

Sec.

2124a, 2124b. Repealed.

2124c. Rural Tourism Development Foundation.

2125 to 2129. Transferred or Repealed.

SUBCHAPTER IV—CORPORATION FOR TRAVEL
PROMOTION

2131. Travel Promotion Act of 2009.

SUBCHAPTER I—NATIONAL TOURISM
POLICY

**§ 2121. Congressional findings; establishment of
policy**

(a) The Congress finds that—

(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 contributions of the tourism and recreation industries to the position of the United States with respect to international competitiveness, economic prosperity, full employment, and the balance of payments;

(2) increase United States export earnings from United States tourism and transportation services traded internationally;

(3) ensure the orderly growth and development of tourism;

(4) coordinate and encourage the development of the tourism industry in rural communities which—

(A) have been severely affected by the decline of agriculture, family farming, or the extraction or manufacturing industries, or by the closing of military bases; and

(B) have the potential necessary to support and sustain an economy based on tourism;

(5) promote increased and more effective investment in international tourism by the States, local governments, and cooperative tourism marketing programs;

(6) make the opportunity for and benefits of tourism and recreation in the United States

universally accessible to residents of the United States and foreign countries and insure that present and future generations are afforded adequate tourism and recreation resources;

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

(8) 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;

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

(10) 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;

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

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

(13) 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;

(14) 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;

(15) 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

(16) 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.

(Pub. L. 87-63, title I, § 101, formerly § 1, June 29, 1961, 75 Stat. 129; renumbered and amended Pub. L. 97-63, § 2(a), Oct. 16, 1981, 95 Stat. 1011; Pub. L. 102-372, § 5, Sept. 30, 1992, 106 Stat. 1175.)

AMENDMENTS

1992—Subsec. (b)(1). Pub. L. 102-372, § 5(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “optimize the contribution of the tourism and recreation industries to economic prosperity, full employment, and the international balance of payments of the United States;”.

Subsec. (b)(2) to (16). Pub. L. 102-372, § 5(2), (3), added pars. (2) to (5) and redesignated former pars. (2) to (12) as (6) to (16), respectively.

1981—Pub. L. 97-63 substituted provisions setting out a detailed 4-point recital of Congressional findings and

establishing a 12-point national tourism policy for provisions setting out the former declaration of purpose of this chapter which was to strengthen the domestic and foreign commerce of the United States, and promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the United States and by facilitating international travel generally.

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-63, § 6, Oct. 16, 1981, 95 Stat. 1018, provided that: "The amendments made by this Act [see Short Title of 1981 Amendment note below] shall take effect October 1, 1981."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-288, § 1, Oct. 11, 1996, 110 Stat. 3402, provided that: "This Act [enacting sections 2124 and 2141 to 2141f of this title, amending sections 2122 and 2124c of this title and section 4727 of Title 15, Commerce and Trade, and repealing sections 2123 to 2123d, 2124 to 2124b, and 2126 to 2129 of this title] may be cited as the 'United States National Tourism Organization Act of 1996'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-372, § 1(a), Sept. 30, 1992, 106 Stat. 1170, provided that: "This Act [enacting sections 2123a to 2123d and 2124c of this title, amending this section and sections 2122, 2123, 2124 to 2124b, and 2126 of this title, repealing sections 2123a and 2123b of this title, and enacting provisions set out as notes under this section and sections 2122 and 2124 of this title] may be cited as the 'Tourism Policy and Export Promotion Act of 1992'."

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-63, § 1, Oct. 16, 1981, 95 Stat. 1011, provided that: "This Act [enacting sections 2123b, 2124a, and 2124b of this title, amending this section and sections 2122, 2123, 2123a, 2124, and 2126 of this title, repealing section 2128 of this title, and enacting, amending, and repealing provisions set out as notes under this section] may be cited as the 'National Tourism Policy Act'."

SHORT TITLE

Pub. L. 87-63, § 1, June 29, 1961, 75 Stat. 129, as amended by Pub. L. 97-63, § 2(a), Oct. 16, 1981, 95 Stat. 1011, provided: "That this Act [enacting this chapter] may be cited as the 'International Travel Act of 1961'."

Pub. L. 87-63, § 8, formerly § 7, June 29, 1961, 75 Stat. 130, as renumbered Pub. L. 91-477, § 5, Oct. 21, 1970, 84 Stat. 1072, which had formerly authorized the citation of Pub. L. 87-63 as the "International Travel Act of 1961", was repealed by Pub. L. 97-63, § 5(b), Oct. 16, 1981, 95 Stat. 1018.

