

Union Calendar No. 408

113TH CONGRESS
2D SESSION

H. R. 4450

[Report No. 113-542, Part I]

To extend the Travel Promotion Act of 2009, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2014

Mr. BILIRAKIS (for himself, Mr. WELCH, Mr. HECK of Nevada, Mr. FARR, Mr. WEBSTER of Florida, Ms. TITUS, Mr. JOLLY, Ms. WASSERMAN SCHULTZ, Mr. MILLER of Florida, Ms. WILSON of Florida, Mr. KINZINGER of Illinois, Ms. CASTOR of Florida, Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. ROSS, Mr. CRENSHAW, Mr. PETERS of California, Mr. SOUTHERLAND, Mr. QUIGLEY, Mr. DESANTIS, Mr. RUSH, Mr. MURPHY of Florida, Ms. MATSUI, Mr. BUTTERFIELD, Ms. ESHOO, Ms. GABBARD, Ms. LORETTA SANCHEZ of California, Mr. PIERLUISI, Mrs. CAPPS, Mr. PETERSON, Mr. SHERMAN, Mr. CICILLINE, Ms. HAHN, Mrs. CHRISTENSEN, Ms. CHU, Mr. LOWENTHAL, Mr. COSTA, Mr. LONG, Mr. SMITH of Texas, Mr. SCHOCK, and Mr. GRIMM) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 22, 2014

Additional sponsors: Mr. BUCHANAN, Mr. KILMER, Ms. HANABUSA, Mr. CÁRDENAS, Mr. KEATING, Mr. ISRAEL, Ms. NORTON, Mr. ROONEY, Mr. HUFFMAN, Mr. GENE GREEN of Texas, Mr. HORSFORD, Mr. YOUNG of Alaska, Mr. LANGEVIN, Mr. POCAN, Mr. VAN HOLLEN, Mr. McDERMOTT, Mr. HASTINGS of Florida, Mr. WOLF, Mr. COHEN, Mrs. BEATTY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. McCOLLUM, Mr. BARBER, Ms. DUCKWORTH, Mr. MORAN, Mr. COURTNEY, Mr. TONKO, Mr. BEN RAY LUJÁN of New Mexico, Mr. CASSIDY, Ms. DELBENE, Mr. HARPER, Mr. MARINO, Mrs. ELLMERS, Mr. WHITFIELD, Mr. COLE, Mr. SMITH of New Jersey, Mr. LANCE, Mr. RICE of South Carolina, Mr. DAINES, Mr. FLEISCHMANN, Mr. FRELINGHUYSEN, Mr. BYRNE, Mr.

AMODEI, Mr. LATTA, Ms. KUSTER, Mr. WALDEN, Mr. FARENTHOLD, Mr. GINGREY of Georgia, Mr. WILSON of South Carolina, Mr. MCKINLEY, Mr. LUETKEMEYER, Mr. SCHRADER, Mr. ROGERS of Michigan, Mr. BARTON, Mr. DEFAZIO, Mr. POSEY, Mr. JOHNSON of Ohio, Mr. DEUTCH, Mr. HARRIS, Mr. GARDNER, Ms. GRANGER, Mr. CAMPBELL, Mrs. WAGNER, Mr. COBLE, Mr. BRADY of Pennsylvania, Mr. BECERRA, Mrs. DAVIS of California, Mr. MCNERNEY, Mr. SCHIFF, Mr. HONDA, Mr. GARAMENDI, Mr. CALVERT, Mr. LARSON of Connecticut, Mr. YARMUTH, Mr. SERRANO, Mr. WITTMAN, Mrs. CAROLYN B. MALONEY of New York, Mr. LIPINSKI, Mr. KING of New York, Mr. OLSON, Mr. STIVERS, Mrs. BUSTOS, Mrs. LUMMIS, Mr. SCHWEIKERT, Mr. GIBSON, Mr. PEARCE, Mr. GOSAR, Mr. FLORES, Mr. HECK of Washington, Mr. BLUMENAUER, Mr. BROOKS of Alabama, Mr. LOBIONDO, Mr. MATHESON, Mr. RUPPERSBERGER, Mr. HANNA, Mr. MULVANEY, Mr. HOLDING, Mr. NOLAN, Mr. BISHOP of Utah, Mr. PERLMUTTER, Mr. SMITH of Missouri, Ms. FRANKEL of Florida, Ms. BONAMICI, Mr. MEEHAN, Mr. BERA of California, Mr. GIBBS, Mrs. MILLER of Michigan, Mr. MESSER, Ms. SINEMA, and Ms. ROYBAL-ALLARD

JULY 22, 2014

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 22, 2014

The Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 10, 2014]

A BILL

To extend the Travel Promotion Act of 2009, and for other purposes.

