

Calendar No. 520113TH CONGRESS
2D SESSION**S. 2250****[Report No. 113–234]**

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

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2014

Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. BEGICH, Mr. KIRK, Mr. SCHATZ, Mr. WICKER, Mr. REID, Mr. HELLER, Mr. SCHUMER, Ms. AYOTTE, Mr. WARNER, Mr. GRAHAM, Ms. HIRONO, Mr. CHAMBLISS, Mr. DURBIN, Mr. BOOZMAN, Mr. NELSON, Mr. HOEVEN, Mr. BLUMENTHAL, Mr. HATCH, Ms. MURKOWSKI, Mr. VITTER, Ms. COLLINS, Mrs. SHAHEEN, Ms. MIKULSKI, Mr. BOOKER, Mr. ENZI, Ms. LANDRIEU, Mr. BARRASSO, Mr. BENNET, Mr. ISAKSON, Ms. STABENOW, Ms. BALDWIN, Mr. WYDEN, Mr. CARDIN, Mr. MERKLEY, Mr. KING, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 31, 2014

Reported by Mr. ROCKEFELLER, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Travel Promotion, En-
3 hancement, and Modernization Act of 2014”.

4 **SEC. 2. ADDITION OF NEW MEMBERS TO BOARD OF DIREC-**
5 **TORS.**

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

8 (1) in the matter preceding clause (i)—

9 (A) by striking “promotion and mar-
10 keting” and inserting “promotion or mar-
11 keting”; and

12 (B) by inserting “At least 5 members of
13 the board shall have experience working in
14 United States multinational entities with mar-
15 keting budgets. At least 2 members of the
16 board shall be audit committee financial experts
17 (as defined by the Securities and Exchange
18 Commission in accordance with section 407 of
19 Public Law 107–204 (15 U.S.C. 7265)). All
20 members of the board shall be a current or
21 former chief executive officer, chief financial of-
22 ficer, or chief marketing officer, or have held an
23 equivalent management position.”; and

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

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

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

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

6 (2) by redesignating subparagraph (G) as sub-
7 paragraph (I); and

8 (3) by inserting after subparagraph (F) the fol-
9 lowing:

10 “(G) a description of, and rationales for,
11 the Corporation’s efforts to focus on specific
12 countries and populations;

13 “(H)(i) a description of, and rationales for,
14 the Corporation’s combination of media chan-
15 nels employed in meeting the promotional objec-
16 tives of its marketing campaign;

17 “(ii) the ratio in which such channels are
18 used; and

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

21 **SEC. 4. BIENNIAL REVIEW OF PROCEDURES TO DETER-**
22 **MINE FAIR MARKET VALUE OF GOODS AND**
23 **SERVICES.**

24 Subsection (d)(3) of the Travel Promotion Act of
25 2009 (22 U.S.C. 2131(d)(3)) is amended—

(1) in subparagraph (B)(ii), by striking “80 percent” and inserting “75 percent”; and

(2) by adding at the end the following:

“(E) BIENNIAL REVIEW OF PROCEDURES TO DETERMINE FAIR MARKET VALUE OF GOODS AND SERVICES.—The Corporation and the Secretary of Commerce (or their designees) shall meet on a biennial basis to review the procedures to determine the fair market value of goods and services received from non-Federal sources by the Corporation under subparagraph (B).”.

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

(a) IN GENERAL.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

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

(2) in subsection (d)—

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

(B) in paragraph (4)(B), by striking “fiscal year 2011, 2012, 2013, 2014, or 2015” and

1 inserting “each of the fiscal years 2011 through
2 2020”.

3 ~~(b) SUNSET OF TRAVEL PROMOTION FUND FEE.—~~
4 Section 217(h)(3)(B)(iii) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1187(h)(3)(B)(iii)) is amended by
6 striking “September 30, 2015” and inserting “September
7 30, 2020”.

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

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

11 (1) by redesignating subsections (e), (f), (g),
12 and (h) as subsections (h), (e), (i), and (j), respec-
13 tively; and

14 (2) by inserting after subsection (e), as redesign-
15 ated, the following:

16 “(f) ACCOUNTABILITY.—

17 “(1) PERFORMANCE PLANS AND MEASURES.—

18 Not later than 90 days after the date of the enact-
19 ment of the Travel Promotion, Enhancement, and
20 Modernization Act of 2014, the Corporation shall es-
21 tablish performance metrics—

22 “(A) to measure the impact of marketing
23 efforts by the Corporation; and

24 “(B) to demonstrate any cost or benefit to
25 the economy of the United States.

1 ~~“(2) GAO ACCOUNTABILITY.—Not later than~~
 2 60 days after the date on which the Corporation re-
 3 ceives a report from the Government Accountability
 4 Office with recommendations for the Corporation;
 5 the Corporation shall submit a report to Congress
 6 that describes the actions taken by the Corporation
 7 in response to the recommendations in such report.

