

Suspend the Rules and Pass the Bill, HR. 4450, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

113TH CONGRESS
2^D SESSION

H. R. 4450

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. CAPPAS, 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

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. BOARD OF DIRECTORS.**

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

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

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

11 (B) by inserting after the first sentence
12 the following: “At least 5 members of the board
13 shall have experience working in United States
14 multinational entities with marketing budgets.
15 At least 2 members of the board shall be audit
16 committee financial experts (as defined by the
17 Securities and Exchange Commission in accord-
18 ance with section 407 of Public Law 107–204
19 (15 U.S.C. 7265)). All members of the board
20 shall be a current or former chief executive offi-
21 cer, chief financial officer, or chief marketing
22 officer, or have held an equivalent management
23 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 (1) in subparagraph (B)(ii), by striking “80
2 percent” and inserting “70 percent”; and

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

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

7 “(F) FORMALIZED PROCEDURES FOR IN-
8 KIND CONTRIBUTIONS POLICY.—Not later than
9 90 days after the date of enactment of the
10 Travel Promotion, Enhancement, and Mod-
11 ernization Act of 2014, the Secretary of Com-
12 merce, in coordination with the Corporation,
13 shall establish formal, publicly available proce-
14 dures specifying time frames and conditions
15 for—

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

19 “(ii) addressing and resolving dis-
20 agreements between the Corporation and
21 its partners, including the Secretary of
22 Commerce, regarding the in-kind contribu-
23 tions policy.

24 “(G) BIENNIAL REVIEW OF PROCEDURES
25 TO DETERMINE FAIR MARKET VALUE OF GOODS

1 AND SERVICES.—The Corporation and the Sec-
2 retary of Commerce (or their designees) shall
3 meet on a biannual basis to review the proce-
4 dures to determine the fair market value of
5 goods and services received from non-Federal
6 sources by the Corporation under subparagraph
7 (B).”.

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

9 (a) IN GENERAL.—The Travel Promotion Act of
10 2009 (22 U.S.C. 2131) is amended—

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

15 (2) in subsection (d)—

16 (A) in paragraph (2)(B), by striking
17 “2015” and inserting “2020”; and

18 (B) in paragraph (4)(B), by striking “fis-
19 cal year 2011, 2012, 2013, 2014, or 2015” and
20 inserting “each of the fiscal years 2011 through
21 2020”.

22 (b) SUNSET OF TRAVEL PROMOTION FUND FEE.—
23 Section 217(h)(3)(B)(iii) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1187(h)(3)(B)(iii)) is amended by

1 striking “September 30, 2015” and inserting “September
2 30, 2020”.

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

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

6 (1) by redesignating subsections (e), (f), (g),
7 and (h) as subsections (h), (e), (i), and (j), respec-
8 tively;

9 (2) by moving subsection (e) (as so redesign-
10 nated) so that it follows subsection (d);

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

13 (4) by inserting after subsection (e), as redesign-
14 nated, the following:

15 “(f) ACCOUNTABILITY.—

16 “(1) PERFORMANCE PLANS AND MEASURES.—

17 Not later than 90 days after the date of the enact-
18 ment of the Travel Promotion, Enhancement, and
19 Modernization 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

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

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

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

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

14 “(2) GAO ACCOUNTABILITY.—Not later than
15 60 days after the date on which the Corporation re-
16 ceives a report from the Government Accountability
17 Office with recommendations for the Corporation,
18 the Corporation shall submit a report to Congress
19 that describes the actions taken by the Corporation
20 in response to the recommendations in such report.

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

23 “(1) establish a competitive procurement proc-
24 ess; and

1 “(2) certify in its annual report to Congress
2 under subsection (e)(3) that any contracts entered
3 into were in compliance with the established com-
4 petitive procurement process.”.

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

6 The Travel Promotion Act of 2009 (22 U.S.C. 2131),
7 as amended by this Act, is further amended by striking
8 subsection (e) (as redesignated by section 6(1) of this
9 Act).