

All have come together to ask us to do something and to support this effort. We are now at a point where we have to decide if we want to help. It is not just about the automakers. You know, we know that help—and a lot of it—is going to GM and Chrysler, and those of us who represent them appreciate that very much. But this is much broader than that. This is all kinds of dealers, all kinds of automakers. Not only those who work in the plants, whom I care about deeply, but it is people who work in offices, the engineers, the designers. This is an economic tsunami that has hit every part of the economy when we look at this entire industry: the clerks, the office managers, the sales people, the mechanics, the car washers, up and down.

The global credit crunch has had a devastating effect on everyone in our economy who relies on the sale of automobiles: Printers, advertisers, local newspapers, television stations, radio stations. They are all asking us to act.

This is a reasonable, focused, short-term effort to help those who have been having an extremely difficult time just holding their heads above water. We know this effort can make a difference.

I thank our House colleagues who have done a tremendous amount of work on this matter. I want to thank Congressmen MARKEY and WAXMAN and STUPAK and DINGELL and BOUCHER and others who were involved in putting this together and putting it into the energy and climate change legislation reported out of the Energy Committee in the House of Representatives.

I thank every one of the 298 Members of the House on a bipartisan basis. Over two-thirds of the House of Representatives voted for this legislation, and it was put into the supplemental in an emergency document, an emergency piece of legislation. It was put in there because of what has happened with the bottom falling out of the economy for dealers, dealers that have found themselves in very difficult circumstances because of bankruptcies, and dealers that are trying to move forward and trying to be able to survive during this economy.

I know there are colleagues who would like to see this have more energy efficiency provisions. I believe in the context of what we do going forward in the energy bill and climate change we can work together to fashion something that has a focus, an input, from everyone who cares deeply about these issues.

At this time and place, this legislation is a balance between those of us who are concerned about an immediate stimulus while meeting the needs and concerns about increased fuel efficiency. We are making amazing strides on fuel efficiency. The President of the United States, not long ago, announced increased fuel efficiency standards. No one in the industry objected. I did not hear objections. I certainly did not object. This is not about whether we need

to increase fuel efficiency. We do and we are. We will continue to do that.

This bill, while being a short-term stimulus, also helps in that regard because it will give a voucher of either \$3,500 or \$4,500 toward the purchase of a new, more fuel-efficient vehicle.

When you look at your own home situation, anyone who is going to want to be a part of this is going to make sure their car, that automobile, is worth \$3,500 or less or \$4,500 or less. Someone is not going to turn in a \$15,000 used vehicle to get a \$4,500 voucher.

So, by definition, we are talking about older cars. Some people have said “clunkers,” and people have kind of thrown that around, and “what does all of this mean”?

But we are not talking about a \$50,000 vehicle with a resale value of \$20,000 or \$15,000. We are talking about older vehicles that are worth \$4,500 or less.

The legislation requires, as has been done in other countries, when you turn it in, that the engine is scrapped, the parts of it that we do not want to continue to use—because of the lack of fuel efficiency—are scrapped. We can recycle some of the other parts, but the basic transmission system is scrapped.

So we are talking about older vehicles worth \$4,500 or less, the polluting pieces of the automobile are scrapped, and then we are talking about the ability to purchase a vehicle that is more fuel efficient. In the case of automobiles, you need a minimum fuel economy of 22 miles per gallon or more, you get a \$3,500 voucher for a 4-mile-per-gallon improvement, and a \$4,500 voucher if the new vehicle you purchase is 10 miles per gallon or more fuel efficient.

So there is a benefit from a fuel efficiency standpoint. There is benefit. I appreciate that for some it is not enough. I do appreciate that. There are those who would like to see something different, and certainly we will have opportunities to continue to work together in that regard.

But I go back to my original premise. At this time, in our economy, at this time with what has been happening on unemployment, what has been happening to businesses, large and small, because they cannot get capital, because of the ripple effect in the auto industry, of what is happening to suppliers, to dealers, to anyone involved in this industry—and 1 out of every 10 persons in America is in some way related to the auto industry—at this time we need to be prudent and balance what we are doing in a way that makes sure that all parts of the auto industry, domestic and foreign, can participate and that we are doing this as quickly as possible. It will not help as a stimulus if this is done 6 months or a year from now.

I don't know how much longer the car dealers in Clare, MI, where I grew up, can hold on, if they are losing 40 percent a month in sales. I don't know how much longer they can hold on. I don't know what happens to the Chry-

ler dealer and the GM dealer trying to turn over inventory now as they wind down. I don't know what happens. But I do know we will see more dealerships close. We will see more people lose their jobs. We are going to see more mainstays of local communities finding they cannot make it.