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 “Travel Promotion, En-*
5 *hancement, and Modernization Act of 2014”.*

6 **SEC. 2. BOARD OF DIRECTORS.**

7 *Subsection (b)(2)(A) of the Travel Promotion Act of*
8 *2009 (22 U.S.C. 2131(b)(2)(A)) is amended—*

9 *(1) in the matter preceding clause (i)—*

10 *(A) in the first sentence, by striking “pro-*
11 *motion and marketing” and inserting “pro-*
12 *motion or marketing”; and*

13 *(B) by inserting after the first sentence the*
14 *following: “At least 5 members of the board shall*
15 *have experience working in United States multi-*
16 *national entities with marketing budgets. At*
17 *least 2 members of the board shall be audit com-*
18 *mittee financial experts (as defined by the Secu-*
19 *rities and Exchange Commission in accordance*
20 *with section 407 of Public Law 107–204 (15*
21 *U.S.C. 7265)). All members of the board shall be*
22 *a current or former chief executive officer, chief*
23 *financial officer, or chief marketing officer, or*
24 *have held an equivalent management position.”;*
25 *and*

1 (2) in clause (x), by striking “intercity passenger
2 railroad business” and inserting “land or sea pas-
3 senger transportation sector”.

4 **SEC. 3. ANNUAL REPORT TO CONGRESS.**

5 Subsection (c)(3) of the Travel Promotion Act of 2009
6 (22 U.S.C. 2131(c)(3)) is amended—

7 (1) in subparagraph (F), by striking “and” at
8 the end;

9 (2) by redesignating subparagraph (G) as sub-
10 paragraph (I); and

11 (3) by inserting after subparagraph (F) the fol-
12 lowing:

13 “(G) a description of, and rationales for,
14 the Corporation’s efforts to focus on specific
15 countries and populations;

16 “(H)(i) a description of, and rationales for,
17 the Corporation’s combination of media channels
18 employed in meeting the promotional objectives
19 of its marketing campaign;

20 “(i) the ratio in which such channels are
21 used; and

22 “(iii) a justification for the use and ratio of
23 such channels; and”.

1 **SEC. 4. BIENNIAL REVIEW OF PROCEDURES TO DETER-**
2 **MINE FAIR MARKET VALUE OF GOODS AND**
3 **SERVICES.**

4 *Subsection (d)(3) of the Travel Promotion Act of 2009*
5 *(22 U.S.C. 2131(d)(3)) is amended—*

6 *(1) in subparagraph (B)(ii), by striking “80 per-*
7 *cent” and inserting “70 percent”; and*

8 *(2) by adding at the end the following:*

9 *“(E) MAINTENANCE OF AN IN-KIND CON-*
10 *TRIBUTIONS POLICY.—The Corporation shall*
11 *maintain an in-kind contributions policy.*

12 *“(F) FORMALIZED PROCEDURES FOR IN-*
13 *KIND CONTRIBUTIONS POLICY.—Not later than*
14 *90 days after the date of enactment of the Travel*
15 *Promotion, Enhancement, and Modernization*
16 *Act of 2014, the Secretary of Commerce, in co-*
17 *ordination with the Corporation, shall establish*
18 *formal, publicly available procedures specifying*
19 *time frames and conditions for—*

20 *“(i) making and agreeing to revisions*
21 *of the Corporation’s in-kind contributions*
22 *policy; and*

23 *“(ii) addressing and resolving dis-*
24 *agreements between the Corporation and its*
25 *partners, including the Secretary of Com-*

1 merce, regarding the in-kind contributions
2 policy.

