

do come here so it is easier to come here.

I would note I just read a story in the Arizona papers today that talked about the passport requirements from Mexico and Canada. They have been in effect for Mexico, but they are newly instituted with respect to Canada. As a result, theme parks in New York State, for example, had noted their activity from Canada was down somewhat. They attributed it to soggy weather, the state of the economy, and the additional passport requirement. I am sure all of these are factors.

So I suspect the statistics my colleague from North Dakota was citing were accurate statistics, as were, obviously, the ones I cited from the Department of Commerce.

The bottom line point I was trying to make is that we have a lot of people who come to this country. We make a lot of money from them. We want to encourage that, to be sure. But I did not think we were encouraging it when we put a \$10 fee on every visa for foreign tourists, and that we might want to—if we had that money available, or if we wanted to attract more visitors, the better way to do it would be to make our ports of entry and the other facilities by which people access entry to the United States more accommodating to them. Those were reasons I believed made this legislation unnecessary and unwise.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

Mr. KYL. Mr. President, we can proceed to the recess.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess until 4 p.m., pursuant to the previous order.

Thereupon, the Senate, at 2:59 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum and ask that the time that expires be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRAVEL PROMOTION ACT OF 2009— Continued

Mr. DORGAN. Mr. President, my understanding is that there is some time divided on the issue of the vote on the Travel Promotion Act, and let me take as much time as I may consume of that time.

Earlier today, Senator KYL and I had a discussion on the floor about some statistics and numbers about tourism and travel. I don't want him to try to win a debate we are not having because there ought not to be a difference with respect to a set of facts. So let me just recite the facts.

I said this morning that on this big-old planet of ours, people are traveling more. That is a fact. Tens of millions of people are traveling around the world for international tourism purposes, and that is very beneficial to the areas where they arrive and do their touring. On average, an overseas traveler who comes to the United States spends \$4,500. It is a very lucrative market to try to attract tourists from overseas to come to our country.

The dilemma is this: While more people are traveling all around the globe, and while Japan and Europe, while India and South America and many other countries and continents are aggressively advertising, asking people to come to their country, promoting their country's interests—I have mentioned France, Italy, Germany, India, China, and so on—all of them engaged in travel promotion saying: Come to our country, enjoy our country, come and see our country, travel to our country. It is a relentless bit of promotion by other countries, and they are very successful.

The fact is, more people have been traveling around the globe in international tourism, but we have had a reduction of 633,000 people coming to this country as compared to 9 years ago. Go back to the year 2000 and take a look at how many overseas travelers came to this country to see America and then fast forward to 2009. There are over half a million fewer people coming to our country.

This legislation we are going to vote on is very simple. It says: Let's have a private-public sector partnership that promotes America as a destination for international tourism.

In our earlier discussion, Senator KYL said we should be dealing with the entry process that many have complained about. The fact is, we are dealing with that. I have held hearings on that. We have substantially changed the waiting time for trying to get a visa to come to the United States. Yes, there were long lines, long waits, and much of that has been solved and reduced substantially. In fact, the State Department says that 90 percent of the consular posts have visa wait times of less than 30 days for students and business travelers, just as an example. We are making progress in those areas.

But we should not, in my judgment, allow this issue of promotion of foreign

and international travel be the province of other countries and not us. We ought to be involved. We ought to say to people: You are welcome to come to this country. I showed some of the newspaper reports in recent years that suggest to people: You are not welcome in America. Travel to America? No thanks. Too much of a hassle. In fact, after the terrible tragedy of 9/11/2001, we were not encouraging people to come to this country at all. In fact, we were suggesting that we were worried about people coming into this country. We wanted to make sure we were not allowing terrorists in, so we didn't exactly have the welcome mat out.

This legislation now, 8 years later, says: Let's put the welcome mat out to say, you know what, you want to compete for international tourism? So do we. You want to go see the Eiffel Tower? Well, that is fine. How about coming to see the Empire State Building, Theodore Roosevelt National Park, Old Faithful, Yellowstone, Las Vegas, the Pembina Gorge. How about coming to America to understand the culture of America, the values, the character of America.

One of the things we understand is that when people come here to travel across the United States, they leave, having traveled in this country, with an unbelievably good impression about what America is. We know that because there has been a great deal of polling to understand it. So in addition to creating a very substantial number of jobs at a time when people have lost their jobs—and by the way, tourism and promotion of tourism, especially with overseas travelers who spend a lot of money when they come to this country, promotes a substantial number of jobs. In addition to that, it promotes dramatic good will all around the world about this country of ours.

