing International; 4
24 members elected by the Travel Industry Asso-
25 ciation of America.

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

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

5 (1) develop a national travel and tourism strat-
6 egy for increasing tourism to and within the United
7 States; and

8 (2) advise the President, the Congress, and
9 members of the travel and tourism industry concern-
10 ing the implementation of the national strategy re-
11 ferred to in paragraph (1) and other matters that
12 affect travel and tourism.

13 (d) AUTHORITY.—The Board is hereby authorized to
14 meet to complete the organization of the Organization by
15 the adoption of a constitution and bylaws, and by doing
16 all things necessary to carry into effect the provisions of
17 this Act.

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

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

23 (g) COMPENSATION AND EXPENSES.—The chairman
24 and members of the Board shall serve without compensa-

1 tion but may be compensated for expenses incurred in car-
 2 rying out the duties of the Board.

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

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

8 (a) IN GENERAL.—The Organization shall provide
 9 for the design of such symbols, emblems, trademarks, and
 10 names as may be appropriate and shall take all action nec-
 11 essary to protect and regulate the use of such symbols,
 12 emblems, trademarks, and names under law.

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

15 (1) the symbol of the Organization;

16 (2) the emblem of the Organization;

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

20 (4) the words “United States Tourism Organi-
 21 zation”, or any combination or simulation thereof
 22 tending to cause confusion, to cause mistake, to de-
 23 ceive, or to falsely suggest a connection with the Or-
 24 ganization or any Organization activity; for the pur-
 25 pose of trade, to induce the sale of any goods or

1 services, or to promote any exhibition shall be sub-
2 ject to suit in a civil action brought in the appro-
3 priate court by the Organization for the remedies
4 provided in the Act of July 5, 1946 (60 Stat. 427;
5 15 U.S.C. 1501 et seq.), popularly known as the
6 Trademark Act of 1946. Paragraph (4) of this sub-
7 section shall not be construed to prohibit any person
8 who, before the date of enactment of this Act, actu-
9 ally used the words “United States Tourism Organi-
10 zation” for any lawful purpose from continuing such
11 lawful use for the same purpose and for the same
12 goods and services.

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

21 (d) EXCLUSIVE RIGHT OF THE ORGANIZATION.—The
22 Organization shall have exclusive right to use the name
23 “United States Tourism Organization”, the symbol de-
24 scribed in subsection (b)(1), the emblem described in sub-
25 section (b)(2), and the words “United States Tourism Or-

ganization”, or any combination thereof, subject to the use reserved by the second sentence of subsection (b).

SEC. 6. UNITED STATES GOVERNMENT COOPERATION.

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

(1) place a high priority on implementing recommendations by the Organization; and

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

(b) DIRECTOR OF THE UNITED STATES INFORMATION AGENCY.—The Director of the United States Information Agency shall—

(1) place a high priority on implementing recommendations by the Organization; and

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

(c) TRADE PROMOTION COORDINATING COMMITTEE.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) by striking out “and” at the end of subsection (c)(4);

(2) by striking the period at the end of subsection (c)(5) and inserting a semicolon and the word “and”;

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

1 “(6) reflect recommendations by the National
2 Tourism Board established under the United States
3 Tourism Organization Act.” and

4 (2) in paragraph (d)(1) by striking “and” in
5 subparagraph (L), by redesignating subparagraph
6 (M) as subparagraph (N), and by inserting the fol-
7 lowing:

8 “(M) the Chairman of the Board of the United
9 States Tourism Organization, as established under
10 the United States Tourism Organization Act; and”.

11 **SEC. 7. SUNSET.**

12 If, by the date that is 2 years after the date of incor-
13 poration of the Organization, a plan for the long-term fi-
14 nancing of the Organization has not been implemented,
15 the Organization and the Board shall terminate.

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