This is the moment. We won't get another chance. We will not get another chance. This is the moment to help. We have other opportunities to work together on other policies. I say to my colleagues on both sides of the aisle, for all of the dealers who have been calling and asking for help, this is the moment. This is the vote. There won't be a second vote. So when you go home, think about what you want to say to the small business people, the auto dealers, office managers, mechanics, people who are involved in that business in your community, when you had a chance to help. I hope we will take it. I hope we will take it as the House did. I hope we will see overwhelming bipartisan support, as we saw in the House of Representatives for this particular policy.

I strongly urge colleagues to vote to override the budget points of order. All of them will be asked to be overridden. I encourage colleagues to do that. I hope we will show that we get it. Do we get what is going on in communities across America? This vote will say whether we get what is happening and have a sense of urgency about stepping up to help.

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

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

#### TRAVEL PROMOTION ACT OF 2009

Mr. REID. Mr. President, it is my understanding there is a bill to be reported, Mr. President.

The PRESIDING OFFICER. That is correct.

All postcloture time on the motion to proceed having expired, the question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1023) to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

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

# SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Travel Promotion Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. The Corporation for Travel Promotion.
- Sec. 3. Accountability measures.
- Sec. 4. Matching public and private funding.
- Sec. 5. Travel promotion fund fees.
- Sec. 6. Assessment authority.
- Sec. 7. Office of Travel Promotion.
- Sec. 8. Research program.

# SEC. 2. THE CORPORATION FOR TRAVEL PROMOTION.

(a) **ESTABLISHMENT.**—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.), to the extent that such provisions are consistent with this section, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

## (b) BOARD OF DIRECTORS.—

(1) **IN GENERAL.**—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(A) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(B) 1 shall have appropriate expertise and experience in the restaurant sector;

(C) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(D) 1 shall have appropriate expertise and experience in the [advertising] *travel distribution services* sector;

(E) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(F) 1 shall have appropriate expertise and experience as officials of a city convention and visitors' bureau;

(G) 2 shall have appropriate expertise and experience as officials of a State tourism office;

(H) 1 shall have appropriate expertise and experience in the passenger air sector;

(I) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(J) 1 shall have appropriate expertise in the intercity passenger railroad business.

(2) **INCORPORATION.**—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section [29-1001] 29-301.01 et seq.).

(3) **TERM OF OFFICE.**—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 4 shall be appointed for terms of 2 years; and

(C) 4 shall be appointed for terms of 3 years.

(4) **REMOVAL FOR CAUSE.**—The Secretary of Commerce may remove any member of the board for good cause.

(5) **VACANCIES.**—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this section. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(6) **ELECTION OF CHAIRMAN AND VICE CHAIRMAN.**—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

(7) **STATUS AS FEDERAL EMPLOYEES.**—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(8) **COMPENSATION; EXPENSES.**—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

## (c) OFFICERS AND EMPLOYEES.—

(1) **IN GENERAL.**—The Corporation shall have [a President], an *executive director* and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(2) **NONPOLITICAL NATURE OF APPOINTMENT.**—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) **NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.**—

(1) **STOCK.**—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) **PROFIT.**—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) **POLITICS.**—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(4) **SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.**—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7))).

## (e) DUTIES AND POWERS.—

(1) **IN GENERAL.**—The Corporation shall develop and execute a plan—

(A) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in travelling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(B) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(C) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(D) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(E) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(2) **SPECIFIC POWERS.**—In order to carry out the purposes of this section, the Corporation may—

(A) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(B) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(C) take such other actions as may be necessary to accomplish the purposes set forth in this section.

(3) **PUBLIC OUTREACH AND INFORMATION.**—The Corporation shall develop and maintain a publicly accessible website.

(f) **OPEN MEETINGS.**—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) **MAJOR CAMPAIGNS.**—The board may not authorize the Corporation to obligate or expend more than \$25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least 2/3 of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

## (h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

### SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of \$5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the ob-

jectives, budget, and report described in this section.

### SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) FUNDING.—

[(1) START-UP EXPENSES.—For the period beginning on October 1, 2009, and ending on December 31, 2009, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act.