So this legislation is very simple. It is bipartisan at a time when not very much is bipartisan. It actually saves money. At a time when there is concern about spending money, this reduces the budget deficit. It doesn't increase it; this actually reduces the budget deficit. At the same time, it will create hundreds of thousands of new jobs. So how about that—a piece of legislation that is bipartisan, with Republicans and Democrats cosponsoring it and bringing it to the floor, it saves money rather than adds to the budget deficit, and it produces hundreds of thousands of jobs going forward. It seems to me this makes good sense for this Congress.

I am expecting this afternoon—with the help of my colleagues Senator ENSIGN, Senator KLOBUCHAR, Senator REID, and so many others who have worked on this legislation, I am hoping we will get a very strong vote, get it to the House of Representatives, and get it signed by the President so we can put a lot of people to work in this country as well as incentivize people to come to this country to see what it is about, and that is an awfully good thing, in my judgment.

Let me yield the floor and reserve the remainder of the time. I think the Senator from Nevada wishes to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I wish to make a few concluding remarks on the Travel Promotion Act.

First, I thank my colleague from North Dakota, Senator DORGAN. He and I have worked very closely, along with our staffs, who have put a lot of work into this piece of legislation that we believe is a very good for our country. It does several things. First of all, by its very nature, it is a bipartisan bill, which doesn't happen around here very often anymore. The second thing is it creates jobs. The most important thing we need to do in this country right now is to create jobs. My home State of Nevada is No. 2 in unemployment rate in the United States. We desperately need jobs. We are very dependent on tourism. This bill will help create tourism-type jobs. It will create tourism-type job for States throughout the United States. When people come to our country to visit, they may come to one State primarily, but they usually stop in several other States along the way.

We are in a situation where the No. 1 industry in America, the tourism industry, has been dramatically impacted by the downturn in the economy. Tourism not only affects the people in that industry, but it affects people in all kinds of other industries that are related to it. So when you create a tourism job, you are creating jobs down the line. You are creating construction jobs, you are creating jobs when they have to go see the dentist or the local health care provider or go to the grocery store or wherever else they are going and using the money they earn to spend in the economy.

Other countries around the world spend money to attract people to their countries. What we are saying with this bill is, let's advertise the United States and let's use those dollars in a way that creates jobs here in America. We know we have a great product to sell. When you have a great product to sell—the United States of America—it makes sense to sell it. It makes sense. The Presiding Officer is the Senator from Illinois, home to one of the great cities in America—Chicago. It is a great product to sell. I am from Las Vegas—a great product to sell. Our national parks are incredible products to sell. Our beaches; when the colors are changing in the Northeast—there are so many amazing places to see in America that it is a very easy product to sell. Right now, we are just not selling it.

All of the other countries are advertising. We think about the times we have seen Australia advertise or other countries advertise because they want Americans to go visit their country. We want other citizens to come to America. Not only does it create jobs, but it also creates a lot of good will around the world. As my colleague,

Senator DORGAN, pointed out, when people come here to the United States, they leave with a more favorable impression. Well, not a lot of people have a favorable impression of the United States these days, so we want more and more people coming here visiting, learning, seeing our sights, and interacting with our people. We are good people, and we like other people around the world. I believe this bill is going to improve the image of America around the world by the people who come visit here.

Let me just conclude with this: We have a bipartisan bill that creates jobs, that doesn't hurt the deficit. This is the kind of legislation we need to pass here in the U.S. Senate, especially in these economic times when people are worried about skyrocketing deficits and debt. We have other pieces of legislation that are important to work on, but right now there is no question but to take the time out we are taking to pass a piece of legislation that we know will create jobs. This is the right thing to do.

I am proud to be associated with this legislation, and I thank the majority leader, Senator REID, for bringing it to the floor. I thank all of those who have worked on it but primarily my cosponsor and coauthor of the bill, Senator DORGAN, for his great work and great leadership on this bill.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 14 minutes 25 seconds remaining.

Mr. DORGAN. Mr. President, let me just observe, my colleague from Nevada probably knows there are some who have raised the question of a \$10 fee that will be assessed travelers who are coming into this country, and they have said: What an awful thing to do. They say that a \$10 fee could be onerous, burdensome, and other countries may retaliate.

This is a fee with respect to people who are coming to this country from countries participating in the Visa Waiver Program. I showed this morning that virtually all of the countries in the Visa Waiver Program charge a much higher fee to an American traveler who goes to their country. We are not suggesting a fee that should in any way deter somebody from coming to our country.