TOURISM POLICY AND EXPORT PROMOTION; CONGRESSIONAL STATEMENT OF FINDINGS

Pub. L. 102-372, § 2, Sept. 30, 1992, 106 Stat. 1170, provided that: "The Congress finds that—

- "(1) the travel and tourism industry is the second largest retail or service industry in the United States;
- "(2) travel and tourism receipts make up over 6.7 percent of the United States gross national product;
- "(3) in 1991, the travel and tourism industry generated about six million jobs directly and about two million five hundred thousand indirectly;
- "(4) travel and tourism expenditures in 1991 were approximately \$352,000,000,000;
- "(5) forty-two million international visitors spent approximately \$64,700,000,000 in the United States in 1991;
- "(6) travel and tourism services ranked as the largest United States business services export in 1991, providing a United States travel trade balance of \$16,800,000,000;
- "(7) many local communities with significant tourism potential are unable to realize the economic and

employment opportunities that tourism provides because they lack the necessary local resources and expertise needed to induce tourism trade;

"(8) increased efforts directed at the promotion of rural tourism will contribute to the economic development of rural America and further the conservation and promotion of natural, scenic, historic, scientific, educational, inspirational, and recreational resources for future generations of Americans and foreign visitors;

"(9) foreign tourists entering the United States are frequently faced with unnecessary delays at the United States border;

"(10) advanced technologies, industrial targeting, the industrialization of the Third World, and the flight of some United States manufacturing capacity to overseas locations have affected the international competitiveness of the United States;

"(11) exporting those goods and services which United States industry can produce at a comparative cost advantage, such as travel and tourism services, will be in the Nation's long-term strategic interest; and

"(12) the emergence of democratic governments in the formerly Communist nations of Eastern Europe and in the former Soviet Union provide new opportunities for United States firms engaged in both the inbound and outbound tourism markets."

NATIONAL TOURISM RESOURCES REVIEW COMMISSION

Pub. L. 91-477, § 6, Oct. 21, 1970, 84 Stat. 1073, provided that:

"(a) [*Establishment; membership*]. There is established a commission to be known as the National Tourism Resources Review Commission (hereafter in this section referred to as the 'Commission') composed of fifteen members as follows:

"(1) One representative of the Department of Commerce designated by the Secretary of Commerce.

"(2) One representative of the Department of the Interior designated by the Secretary of the Interior.

"(3) One representative of the Department of State designated by the Secretary of State.

"(4) One representative of the Department of Transportation designated by the Secretary of Transportation.

"(5) Eleven individuals appointed by the President from private life who are informed about and concerned with the improvement, development, and promotion of United States tourism resources and opportunities or who are otherwise experienced in tourism research, promotion, or planning. The President shall designate one of the individuals appointed by him to serve as Chairman of the Commission.

"(b) [*Study and investigation; report to President and Congress; recommendations; termination*]. The Commission shall make a full and complete study and investigation for the purpose of—

"(1) determining the domestic travel needs of the people of the United States and of visitors from other countries at the present time and to the year 1980;

"(2) determining the travel resources of the United States available to satisfy such needs now and to the year 1980;

"(3) determining policies and programs which will insure that the domestic travel needs of the present and the future are adequately and efficiently met;

"(4) determining a recommended program of Federal assistance to the States in promoting domestic travel; and

"(5) determining whether a separate agency of the Government should be established, or whether an existing department, agency, or instrumentality within the Government should be designated, to consolidate and coordinate tourism research, planning, and development activities presently performed by different existing agencies of the Government.

The Commission shall submit a comprehensive report of its activities and the results of such study and investigation, together with its recommendations with re-

spect thereto, to the President and to the Congress not later than two years after the first meeting of the Commission. The Commission shall cease to exist sixty days after the date of the submission of its comprehensive report. The comprehensive report of the Commission shall propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations.

“(c) [Secretarial, clerical, and other assistance by Secretary of Commerce; information and assistance by Governmental departments and agencies]. The Secretary of Commerce shall make available to the Commission such secretarial, clerical, and other assistance as the Commission may require to carry out its functions under this section. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by its Chairman.

“(d) [Powers of Commission]. In order to carry out the provisions of this section, the Commission is authorized—

“(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Commission;

“(2) to appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this section and to prescribe their authority and duties; and

“(3) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

“(e) [Compensation and travel expenses]. (1) Members of the Commission from private life, while engaged in the performance of their duties as members of the Commission, shall receive compensation at a rate to be fixed by the President, not to exceed \$100 each day, including traveltime, and shall, while so serving away from their homes or regular places of business, be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

“(2) Members of the Commission who are officers or employees of the United States shall serve without additional compensation, but shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

“(f) [Authorization of appropriations]. There are authorized to be appropriated such sums, not to exceed \$750,000, as may be necessary to carry out the provisions of this section.”