3 “(G) *BIANNUAL REVIEW OF PROCEDURES*
4 *TO DETERMINE FAIR MARKET VALUE OF GOODS*
5 *AND SERVICES.—The Corporation and the Sec-*
6 *retary of Commerce (or their designees) shall*
7 *meet on a biannual basis to review the proce-*
8 *dures to determine the fair market value of goods*
9 *and services received from non-Federal sources*
10 *by the Corporation under subparagraph (B).”.*

11 **SEC. 5. EXTENSION OF TRAVEL PROMOTION ACT OF 2009.**

12 (a) *IN GENERAL.—The Travel Promotion Act of 2009*
13 *(22 U.S.C. 2131) is amended—*

14 (1) *in subsection (b)(5)(A)(iv), by striking “all*
15 *States and the District of Columbia” and inserting*
16 *“all States and territories of the United States and*
17 *the District of Columbia,”; and*

18 (2) *in subsection (d)—*

19 (A) *in paragraph (2)(B), by striking*
20 *“2015” and inserting “2020”; and*

21 (B) *in paragraph (4)(B), by striking “fiscal*
22 *year 2011, 2012, 2013, 2014, or 2015” and in-*
23 *serting “each of the fiscal years 2011 through*
24 *2020”.*

1 (b) *SUNSET OF TRAVEL PROMOTION FUND FEE.*—*Sec-*
2 *tion 217(h)(3)(B)(iii) of the Immigration and Nationality*
3 *Act (8 U.S.C. 1187(h)(3)(B)(iii)) is amended by striking*
4 *“September 30, 2015” and inserting “September 30, 2020”.*

5 **SEC. 6. ACCOUNTABILITY; PROCUREMENT REQUIREMENTS.**

6 *The Travel Promotion Act of 2009 (22 U.S.C. 2131),*
7 *as amended by this Act, is further amended—*

8 (1) *by redesignating subsections (e), (f), (g), and*
9 *(h) as subsections (h), (e), (i), and (j), respectively;*
10 *and*

11 (2) *in paragraph (2) of subsection (c), by strik-*
12 *ing “\$5,000,000” and inserting “\$500,000”;*

13 (3) *by inserting after subsection (e), as redesign-*
14 *ated, the following:*

15 “(f) *ACCOUNTABILITY.*—

16 “(1) *PERFORMANCE PLANS AND MEASURES.*—
17 *Not later than 90 days after the date of the enactment*
18 *of the Travel Promotion, Enhancement, and Mod-*
19 *ernization Act of 2014, the Corporation shall—*

20 “(A) *establish performance metrics includ-*
21 *ing, time frames, evaluation methodologies, and*
22 *data sources for measuring—*

23 “(i) *the effectiveness of marketing ef-*
24 *forts by the Corporation, including its*
25 *progress in achieving the long-term goals of*

1 *increased traveler visits to and spending in*
2 *the United States;*

3 “(ii) *whether increases in visitation*
4 *and spending have occurred in response to*
5 *external influences, such as economic condi-*
6 *tions or exchange rates, rather than in re-*
7 *sponse to the efforts of the Corporation; and*

8 “(iii) *any cost or benefit to the econ-*
9 *omy of the United States; and*

10 “(B) *conduct periodic program evaluations*
11 *in response to the data resulting from measure-*
12 *ments under subparagraph (A).*

13 “(2) *GAO ACCOUNTABILITY.—Not later than 60*
14 *days after the date on which the Corporation receives*
15 *a report from the Government Accountability Office*
16 *with recommendations for the Corporation, the Cor-*
17 *poration shall submit a report to Congress that de-*
18 *scribes the actions taken by the Corporation in re-*
19 *sponse to the recommendations in such report.*

20 “(g) *PROCUREMENT REQUIREMENTS.—The Corpora-*
21 *tion shall—*

22 “(1) *establish a competitive procurement process;*
23 *and*

24 “(2) *certify in its annual report to Congress*
25 *under subsection (c)(3) that any contracts entered*

1 *into were in compliance with the established competi-*
2 *tive procurement process.”.*

3 **SEC. 7. REPEAL OF ASSESSMENT AUTHORITY.**

4 *The Travel Promotion Act of 2009 (22 U.S.C. 2131),*
5 *as amended by this Act, is further amended by striking sub-*
6 *section (e) (as redesignated by section 6(1) of this Act).*

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