Mr. President, \$10 is not a significant amount of money for somebody engaged in international travel. And it's a one time fee on the use of the Electronic System for Travel Authorization—ESTA—program, which lasts for two years. This isn't even \$10 each trip—someone could travel many times in those two years. And what we are doing with that fee is raising the funds to engage in a promotion program to promote America, our country.

My colleague from Nevada, Senator ENSIGN, this morning said that advertising works, but most advertising with respect to travel and tourism and

promotion in this country is in promotion of a specific company, or perhaps a town. But there is no advertising or promotion on the part of this country to say to people around the world that you are welcome to come to this country. We want you to come to America. Experience the culture and character of this great country of ours.

That is what this travel promotion program is about. It is a public sector, but mostly private sector program, the funding from which will come in part from a \$10 fee from people coming from countries that impose a much higher assessment on Americans when we go to those countries, and in part on contributions from the private sector.

I also make the point that the U.S. Chamber of Commerce has issued a letter of very strong support, believing this is a very pro-business proposal that will create jobs in our country. My hope is we will get a very strong vote on it today.

I yield the floor.

UNDER SECRETARY FOR TRAVEL PROMOTION

Mrs. SHAHEEN. Mr. President, I appreciate Senator INOUE and Senator DORGAN's leadership on promoting tourism to the United States. Thanks to their commitment, the Senate is on the verge of passing legislation that is critical to our economy. Although it provides almost 8 million American jobs, travel and tourism have not received the prioritization in our government that they merit. I am pleased that we are creating an Office of Travel Promotion and hope in the future we will take a step further and elevate the role of tourism promotion at the Department of Commerce. Other governments around the world have tourism departments headed by Cabinet-level officials. This stature gives them the clout to advocate for pro-tourism, pro-economy policies, and cut through the redtape to implement those policies.

Tourism is vitally important to New Hampshire. Last year, tourism in New Hampshire supported approximately 67,000 direct full-time and part-time jobs. I know from my own experience that having a high-level travel promotion authority produces results. When I was Governor, I elevated our State's Office of Travel and Tourism within our State government because I recognized the importance of promoting the travel industry and ensuring that we have a strong advocate for traveler-friendly policies in our State government.

Under the guidance of this high-level division, the travel economy in New Hampshire has increased substantially since 2001. Despite a nationwide lull in tourism, spending by travelers to New Hampshire has increased over 33 percent, creating over a billion dollars more in economic growth. State revenues from travel have increased by over \$100 million, providing an important boost to our budget.

I believe we should replicate New Hampshire's success in promoting tourism at the national level. This is why I support the creation of an Under Secretary for Travel Promotion.

Mr. INOUE. I appreciate the Senator's kind words for me. I wish to express my agreement with her on the creation of an Under Secretary position in the Department of Commerce who oversees the tourism industry. I have advocated for the Under Secretary position in the past, and continue to support its creation for the reasons you described.

The State of Hawaii's economy relies heavily on travel and tourism, and welcomes visitors from across this great Nation and from around the world. International travelers to the United States generate a tremendous amount of economic activity. The Department of Commerce found that in 2008, total U.S. international travel receipts were \$142 billion. International tourism provided support for over 800,000 U.S. jobs, \$30 billion in payroll, and \$17 billion in tax revenue. The economic benefit of this industry should be represented, and requires policy-related coordination. An Under Secretary would provide that voice. This is especially true when the U.S. engages in international negotiations around travel and tourism policy. It is important that the United States is represented by an appropriately ranked official, with the same authority as his or her counterparts.

Mrs. SHAHEEN. My friend from Hawaii makes an excellent point. Although the bill does not include an Under Secretary, I believe it is important for the Secretaries of Departments of Commerce, State, and Homeland Security to ensure that the United States is represented internationally to discuss travel and tourism policy issues. In particular, these Departments should work to remove barriers to travel, expand market access for tourism industries, and promote tourism to the U.S. Does my colleague agree with me on this point?

Mr. INOUE. I do. I look forward to working with the Senator on this issue in the future, and with Senator BINGAMAN who has also been a strong advocate for this issue.

Mr. BINGAMAN. I thank Senators INOUE and SHAHEEN. I appreciate both of their support for having an Under Secretary of Commerce lead tourism policy for the United States. As it is for your States, and as it is for the Nation as whole, tourism is an important part of New Mexico's economy. Tourism-related businesses in my State make up eight percent of New Mexico's economy. These businesses employ over 80,000 New Mexicans. My State is fortunate to have a Cabinet-level official in charge of tourism, and has been well-served Secretary Cerletti, New Mexico's secretary of tourism.