EX. ORD. NO. 13597. ESTABLISHING VISA AND FOREIGN VISITOR PROCESSING GOALS AND THE TASK FORCE ON TRAVEL AND COMPETITIVENESS

Ex. Ord. No. 13597, Jan. 19, 2012, 77 F.R. 3373, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve visa and foreign visitor processing and travel promotion in order to create jobs and spur economic growth in the United States, while continuing to protect our national security, it is hereby ordered as follows:

SECTION 1. *Policy.* The travel and tourism industry is one of our Nation's leading service sectors and sources of exports. However, the U.S. market share of spending by international travelers fell from 17 percent to 11 percent of the global market from 2000 to 2010, more than a 30 percent decrease in our share of the global market. This decrease was due primarily to increased international competition, changing patterns in global development, and, to some degree, more stringent security requirements imposed after 2001. Given the impor-

tance of the travel and tourism industry to the U.S. economy and job creation, a coordinated policy, consistent with protecting our national security, is needed to support a prosperous and secure travel and tourism industry in the United States.

Steady progress has been made since 2010, when my Administration launched the National Export Initiative and the Travel Promotion Act was signed into law. While our processes for moving people and goods across our borders are now both more secure and more efficient, new initiatives are needed to enable us to better capitalize on the economic opportunities presented by a dynamic 21st century travel and tourism industry.

SEC. 2. *Visa and Foreign Visitor Processing.* (a) The Assistant to the President for Homeland Security and Counterterrorism shall, consistent with Presidential Policy Directive 1 or any successor documents and in coordination with the Assistant to the President and Cabinet Secretary, maintain an interagency process for coordinating the implementation of regulatory improvements and the evaluation of legislative proposals to enhance and expedite travel to and arrival in the United States by foreign nationals, consistent with national security requirements.

(b) The Secretaries of State and Homeland Security, in consultation with the Assistant to the President for Homeland Security and Counterterrorism, the Director of the Office of Management and Budget, and the heads of such agencies as appropriate, shall develop an implementation plan, within 60 days of the date of this order, describing actions to be undertaken, including those that build upon efforts underway, to achieve the following:

(i) increase nonimmigrant visa processing capacity in China and Brazil by 40 percent over the coming year;

(ii) ensure that 80 percent of nonimmigrant visa applicants are interviewed within 3 weeks of receipt of application, recognizing that resource and security considerations and the need to ensure provision of consular services to U.S. citizens may dictate specific exceptions;

(iii) increase efforts to expand the Visa Waiver Program and travel by nationals of Visa Waiver Program participants; and

(iv) expand reciprocal recognition programs for expedited travel, such as the Global Entry program.

This plan should also identify other appropriate measures that will enhance and expedite travel to and arrival in the United States by foreign nationals, consistent with national security requirements, as well as any potential challenges in achieving the stated goals of this subsection.

(c) Within 180 days of the date of this order, and periodically thereafter, the Secretaries of State and Homeland Security shall jointly submit through the Assistant to the President for Homeland Security and Counterterrorism a report to the President describing the progress on achieving the goals set forth in this section (as well as areas of concern or barriers to achieving those goals) to ensure the country remains secure while increasing travel and tourism to the United States.

(d) The Secretary of Commerce shall establish and maintain a publicly available website that provides updated metrics from across the Federal Government to assist industry and travelers in understanding the current status of the industry and its relevance to the economy, statistics on visa processes in key travel and tourism markets, and entry times into the United States.

SEC. 3. *Task Force on Travel and Competitiveness.* (a) A Task Force on Travel and Competitiveness (Task Force) is hereby established to develop the National Travel and Tourism Strategy described in this section. The Secretaries of Commerce and the Interior shall serve as Co-Chairs of the Task Force. The Task Force shall also include the heads of the following executive departments and agencies (agencies), or senior level officials designated by them:

(i) Department of State;

- (ii) Department of the Treasury;
- (iii) Department of Agriculture;
- (iv) Department of Labor;
- (v) Department of Transportation;
- (vi) Department of Homeland Security;
- (vii) Army Corps of Engineers;
- (viii) Office of the United States Trade Representative;
- (ix) Export-Import Bank; and
- (x) Other agencies invited to participate by the Task Force Co-Chairs.

