

Public Law 97-63
97th Congress

An Act

To amend the International Travel Act of 1961 to establish a national tourism policy, and for other purposes.

Oct. 16, 1981
[S. 304]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National
Tourism Policy
Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Tourism Policy Act".

22 USC 2121
note.

NATIONAL TOURISM POLICY

SEC. 2. (a) The International Travel Act of 1961 (hereinafter in this Act referred to as the "Act") is amended by striking out the first section and inserting in lieu thereof the following: "That this Act may be cited as the 'International Travel Act of 1961'."

22 USC 2121
note.

"TITLE I—NATIONAL TOURISM POLICY

"SEC. 101. (a) The Congress finds that—

22 USC 2121.

"(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 contribution of the tourism and recreation industries to economic prosperity, full employment, and the international balance of payments of the United States;

"(2) make the opportunity for and benefits of tourism and recreation in the United States universally accessible to resi-

dents of the United States and foreign countries and insure that present and future generations are afforded adequate tourism and recreation resources;

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

"(4) 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;

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

"(6) 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;

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

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

"(9) 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;

"(10) 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;

"(11) 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

"(12) 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."

DUTIES

SEC. 3. (a) The following heading is inserted before section 2 of the Act:

"TITLE II—DUTIES".

(b) Section 2 of the Act (22 U.S.C. 2122) is amended by striking out "purpose of this Act" and inserting in lieu thereof "the national tourism policy established by section 101(b)".

(c) Section 3(a) of the Act (22 U.S.C. 2123(a)) is amended by striking out "section 2" and inserting in lieu thereof "section 201", by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon, and by adding after paragraph (7) the following new paragraphs:

"(8) shall establish facilitation services at major ports-of-entry of the United States;

"(9) shall consult with foreign governments on travel and tourism matters and, in accordance with applicable law, represent United States travel and tourism interests before international and intergovernmental meetings;

"(10) shall develop and administer a comprehensive program relating to travel industry information, data service, training and education, and technical assistance;

"(11) shall develop a program to seek and to receive information on a continuing basis from the tourism industry, including consumer and travel trade associations, regarding needs and interests which should be met by a Federal agency or program and to direct that information to the appropriate agency or program;

"(12) shall encourage to the maximum extent feasible travel to and from the United States on United States carriers;

"(13) shall assure coordination within the Department of Commerce so that, to the extent practicable, all the resources of the Department are used to effectively and efficiently carry out the national tourism policy;

"(14) may only promulgate, issue, rescind, and amend such interpretive rules, general statements of policy, and rules of agency organization, procedure, and practice as may be necessary to carry out this Act; and

"(15) shall develop and submit annually to the Congress, within six weeks of transmittal to the Congress of the President's recommended budget for implementing this Act, a detailed marketing plan to stimulate and encourage travel to the United States during the fiscal year for which such budget is submitted and include in the plan the estimated funding and personnel levels required to implement the plan and alternate means of funding activities under this Act."

(d)(1) Paragraph (5) of section 3(a) of the Act is amended (A) by striking out "foreign countries." and inserting in lieu thereof "foreign countries"; (B) by striking out "this clause;" and inserting in lieu thereof "this paragraph."; (C) by inserting the last two sentences before the first sentence of subsection (c), and (D) by striking out "this clause" in such sentences and inserting in lieu thereof "paragraph (5) of subsection (a)". 22 USC 2123.

(2) Paragraph (7) of section 3(a) of the Act is amended by striking out "countries. The Secretary is authorized to" and inserting in lieu thereof "countries; and the Secretary may" and by striking out "this clause" and inserting in lieu thereof "this paragraph".

(3) Section 3 of the Act is amended by striking out "clause (5)" each place it appears and inserting in lieu thereof "paragraph (5)".

(e)(1) Sections 2 and 3 of the Act are redesignated as sections 201 and 202, respectively, and section 5 is inserted after section 202 (as so redesignated) and redesignated as section 203. 22 USC 2122, 2123, 2123a.

(2) Section 203 of the Act (as so redesignated) is amended by striking out "semi-annually" and inserting in lieu thereof "annually". 22 USC 2123a.