I am pleased to support the bill before us today, for it begins to fill a longstanding void in our economic policy. I think we could do more, however.

Tourism, especially international tourism, is an underappreciated economic engine for our country. When international visitors come here, economists say that the United States is exporting tourism: it counts as an export because it generates revenue here in the United States. The \$142 billion that international visitors spent here in 2008 helped lower our trade deficit, which I know many people are concerned about. To put that \$142 billion in perspective, if we consider international visitors as a single export market, it would be the United States's third largest export market, behind Canada and Mexico, but ahead of China. Exports to China generated \$70 billion of revenue for American businesses last year, less than half of the revenue generated by international visitors to the United States. The more we can attract visitors to the United States, the less money we send abroad. The more we can promote tourism to the United States, the more jobs we will create here for Americans, jobs that by necessity cannot be relocated overseas.

To do this, we need the right personnel in place to lead our tourism policy, and I believe an Under Secretary of Commerce would be best suited to do so for the reasons my colleagues have mentioned. Pro-tourism, pro-economy policies can easily be forgotten in top-level discussions within the administration if there is not someone with the clout to effectively advocate for them. Likewise, in international negotiations over travel policies, just as in negotiations about other aspects of international trade, the United States needs to be represented by someone of equal rank to his or her counterparts.

I thank both of my colleagues and look forward to working on this issue with them in the future.

Mrs. SHAHEEN. I thank again Senators INOUE and BINGAMAN.

Mr. INOUE. Mr. President, I am pleased to be joined by my colleagues in support of S. 1023, the Travel Promotion Act of 2009, which is now being considered by the full Senate.

The Travel Promotion Act of 2009 will allow the United States to remain competitive as a welcoming destination for foreign travelers. Our ability to explain the processes and changes made by the United States to gain entry for travel will help to ease fears about the entry process. The proposed nonprofit, independent corporation charged with this responsibility will be able to conduct the necessary outreach and promote tourism in a way that the tourism industry cannot. In addition, an Office of Travel Promotion will be able to work with the Department of State and the Department of Homeland Security to improve the entry process.

Promoting the United States as an attractive tourist destination for both leisure and business with international visitors is of the utmost importance to the many States that house destination resorts. Consider the experience of my own home State of Hawaii. Ha-

waii's economy relies on tourism and travelers. Visitors from around the world come to see our islands' natural beauty and experience the spirit of "Aloha." Our Nation's hospitality industry suffered a severe setback following the events of September 11, 2001, and travel from abroad to the United States has fallen dramatically. The industry continues to struggle during these difficult economic times coupled with fears about a pandemic influenza.

Hawaii's experience is not unique. The hospitality industry nationwide has faced similar challenges, and the economic effects have rippled through the Nation to impact all of our citizens. The State of Hawaii's visitor statistics reflect the downward trend, which accelerated during last year's increase in the cost of oil. Compared to the first 7 months in 2008, visitors to the islands for the same period this year fell by 8.1 percent. Nationwide, the number of international visitors through the first two quarters of 2009 fell by 10.3 percent as compared to the same period during 2008.

Both developing countries and industrialized economies around the world have ministers and offices that promote travel to their respective countries. However, the United States does not have an office that promotes travel and tourism abroad. This legislation is an important first step in the right direction. Establishing an Office of Travel Promotion will help to attract foreign travelers to the United States. This will not only sustain our tourism based industries, it reinforces business relationships and promotes a better understanding between Americans and our friends abroad. Interacting with the American people is a valuable tool at our disposal to dispel international travelers of misconceptions they may have about our country. Approximately 74 percent of visitors have a more favorable opinion of the United States after visiting our country.

The economic activity generated by international travel and its promotion should be approached in the same manner we foster other industries equally important to jobs and the economy. The Travel Promotion Act of 2009 is vital to our travel and tourism industries' ability to compete globally and to restore confidence in the image of the United States as a country that is committed to welcoming our friends from abroad. I urge my colleagues to support this measure and help us ensure that international business and leisure travel to the United States is given all of the tools necessary to succeed.

Mr. AKAKA. Mr. President, I rise today in support of the Travel Promotion Act of 2009. I would like to commend Senator DORGAN for introducing this important legislation as well as Majority Leader REID, Senator INOUE and other colleagues who have helped craft this measure to promote foreign travel and tourism to the United States.