[(2) FISCAL YEAR 2010 AND SUBSEQUENT YEARS.—For the period beginning on January 1, 2010, and ending on September 30, 2010, and for each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsections (c) and (d) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary of the Treasury of the amounts required to be transferred in accordance with subsection (c), and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

[(c) MATCHING REQUIREMENT.—

[(1) IN GENERAL.—The Secretary of the Treasury shall make available to the Corporation at least quarterly from amounts available in the Fund for the period beginning on January 1, 2010, and ending on September 30, 2010, and for each of fiscal years 2011, 2012, 2013, and 2014, an amount equal to the amount received from non-Federal sources by the Corporation. The amount made available to the Corporation under this paragraph for the period ending on September 30, 2010, and for each of those fiscal years, may not exceed \$100,000,000.]

[(1) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

[(2) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to

the extent prior estimates were in excess or less than the amounts required to be transferred.

[(c) MATCHING REQUIREMENT.—

[(1) IN GENERAL.—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

[(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

[(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

[(2) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

[(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

[(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

[(3) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

[(4) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

[(d) CARRYFORWARD.—

[(1) FEDERAL FUNDS.—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

[(2) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

### SEC. 5. TRAVEL PROMOTION FUND FEES.

Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) FEES.—

“(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by section 4 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”.

### SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel

and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) **INITIAL ASSESSMENT LIMITED.**—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) **REFERENDA.**—

(1) **IN GENERAL.**—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(3) **PROCEDURAL REQUIREMENTS.**—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) **COLLECTION.**—

(1) **IN GENERAL.**—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) **ENFORCEMENT.**—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) **INVESTMENT OF FUNDS.**—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

#### **SEC. 7. OFFICE OF TRAVEL PROMOTION.**

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

##### **“SEC. 202. OFFICE OF TRAVEL PROMOTION.**

“(a) **OFFICE ESTABLISHED.**—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) **DIRECTOR.**—

“(1) **APPOINTMENT.**—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) **QUALIFICATIONS.**—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) **DUTIES.**—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

“(c) **FUNCTIONS.**—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of

the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) **REPORTS TO CONGRESS.**—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Government Affairs, the Senate Committee on Foreign Relations, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office's work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).”.

##### **SEC. 8. RESEARCH PROGRAM.**

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by section 7, is further amended by inserting after section 202 the following:

##### **“SEC. 203. RESEARCH PROGRAM.**

“(a) **IN GENERAL.**—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

“(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

“(2) expanding the number of inbound air travelers sampled by the Commerce Department's Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

“(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

“(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

“(5) research to support the annual reports required by section 202(d) of this Act.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.”.

Ms. SNOWE. Mr. President, my amendment, No. 1336, would provide

improved and expanded opportunities for small businesses and attract foreign tourists. Tourism is a vital service export, generating \$142 billion in international receipts last year, which accounts for 27 percent of all services exports and 8 percent of exports overall.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, and as a senior member of both the Senate Finance and Commerce Committees, one of my top priorities is to ensure that small businesses get the promised benefits of our international trade relationships, including the benefits of increased business from tourists that visit the United States. Tourism is particularly essential for small businesses, which comprise more than 90 percent of employers in the tourism industry. In fact, 95 percent of travel agencies, 84 percent of tour operating companies, 93 percent of sightseeing bus companies, and 99 percent of souvenir shops are small businesses.

Small businesses are a vital source of economic growth and job creation, generating approximately 75 percent of net new jobs each year. Small firms are essential to our economic recovery, and we must help them take advantage of all potential opportunities, including those created by international travel and tourism.

My amendment will increase support for small businesses seeking to attract more foreign tourists. First, the amendment creates an innovative new export development grant program that provides small businesses with matching grants, of up to \$5,000, for expenses relating to activities that help them start or expand export activity. These grants can be used to create foreign-language marketing material, translate websites in order to reach foreign tourists, and develop other marketing materials in order to attract more international visitors.

In addition to enabling small businesses to attract international tourists, my amendment also benefits small businesses who seek to sell their products and services in international markets. Although globalization has created new opportunities, less than 1 percent of U.S. small businesses currently sell to international buyers.

Small businesses face particular challenges in exporting. It can be difficult for small exporting firms to secure the working capital needed to fulfill foreign purchase orders, for instance, because many lenders won't lend against export orders or export receivables. Additionally, small business owners may not have the time or resources necessary to understand other countries' rules and regulations.

Currently, Federal programs are grossly inadequate at helping small businesses overcome these challenges of exporting. This amendment gives small businesses the resources and assistance they require to explore potential export opportunities and to expand their current export business.

The amendment would also bolster the SBA's technical assistance programs, and will improve export financing programs so that small businesses have access to capital needed to support export sales.

Small businesses can survive, diversify, and compete effectively in the international marketplace by developing an export business. But, as I mentioned, too few small businesses are expanding into international markets. This amendment will help small business owners take the crucial steps of attracting foreign tourists and finding international buyers for their goods and services.