(f) The following section is inserted after section 203 of the Act (as so redesignated):

"SEC. 204. (a) The Secretary is authorized to provide, in accordance with subsections (b) and (c), financial assistance to a region of not less than two States or portions of two States to assist in the implementation of a regional tourism promotional and marketing program. Such assistance shall include—

Regional
assistance.
22 USC 2123b.

"(1) technical assistance for advancing the promotion of travel to such region by foreign visitors;

"(2) expert consultants; and

"(3) marketing and promotional assistance.

"(b) Any program carried out with assistance under subsection (a) shall serve as a demonstration project for future program development for regional tourism promotion.

"(c) The Secretary may provide assistance under subsection (a) for a region if the applicant for the assistance demonstrates to the satisfaction of the Secretary that—

"(1) such region has in the past been an area that has attracted foreign visitors, but such visits have significantly decreased;

"(2) facilities are being developed or improved to reattract such foreign visitors;

"(3) a joint venture in such region will increase the travel to such region by foreign visitors;

"(4) such regional programs will contribute to the economic well-being of the region;

"(5) such region is developing or has developed a regional transportation system that will enhance travel to the facilities and attractions within such region; and

"(6) a correlation exists between increased tourism to such region and the lowering of the unemployment rate in such region."

ADMINISTRATION

United States
Travel and
Tourism
Administration,
establishment.

SEC. 4. (a)(1) The first sentence of section 4 of the Act (22 U.S.C. 2124) is amended to read as follows: "There is established in the Department of Commerce a United States Travel and Tourism Administration which shall be headed by an Under Secretary of Commerce for Travel and Tourism who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the Secretary."

(2) The second sentence of section 4 of the Act is amended by striking out "Assistant Secretary of Commerce for Tourism" and inserting in lieu thereof "Under Secretary of Commerce for Travel and Tourism".

(3) Section 4 of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Secretary shall designate an Assistant Secretary of Commerce for Tourism Marketing who shall be under the supervision of the Under Secretary of Commerce for Travel and Tourism. The Secretary shall delegate to the Assistant Secretary responsibility for the development and submission of the marketing plan required by section 202(a)(15)."

Ante, p. 1012.

(4) Section 5314 of title 5, United States Code, is amended by striking out "Under Secretary of Commerce" and inserting in lieu thereof "Under Secretary of Commerce and Under Secretary of Commerce for Travel and Tourism".

(b) Section 4 of the Act is amended by inserting "(a)" after "SEC. 4.", and by adding at the end the following:

"(b)(1) The Secretary may not reduce the total number of foreign offices of the United States Travel and Tourism Administration or the number of employees assigned to the offices of the Administration in foreign countries to a number which is less than the total number of employees of the United States Travel Service assigned to offices of the Service in foreign countries in fiscal year 1979.

"(2) In any fiscal year the amount of funds which shall be made available from appropriations under this Act for obligation for the

activities of the offices of the United States Travel and Tourism Administration in foreign countries shall not be less than the amount obligated in fiscal year 1980 for the activities of the offices of the United States Travel Service in foreign countries.”

(c)(1) The following heading is inserted before section 4 of the Act:

“TITLE III—ADMINISTRATION”.

(2) Section 4 of the Act is redesignated as section 301 and the following new sections are inserted after that section:

22 USC 2124.

“SEC. 302. (a) In order to assure that the national interest in tourism is fully considered in Federal decisionmaking, there is established an interagency coordinating council to be known as the Tourism Policy Council (hereinafter in this section referred to as the ‘Council’).

Tourism Policy
Council,
establishment.
22 USC 2124a.

“(b)(1) The Council shall consist of—

Membership.