Tourism is crucial to the economy of our Nation. Many jobs are created in the retail and wholesale sectors as a direct result of the industry. These jobs are in addition to employment opportunities offered by hotel, travel, restaurant, and leisure businesses. My home State of Hawaii is especially dependent on tourism. It is Hawaii's No. 1 economic-growth asset.

Hawaii is severely vulnerable to international events and fluctuations in the global economy. After 9/11, in the last quarter of 2001 and the first quarter of 2002, Hawaii's international visitors decreased by 35.4 and 20.3 percent, respectively. Similarly, as the economy spiraled downward in September 2008, Hawaii's international visitors decreased by 4.6 and 5.1 percent in the last quarter of 2008 and the first quarter of 2009. Our State welcomes many visitors from Asia, in particular Japan, whose economy is projected to decline by 5.9 percent in 2009.

Waikiki, a destination for visitors from all across the globe, accounted for about 8 percent of Hawaii's gross State product, 10 percent of civilian jobs, and 12 percent of tax revenues in 2002, according to the Hawaii Department of Business, Economic Development, and Tourism, DBEDT. The department reported that for the month of July 2009, tourist expenditures decreased by 12.4 percent, or \$126.7 million, compared to the prior year.

Hawaii public and private sector leaders have been proactive in marketing Hawaii as the destination of choice for visitors throughout the world. The Hawaii State government commits millions of dollars of public funds to market, advertise, and promote Hawaii. However, this is not enough. We need to apply economies of scale and work to market the United States as a destination as other countries already do. While many governments have increased its international visitor market share by promoting their tourism industry, our country primarily relies on States to promote themselves. We have not realized the fullest potential of our promotional dollars. We need to maximize the effectiveness of our resources in an effort to attract more international visitors to enjoy the beauty and richness of our country.

The Travel Promotion Act of 2009 will help accomplish this goal. This bill would establish a Corporation for Travel Promotion as a nonprofit corporation, to create a nationally coordinated travel program. The program would be charged to encourage travel to the United States and will promote our Nation as a visitor destination. It will create jobs and stimulate the economy. I urge my colleagues to support the Travel Promotion Act of 2009.

Mr. LIEBERMAN. Mr. President, I rise today to raise some concerns that I have with the Travel Promotion Act and to suggest some modifications to it that I feel may be necessary to ensure our security at the Nation's ports of

entry. While I support the majority leader's efforts to promote travel to the United States, I believe that there are some security-related issues with the Travel Promotion Act that need to be addressed. I realize that, in order to move this bill, there won't be any amendments offered on the floor of the Senate. Nevertheless, I feel it is important to have a frank discussion about the potential unintended consequences that portions of this bill might have for our Nation's security. Because it is a good step forward, I plan to support this bill today. But I will continue to pursue legislative options to ensure that some of these peripheral issues are addressed.

Allow me to provide some background. In the 110th Congress, the Senate Committee on Homeland Security and Governmental Affairs created the Electronic System of Travel Authorization known as ESTA, within the Department of Homeland Security, DHS, as part of the Implementing the Recommendations of the 9/11 Commission Act of 2007. The electronic system was developed to address our main concerns about the Visa Waiver Program, VWP; namely, that the first time Customs and Border Protection, CBP, encounters many travelers from visa waiver countries is when they land at a U.S. airport—far too late to prevent a terrorist incident in flight.

The idea behind ESTA was to register travelers coming to America electronically before they leave their home countries. That way we would be able to detect potential terrorists attempting to enter the U.S. from VWP countries—like Richard Wright, “the shoe bomber”—before they actually board an airplane bound for the U.S.

The 9/11 Commission Act also authorizes, but does not require, the collection of a fee to pay for the administration of the system. To date, DHS has elected not to impose a fee because of concerns about the adverse reaction ESTA requirements have generated in Europe. Indeed, the lack of a fee was one of the key reasons that the European Union ruled that ESTA was not a visa, and decided not to impose a visa requirement on U.S. travelers.

The Travel Promotion Act, however, requires DHS to impose a minimum fee of \$10 per travel authorization to be used for a Travel Promotion Fund. We should expect the European Union—EU—and other VWP nations to impose a similar fee on U.S. travelers in the future. Additionally, because citizens of the EU do not use credit cards online as often as Americans, it will be challenging for DHS to set up the infrastructure to collect this fee in a way that facilitates travel.

Given these realities, I am concerned that the bill gives DHS no funding to set up the infrastructure that would be needed to collect this fee. DHS, therefore, would have to divert funds away from homeland security programs to pay for setting up and collecting this travel promotion fee. Promoting travel

to the United States is surely a worthy cause, but we should make sure that the Department has the resources to administer it, so that it does not come at the expense of other programs that keep Americans safe.