This investment could yield tremendous returns for our economy. The United States spends just one-sixth of the international average among developed countries in promoting small businesses exports. Every additional dollar spent on export promotion results in a fortyfold increase in exports, according to a World Bank study.

As we work to promote tourism in the United States, we cannot overlook small businesses. An investment in small business exporting assistance is an investment in our economy. This amendment will ensure that this legislation helps small businesses stay competitive, helps them grow, and speeds the recovery of our economy as a whole. I respectfully ask all of my Senate colleagues to support this vital amendment.

Mr. President, my amendment No. 1337 to the "Tourism Promotion Act of 2009 is a commonsense amendment that would ensure that small businesses are properly represented on the new "Corporation for Travel Promotion Board" and would clarify that small businesses, as defined by the Small Business Administration, are exempt from the annual assessment created by this act.

As ranking member of the Committee on Small Business and Entrepreneurship, I am keenly aware of the critical role that small businesses play as our Nation's primary job creators. Robust tourism is vital to the success of countless small businesses, and I see no better way to improve this bill than by ensuring that our Nation's small businesses have a seat at the table as our tourism policy is revamped. One of the more vital components of this act is the creation of the travel promotion board, which includes 11 key representatives from different industries involved in tourism, and will be tasked with promoting travel to America. Unfortunately, the underlying bill does not require a member of that board specifically represent small businesses. My amendment will correct this oversight.

Travel and tourism generates approximately \$1.3 trillion in economic activity each year in the United States and it also supports 8.3 million travel-related jobs. According to the Department of Commerce, receipts from international trade and tourism were

more than \$142 billion last year, and there is no doubt that small businesses were a vital part of this statistic. In fact, they represent nearly the entire tourism industry. More than 90 percent of employers in the tourism industry are small businesses; and more specifically, 95 percent of travel agencies, 84 percent of tour operating companies, 93 percent of sightseeing bus companies, and 99 percent of souvenir shops are owned by small entrepreneurs. It is therefore imperative that this act guarantee that small businesses are provided with a representative on the Corporation for Travel Promotion Board.

Tourism is a vital source of growth for these small businesses and this act will provide critical assistance to entrepreneurs struggling during these difficult economic times. This amendment will improve the underlying bill by ensuring that small businesses continue to play a key role in bolstering and strengthening our nation's essential tourism industry. For this reason I urge my colleagues to support my amendment.

#### MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009—CONFERENCE REPORT

Mr. REID. Mr. President, I ask the Chair to lay before the Senate the conference report to accompany H.R. 2346, the supplemental appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the proceedings of the House in the RECORD of Friday June 12, 2009.)

#### CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report to accompany H.R. 2346, the Supplemental Appropriations Act of 2009.

Daniel K. Inouye, Patrick J. Leahy, Patty Murray, Jack Reed, Edward E. Kaufman, Christopher J. Dodd, Tom Carper, Mark L. Pryor, Tim Johnson, Jon Tester, Mary L. Landrieu, Byron L. Dorgan, Herb Kohl, Tom Harkin, Mark Begich, Ben Nelson, Dianne Feinstein.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### 40TH ANNIVERSARY OF THE NATIONAL ASSOCIATION OF MINORITY CONTRACTORS

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 40th anniversary of the National Association of Minority Contractors, NAMC. NAMC is a national organization that has gone to great lengths over the last 40 years in helping minority contractors realize the American dream. Additionally, NAMC has aided contractors across the United States by fostering relationships and building bridges in the construction industry that have helped minorities to remain competitive. Currently, NAMC has over 5,000 memberships in all 50 States and the District of Columbia.

NAMC was established as a nonprofit organization in 1969, in order to provide education to African Americans, Asian Americans, Hispanic Americans, and Native Americans employed as construction contractors. This magnificent organization has helped to ensure equal opportunity employment and procurement opportunities in all areas of this industry. NAMC has led the way in the integration of various ethnic groups, creeds, and colors in the construction industry. We recognize this organization's hard work to initiate and operate training programs for people desiring employment and procurement in the building trades.

Thanks to the fine leadership of the local board of the Silver State's NAMC's Chapter, NAMC is making a successful transition to green building. NAMC has been ensuring that its members certify in green building by involving them with Green Advantage and the U.S. Green Building Council. It is specifically this type of program that will help America become more environmentally friendly and responsible and lead us to an improved quality of life.

The Nevada Chapter is one of 22 chapters across the United States. I commend the National Association of Minority Contractors for their 40 years of support to the minority community and to the affiliates in Nevada and around the United States. It is through