“(A) the Secretary of Commerce who shall serve as Chairman of the Council;

“(B) the Under Secretary for Travel and Tourism who shall serve as the Vice Chairman of the Council and who shall act as Chairman of the Council in the absence of the Chairman;

“(C) the Director of the Office of Management and Budget or the individual designated by the Director from the Office;

“(D) an individual designated by the Secretary of Commerce from the International Trade Administration of the Department of Commerce;

“(E) the Secretary of Energy or the individual designated by such Secretary from the Department of Energy;

“(F) the Secretary of State or the individual designated by such Secretary from the Department of State;

“(G) the Secretary of the Interior or the individual designated by such Secretary from the National Park Service or the Heritage Conservation and Recreation Service of the Department of the Interior;

“(H) the Secretary of Labor or the individual designated by such Secretary from the Department of Labor; and

“(I) the Secretary of Transportation or the individual designated by such Secretary from the Department of Transportation.

“(2) Members of the Council shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred by them in carrying out the duties of the Council.

Compensation;
travel expenses.

“(3) Each member of the Council, other than the Vice Chairman, may designate an alternate, who shall serve as a member of the Council whenever the regular member is unable to attend a meeting of the Council or any committee of the Council. The designation by a member of the Council of an alternate under the preceding sentence shall be made for the duration of the member’s term on the Council. Any such designated alternate shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved and shall be authorized to make decisions on behalf of the member for whom he or she is serving.

Alternate,
designation.

“(c)(1) Whenever the Council, or a committee of the Council, considers matters that affect the interests of Federal agencies that are not represented on the Council or the committee, the Chairman may invite the heads of such agencies, or their alternates, to participate in the deliberations of the Council or committee.

Meetings.

"(2) The Council shall conduct its first meeting not later than ninety days after the date of enactment of this section. Thereafter the Council shall meet not less than four times each year.

Functions.

"(d)(1) The Council shall coordinate policies, programs, and issues relating to tourism, recreation, or national heritage resources involving Federal departments, agencies, or other entities. Among other things, the Council shall—

"(A) coordinate the policies and programs of member agencies that have a significant effect on tourism, recreation, and national heritage preservation;

"(B) develop areas of cooperative program activity;

"(C) assist in resolving interagency program and policy conflicts; and

"(D) seek and receive concerns and views of State and local governments and the Travel and Tourism Advisory Board with respect to Federal programs and policies deemed to conflict with the orderly growth and development of tourism.

"(2) To enable the Council to carry out its functions—

"(A) the Council may request directly from any Federal department or agency such personnel, information, services, or facilities, on a compensated or uncompensated basis, as he determines necessary to carry out the functions of the Council;

"(B) each Federal department or agency shall furnish the Council with such information, services, and facilities as it may request to the extent permitted by law and within the limits of available funds; and

"(C) Federal agencies and departments may, in their discretion, detail to temporary duty with the Council, such personnel as the Council may request for carrying out the functions of the Council, each such detail to be without loss of seniority, pay, or other employee status.

"(3) The Administrator of the General Services Administration shall provide administrative support services for the Council on a reimbursable basis.

Policy committees, establishment.

"(e) The Council shall establish such policy committees as it considers necessary and appropriate, each of which shall be comprised of any or all of the members of the Council and representatives from Federal departments, agencies, and instrumentalities not represented on the Council. Each such policy committee shall be designed—

"(1) to monitor a specific area of Federal Government activity, such as transportation, energy and natural resources, economic development, or other such activities related to tourism; and

"(2) to review and evaluate the relation of the policies and activities of the Federal Government in that specific area to tourism, recreation, and national heritage conservation in the United States.

Report to President.

"(f) The Council shall submit an annual report for the preceding fiscal year to the President for transmittal to Congress on or before the thirty-first day of December of each year. The report shall include—

"(1) a comprehensive and detailed report of the activities and accomplishments of the Council and its policy committees;

"(2) the results of Council efforts to coordinate the policies and programs of member agencies that have a significant effect on tourism, recreation, and national heritage preservation, resolve interagency conflicts, and develop areas of cooperative program activity;

"(3) an analysis of problems referred to the Council by State and local governments, the tourism industry, the Secretary of Commerce, or any of the Council's policy committees along with a detailed statement of any actions taken or anticipated to be taken to resolve such problems; and

"(4) such recommendations as the Council deems appropriate.