There is a simple way to address this problem. According to the Congressional Budget Office, the \$10 fee would generate \$180 million a year. The bill caps the funding that would be used for promoting travel at \$100 million. This means that the fee could generate excess funding of as much as \$80 million a year. The bill does not give any of this excess funding to DHS for implementing the ESTA system and the fee mandated by the legislation. Instead, it would actually require DHS to pay out of its own pocket the costs of implementing the fee. We should make sure that any excess funding is made available to DHS in order to ensure that funding is not diverted from important security programs to implement this fee.

S. 1023 also seeks to give the Director of Travel Promotion in the Department of Commerce authority over CBP functions by requiring that he “ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner” and that he “enhance the entry and departure experience for international visitors.” The CBP port of entry is a unique security environment over which DHS, not the Department of Commerce, has and should continue to have ultimate jurisdiction.

Prior to 9/11, consular officers often faced pressure to adjudicate visa applications more quickly even though some applications may have been incomplete. CBP Officers at ports of entry should not have to face similar pressures to speed up the processing of incoming travelers at the expense of security considerations. In order to ensure that there is no confusion, we should clarify that the role of the Director of Travel Promotion at the Nation's ports of entry is strictly advisory, and that the Secretary of Homeland Security shall have control over the processes through which travelers are admitted into the United States.

Lastly, S. 1023 would establish a Travel Promotion Corporation charged, in part, with disseminating information about our Nation's visa and entry requirements through a Web site and through promotional campaigns abroad.

This is a worthy endeavor, and these campaigns surely will help to educate foreign travelers about the steps they need to take before travelling to the United States. As, chairman of the Senate Committee on Homeland Security and Governmental Affairs, I understand that our visa and entry requirements can be very confusing. And the last thing we want is for a publicly funded entity to use taxpayer dollars to disseminate inaccurate information.

I believe that the Travel Promotion Corporation should be required to submit the information it plans to disseminate for a factual review by the Departments of Homeland Security and State. The Homeland Security and State Departments would have absolutely no editorial role in the types of campaigns the Corporation develops. To avoid unnecessary delays, DHS and State should then be required to return their comments to the Corporation within 10 business days.

I believe that the bill we are currently considering is important, and that its goal of promoting travel to the U.S. is laudable, especially when travel and tourism to our country are so important to our economy. I will vote for it today. Moving forward, however, I believe that we must ensure that the bill is implemented in a way that does not adversely impact the security of our Nation, by ensuring that it does not force DHS to rob Peter to pay Paul. I understand that, in order to get this bill passed today, amendments cannot be offered on the floor. I want to reiterate, however, that I plan on pursuing these objectives in future legislation. I think we can achieve the dual goals of promoting travel to our country and enhancing security—I look forward to working with the majority leader and other supporters of this legislation going forward.

Mr. LEVIN. Mr. President, I am proud to be a cosponsor of S. 1023, the Travel Promotion Act of 2009, and I will vote for the bill on final passage. At a time when we are facing a severe economic downturn and the worst recession in a generation we need to look for creative ways to create jobs and generate revenue that can provide benefits across our urban areas, cities, towns, and rural countryside.

It is therefore timely that the Senate is considering a bill aimed at promoting travel and tourism in the United States. Tourism is a multibillion-dollar industry, and promoting travel to the United States will help stimulate our economy. The people in my home State of Michigan understand the important economic contributions of tourism. In fact, tourism is one of the three largest industries in Michigan along with manufacturing and agriculture.

According to the U.S. Travel Association, in 2007 the travel industry supported 148,700 jobs with a payroll of \$3.5 billion in Michigan. Nationally the Senate Travel Promotion Act is expected to create 40,000 new jobs in the first year.

Tourism is a successful industry in Michigan because we have so much to offer visitors. In 1831, the great chronicler of early America and one of our Nation's first tourists, Alexis de Tocqueville, explored the Great Lakes. When he saw Lake Huron, he described it as "Not grand in poetry only; it's the most extraordinary spectacle that I have seen in my life."

Indeed, Michigan has the world's longest freshwater coastline. Michigan

has beautiful beaches and cherry orchards, maritime museums and shipwreck-diving preserves. We even have some of the world's highest freshwater sand dunes and the only national freshwater marine sanctuary, the Thunder Bay National Marine Sanctuary at Alpena.