(b) The Secretaries of Commerce and the Interior, in consultation with the Director of the Office of Management and Budget, the Assistant to the President for Homeland Security and Counterterrorism, the Assistant to the President for Economic Policy, and the Assistant to the President for Domestic Policy, shall coordinate the overall work of the Task Force and assist its members in performing the responsibilities described herein.

(c) The Task Force shall develop a National Travel and Tourism Strategy with recommendations for new policies and initiatives to promote domestic and international travel opportunities throughout the United States with the goal of increasing the United States market share of worldwide travel, including obtaining a greater share of long-haul travel from Brazil, China, and India. Such recommendations shall include, among other things, strategies to promote visits to the United States public lands, waters, shores, monuments, and other iconic American destinations, thereby expanding job creation in the United States. The Task Force shall also consider recommendations to promote and expand travel and tourism opportunities in rural communities. In addition, the National Travel and Tourism Strategy shall identify any barriers to increasing the United States market share of worldwide travel, and any other related areas of concern. The Task Force shall deliver the National Travel and Tourism Strategy to the President within 90 days of the date of this order.

(d) The Task Force, through the Secretary of Commerce, shall also coordinate with the Corporation for Travel Promotion (currently doing business as Brand USA, a nonprofit corporation established by the Travel Promotion Act of 2009 to promote travel to the United States) and the Tourism Policy Council, established by the United States National Tourism Organization Act of 1996. The Secretary of Commerce shall serve as the liaison between the Task Force and the United States Travel and Tourism Advisory Board (Board) chartered by the Secretary and shall consider the Board's advice in his or her role with the Task Force.

(e) The Tourism Policy Council coordinates policies concerning travel promotion and ensures consistency and cooperation among agencies, as set forth in the United States National Tourism Organization Act of 1996. The Task Force shall consult with the Tourism Policy Council where appropriate to facilitate the development of the National Travel and Tourism Strategy.

SEC. 4. General Provisions. (a) This order shall be implemented consistent with applicable law, and subject to the availability of appropriations.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities[,] its officers, employees, or agents, or any other person.

BARACK OBAMA.

SUBCHAPTER II—DUTIES

§ 2122. Powers and duties of Secretary of Commerce

In order to carry out the national tourism policy established in section 2121(b) of this title and by the United States National Tourism Organization Act of 1996, the Secretary of Commerce (hereafter in this chapter referred to as the "Secretary") shall develop and implement a comprehensive plan to perform critical tourism functions which, in the determination of the Secretary, are not being carried out by the United States National Tourism Organization or other private sector entities or State governments. Such plan may include programs to—

(1) collect and publish comprehensive international travel and tourism statistics and other marketing information;

(2) design, implement, and publish international travel and tourism forecasting models;

(3) facilitate the reduction or elimination of barriers to international travel and tourism; and

(4) work with the United States National Tourism Organization, the Tourism Policy Council, State tourism agencies, and Federal agencies in—

(A) coordinating the Federal implementation of a national travel and tourism policy;

(B) representing the United States' international travel and tourism interests to foreign governments; and

(C) maintaining United States participation in international travel and tourism trade shows and fairs until such activities can be transferred to such Organization and other private sector entities.

(Pub. L. 87–63, title II, § 201, formerly § 2, June 29, 1961, 75 Stat. 129; Pub. L. 93–623, § 6, Jan. 3, 1975, 88 Stat. 2105; renumbered and amended Pub. L. 97–63, § 3(b), (e)(1), Oct. 16, 1981, 95 Stat. 1012, 1013; Pub. L. 102–372, § 6(a), Sept. 30, 1992, 106 Stat. 1175; Pub. L. 104–288, § 10, Oct. 11, 1996, 110 Stat. 3407.)

REFERENCES IN TEXT

The United States National Tourism Organization Act of 1996, referred to in text, is Pub. L. 104–288, Oct. 11, 1996, 110 Stat. 3407, as amended. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 2121 of this title and Tables.

AMENDMENTS

1996—Pub. L. 104–288 amended section generally to narrow tourism-related duties of Secretary of Commerce, in view of creation of United States National Tourism Organization, with Secretary to focus on critical promotion functions which, in determination of Secretary, are not being carried out by new Organization or other private sector or State entities.

1992—Par. (2). Pub. L. 102–372, § 6(3), added par. (2). Former par. (2) redesignated (3).

Par. (3). Pub. L. 102–372, § 6(a)(1), (2), redesignated former par. (2) as (3) and substituted "receptive, linguistic, informational, currency exchange, meal, and package tour services required by the international market" for "tourist facilities, low cost unit tours, and other arrangements within the United States for meeting the requirements of foreign visitors". Former par. (3) redesignated (4).