"SEC. 303. (a) There is established the Travel and Tourism Advisory Board (hereinafter in this section referred to as the 'Board') to be composed of fifteen members appointed by the Secretary. The members of the Board shall be appointed as follows:

Travel and
Tourism
Advisory Board,
establishment.
22 USC 2124b.
Members,
appointments.

"(1) Not more than eight members of the Board shall be appointed from the same political party.

"(2) The members of the Board shall be appointed from among citizens of the United States who are not regular full-time employees of the United States and shall be selected for appointment so as to provide as nearly as practicable a broad representation of different geographical regions within the United States and of the diverse and varied segments of the tourism industry.

"(3) Twelve of the members shall be appointed from senior executive officers of organizations engaged in the travel and tourism industry. Of such members—

"(A) at least one shall be a senior representative from a labor organization representing employees of the tourism industry; and

"(B) at least one shall be a representative of the States who is knowledgeable of tourism promotion.

"(4) Of the remaining three members of the Board—

"(A) one member shall be a consumer advocate or ombudsman from the organized public interest community;

"(B) one member shall be an economist, statistician, or accountant; and

"(C) one member shall be an individual from the academic community who is knowledgeable in tourism, recreation, or national heritage conservation.

The Secretary shall serve as an ex officio member of the Board. The duration of the Board shall not be subject to the Federal Advisory Committee Act. A list of the members appointed to the Board shall be forwarded by the Secretary to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce.

5 USC app.

"(b) The members of the Board shall be appointed for a term of office of three years, except that of the members first appointed—

Terms of office.

"(1) four members shall be appointed for terms of one year, and

"(2) four members shall be appointed for terms of two years, as designated by the Secretary at the time of appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office. Vacancies on the Board shall be filled in the same manner in which the original appointments were made. No member of the Board shall be eligible to serve in excess of two consecutive terms of three years each.

"(c) The Chairman and Vice Chairman and other appropriate officers of the Board shall be elected by and from members of the Board other than the Secretary.

"(d) The members of the Board shall receive no compensation for their services as such, but shall be allowed such necessary travel

Compensation;
travel expenses.

expenses and per diem as are authorized by section 5703 of title 5, United States Code. The Secretary shall pay the reasonable and necessary expenses incurred by the Board in connection with the coordination of Board activities, announcement and reporting of meetings, and preparation of such reports as are required by subsection (f).

Meetings.

"(e) The Board shall meet at least semi-annually and shall hold such other meetings at the call of the Chairman, the Vice Chairman, or a majority of its members.

Ante, p. 1012.
Report.

"(f) The Board shall advise the Secretary with respect to the implementation of this Act and shall advise the Assistant Secretary for Tourism Marketing with respect to the preparation of the marketing plan under section 202(a)(15). The Board shall prepare an annual report concerning its activities and include therein such recommendations as it deems appropriate with respect to the performance of the Secretary under this Act and the operation and effectiveness of programs under this Act. Each annual report shall cover a fiscal year and shall be submitted on or before the thirty-first day of December following the close of the fiscal year."

AUTHORIZATIONS

SEC. 5. (a) Section 6 of the Act (22 U.S.C. 2126) is redesignated as section 304 and the first sentence is amended to read as follows: "For the purpose of carrying out this Act there is authorized to be appropriated an amount not to exceed \$8,600,000 for the fiscal year ending September 30, 1982."

Repeal.
22 USC 2121
note.

(b) Section 7 of the Act (22 U.S.C. 2127) is redesignated as section 305 and sections 8 and 9 of the Act (22 U.S.C. 2128) are repealed.

EFFECTIVE DATE

22 USC 2121
note.

SEC. 6. The amendments made by this Act shall take effect October 1, 1981.

Approved October 16, 1981.

LEGISLATIVE HISTORY—S. 304 (H.R. 1311):

HOUSE REPORTS: No. 97-107, Pt. I, accompanying H.R. 1311 (Comm. on Energy and Commerce) and No. 97-252 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 127 (1981):

Jan. 27, considered and passed Senate.

July 28, H.R. 1311 considered and passed House; proceedings vacated and S. 304, amended, passed in lieu.

Sept. 29, Senate agreed to conference report.

Sept. 29, Oct. 1, House considered and agreed to conference report.