There are over 11,000 inland lakes in Michigan, and we have the second highest number of recreational boats. Michigan also offers plentiful wilderness experiences at national parks and trails: Isle Royale National Park, Keweenaw National Historic Park, Sleeping Bear Dunes and Pictured Rocks National Lakeshore and the North Country Scenic Trail. Our State has nearly 4 million acres of State forest land, 2.7 million acres of national forest land and some 230 campgrounds. And Michigan has thousands of miles of hiking, biking, cross-country skiing and snowmobiling trails. With so many inviting tourist destinations in Michigan it is no wonder Michigan stands to benefit from the increased travel that will result from the enactment of the Travel Promotion Act.

This bipartisan legislation aims to reverse the decline in overseas visitors to the United States since 9/11 by establishing a nationally coordinated public-private partnership, similar to what exists in many other countries, to increase international travelers to the United States.

At no cost to the taxpayer the legislation would establish the Corporation for Travel Promotion, an independent, nonprofit corporation governed by an 11-member board of directors appointed by the Secretary of Commerce. It also would create an Office of Travel Promotion in the Department of Commerce to develop programs to increase the number of international visitors in the United States. It is paid for by a public-private matching program, the Travel Promotion Fund. Federal contributions will be financed by a required \$10 fee paid by foreign travelers from visa waiver countries and collected via the electronic system for travel authorization.

As the tourism season ramps up in Michigan, we must do everything we can to take advantage of our State's natural beauty and recreation opportunities to grow this critical sector of our economy.

Mr. CARDIN. Mr. President, I support S. 1023 and its objectives. Indeed, I am a cosponsor. I submit these comments regarding the bill's provisions to help our Nation's many small businesses. I filed an amendment, S. Amdt. 1320, to ensure that at least one member of the Travel Promotion Board would have appropriate expertise regarding small business concerns and the retail sector. I am joined in this effort by Senators LANDRIEU and SNOWE, the chairman and ranking member of the Small Business and Entrepreneurship Committee, who have cosponsored the amendment.

I am disappointed that we are unable to get consent to lay the pending

amendment aside for the purpose of considering other amendments, such as the one I have filed. This amendment would not change the number of board members; it would only require that one person have appropriate expertise and experience with small business and in the retail sector. This will ensure that at least one member will represent the interests of small business concerns as that term is defined by the Small Business Act, 15 U.S.C. 632, and generally used by the Small Business Administration.

When I entered the Senate in 2007, I asked to serve on the Small Business Committee because I fully appreciate how critical small businesses are to our economic recovery and strength, to building America's future, and to helping the United States compete in today's global marketplace. I think that promoting the United States as a tourist destination to foreigners increases our economic viability and the image of the United States abroad. Visitors to our country get a better picture of the United States, which shapes their perception of our country and its people. It is vital that the perspectives of small business owners be represented because they employ more than half of all private sector employees and make up 99 percent of the Nation's 29 million businesses.

While I regret that we are unable to consider my amendment, I hope that my recommendations will be considered as the legislative process continues.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the time during the quorum call be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, pending before the Senate is the Travel Promotion Act of 2009, which we have worked on for a long time. Travel and tourism are critical to the economic health of America, as well as our home State of Illinois. It is the sixth most popular State in the Nation among overseas tourists. Tourism adds \$2.1 billion to our State and local tax coffers and supports more than 300,000 jobs

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each year in the State. That is why we need this bill. Promoting tourism, bringing in travelers to visit Illinois and the Nation creates job opportunities, tax revenues and, frankly, gives us a chance to show off a great nation.

I could go through the long list of wonderful things to see in Illinois—and it is long—but trust me, it is a story that can be told in virtually every State in the Nation, and certainly here in our capital.

There are those who argue about the \$10 promotion fee, which is a small price to pay to promote people coming from overseas, who will spend much more than that to visit our country and join in the wonderful opportunities we have to offer.

As we come to a conclusion on the bill, I want to spend a moment to acknowledge the work of the majority leader, HARRY REID, who worked tirelessly with Senators DORGAN and ENSIGN. He was an early and strong supporter of the Travel Promotion Act, recognizing how important travel is to the United States and to our economy. He worked hard to make sure there was a place on the crowded legislative calendar for us to take up this bill.