8 ~~“(g) PROCUREMENT REQUIREMENTS.—The Corpora-~~
 9 tion shall—

10 ~~“(1) establish a competitive procurement proc-~~
 11 ess; and

12 ~~“(2) certify in its annual report to Congress~~
 13 under subsection (c)(3) that any contracts entered
 14 into were in compliance with the established com-
 15 petitive procurement process.”.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Travel Promotion, En-*
 18 *hancement, and Modernization Act of 2014”.*

19 **SEC. 2. BOARD OF DIRECTORS.**

20 *Subsection (b)(2)(A) of the Travel Promotion Act of*
 21 *2009 (22 U.S.C. 2131(b)(2)(A)) is amended—*

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

23 *(A) in the first sentence, by striking “pro-*
 24 *motion and marketing” and inserting “pro-*
 25 *motion or marketing”; and*

1 (B) by inserting after the first sentence the
 2 following: “At least 5 members of the board shall
 3 have experience working in United States multi-
 4 national entities with marketing budgets. At
 5 least 2 members of the board shall be audit com-
 6 mittee financial experts (as defined by the Secu-
 7 rities and Exchange Commission in accordance
 8 with section 407 of Public Law 107–204 (15
 9 U.S.C. 7265)). All members of the board shall be
 10 a current or former chief executive officer, chief
 11 financial officer, or chief marketing officer, or
 12 have held an equivalent management position.”;
 13 and

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

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

18 Subsection (c)(3) of the Travel Promotion Act of 2009
 19 (22 U.S.C. 2131(c)(3)) is amended—

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

22 (2) by redesignating subparagraph (G) as sub-
 23 paragraph (I); and

24 (3) by inserting after subparagraph (F) the fol-
 25 lowing:

1 “(G) a description of, and rationales for,
2 the Corporation’s efforts to focus on specific
3 countries and populations;

4 “(H)(i) a description of, and rationales for,
5 the Corporation’s combination of media channels
6 employed in meeting the promotional objectives
7 of its marketing campaign;

8 “(ii) the ratio in which such channels are
9 used; and

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

12 **SEC. 4. BIENNIAL REVIEW OF PROCEDURES TO DETER-**
13 **MINE FAIR MARKET VALUE OF GOODS AND**
14 **SERVICES.**

15 Subsection (d)(3) of the Travel Promotion Act of 2009
16 (22 U.S.C. 2131(d)(3)) is amended—

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

19 (2) by adding at the end the following:

20 “(E) MAINTENANCE OF AN IN-KIND CON-
21 TRIBUTIONS POLICY.—The Corporation shall
22 maintain an in-kind contributions policy.

23 “(F) FORMALIZED PROCEDURES FOR IN-
24 KIND CONTRIBUTIONS POLICY.—Not later than
25 90 days after the date of enactment of the Travel

Promotion, Enhancement, and Modernization Act of 2014, the Secretary of Commerce, in coordination with the Corporation, shall establish formal, publicly available procedures specifying time frames and conditions for—

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

“(ii) addressing and resolving disagreements between the Corporation and its partners, including the Secretary of Commerce, regarding the in-kind contributions policy.

“(G) BIENNIAL REVIEW OF PROCEDURES TO DETERMINE FAIR MARKET VALUE OF GOODS AND SERVICES.—The Corporation and the Secretary of Commerce (or their designees) shall meet on a biennial basis to review the procedures to determine the fair market value of goods and services received from non-Federal sources by the Corporation under subparagraph (B).”.

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

(a) IN GENERAL.—The Travel Promotion Act of 2009

(22 U.S.C. 2131) is amended—

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

(2) in subsection (d)—

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

(B) in paragraph (4)(B), by striking “fiscal year 2011, 2012, 2013, 2014, or 2015” and inserting “each of the fiscal years 2011 through 2020”.

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

SEC. 6. ACCOUNTABILITY; PROCUREMENT REQUIREMENTS.

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

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

(2) in paragraph (2) of subsection (c), by striking “\$5,000,000” and inserting “\$500,000”; and

(3) by inserting after subsection (e), as redesignated, the following:

“(f) *ACCOUNTABILITY.*—

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

5 “(A) *establish performance metrics, includ-*
 6 *ing time frames, evaluation methodologies, and*
 7 *data sources for measuring—*

8 “(i) *the effectiveness of marketing ef-*
 9 *forts by the Corporation, including its*
 10 *progress in achieving the long-term goals of*
 11 *increased traveler visits to and spending in*
 12 *the United States;*

13 “(ii) *whether increases in visitation*
 14 *and spending have occurred in response to*
 15 *external influences, such as economic condi-*
 16 *tions or exchange rates, rather than in re-*
 17 *sponse to the efforts of the Corporation; and*

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

20 “(B) *conduct periodic program evaluations*
 21 *in response to the data resulting from measure-*
 22 *ments under subparagraph (A).*

23 “(2) *GAO ACCOUNTABILITY.*—*Not later than 60*
 24 *days after the date on which the Corporation receives*
 25 *a report from the Government Accountability Office*

1 *with recommendations for the Corporation, the Cor-*
 2 *poration shall submit a report to Congress that de-*
 3 *scribes the actions taken by the Corporation in re-*
 4 *sponse to the recommendations in such report.*

5 “(g) *PROCUREMENT REQUIREMENTS.*—*The Corpora-*
 6 *tion shall—*

7 “(1) *establish a competitive procurement process;*
 8 *and*

9 “(2) *certify in its annual report to Congress*
 10 *under subsection (c)(3) that any contracts entered*
 11 *into were in compliance with the established competi-*
 12 *tive procurement process.”.*

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

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

Calendar No. 520

113TH CONGRESS
2^D Session

S. 2250

[Report No. 113-234]

A BILL

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

JULY 31, 2014

Reported with an amendment