Travel and tourism are a major industry in Senator REID's home State of Nevada, and enacting this legislation will save and create thousands of jobs in Nevada and help generate millions of dollars in revenue and tax receipts. Senator REID has been committed to this legislation since it was introduced, and he will shepherd this legislation to the President's desk. With his leadership, we have another chance to move this bill on the floor of the Senate. We failed to reach cloture in June, and some people gave up, but HARRY REID never gave up. He worked with the sponsors to move this forward. He recognizes that the travel sector is a major driver in economic growth in Nevada and across America. He found a way to rescue this bill, bring it back to life, and bring it up for today's vote. For his vision, his tenacity, and his leadership, we all owe a great debt of gratitude to Senator HARRY REID of Nevada.

This Travel Promotion Act is a major part of his work in the Senate, not only to help America, but his home State of Nevada.

I yield the floor, suggest the absence of a quorum, and I ask that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

# NOMINATION OF CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, as chairman of the Committee on Homeland Security and Governmental Affairs, I am pleased to both express my unqualified support for the nomination of Cass Sunstein to lead the Office of Information and Regulatory Affairs, which is known in government circles as OIRA, and also to favorably report the nomination out from our Homeland Security Committee.

This nomination was considered and reported out by the committee on May 20. That was almost 3½ months ago. But unfortunately, Professor Sunstein's nomination has been the subject of unnecessary holds and delays. This is an important position that needs to be filled.

I thank Majority Leader REID for bringing this important nomination to a vote. Obviously, there was a filibuster, and we will now need to invoke cloture so Professor Sunstein can get on with the important job that President Obama has nominated him to do for our country and each one of us.

OIRA is one of those governmental agencies that has a low public profile but exerts high influence over the workings of government and therefore the daily lives of most Americans.

In Congress, we pass laws that express our values, that draw lines between what is right and wrong, what is desirable and undesirable for our society. But because we cannot ever foresee every permutation of the law or its effect, we must leave many of the details to the executive branch and its regulatory actions or implementation of the laws we pass.

For over a quarter of a century now, Presidents of the United States have asked OIRA to help oversee and coordinate this critical regulatory process. Thus, OIRA has a huge impact on the widest range of problems, as wide as the purview of our government itself, including the health and safety of every American and the health and stability of the American economy.

In Professor Cass Sunstein, the President has found someone with exceptional qualifications and talent, capable of leading OIRA in a positive direction to fulfill Congress's intention in the adoption of laws.

When he began teaching at Harvard Law School in 2008, after a distinguished career teaching and residing in the city of Chicago, which is ably represented by the occupant of the chair, his new employers at Harvard announced that they had secured for their faculty "the preeminent legal

scholar of our time, the most wide-ranging, the most prolific, the most cited, and the most influential." As a graduate of Yale Law School, I was initially quite suspect of those superlatives. The truth is that those words of Elena Kagan, then dean of Harvard, now Solicitor General of the United States, are validated by the extraordinary record of Professor Cass Sunstein. He has taught and written about many subjects, including particularly regulation, the management of risk, and, in fact, OIRA itself.

Our committee conducted a thorough review of Professor Sunstein's writings and his background, and he has met individually with me, Senator COLLINS, our ranking member, and most other members of the committee. We held a confirmation hearing on this nomination on May 12 of this year, at which the members of our committee thoroughly questioned Professor Sunstein about his views on several important matters. And I believe he responded directly, sincerely, and addressed each of the members' concerns.

For example, I wanted to be sure his previous advocacy for a rigorous implementation of cost-benefit analysis to regulations did not mean that OIRA under his leadership would interfere with the agency's issuing of regulations necessary to protect public health and safety. Professor Sunstein convinced me in his answer that he would diligently support the purposes of laws to protect public health and safety as adopted by Congress and signed by the President.

Because Professor Sunstein is brilliant, creative, and prolific, he has written some things that are unconventional and, for some, controversial. I believe when asked about each of those matters he answered sincerely and fully and reassuringly.

For example, hunters were concerned about Professor Sunstein's views on gun rights. He made very clear he believes the second amendment creates an individual right to possess guns for hunting and self-defense. To farmers and others concerned with his previous writings and comments on cruelty to animals, Professor Sunstein has said he would take no steps to promote litigation on behalf of animals, which some concluded was his position based on a provocative article he wrote, and that he has no plans, certainly, to regulate animal husbandry.

So this is a bright, thoughtful, creative man who, as a professor, has written some provocative, unconventional ideas. I suppose if one wanted to take advantage of them for one's own purposes, to politicize, in some sense, or ideologize, in some sense, this nomination, one might seize on those. But at bottom, this is a person extraordinarily well qualified for this position.

I will say he has been endorsed by the American Farm Bureau Federation, insofar as concerns of the agricultural community are concerned. He met with them, and he answered their questions. They said: