

Statutory Notes and Related Subsidiaries**TRANSFER OF FUNCTIONS**

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(l), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§§ 2124a, 2124b. Repealed. Pub. L. 104-288, §§ 9(a), 11, Oct. 11, 1996, 110 Stat. 3407, 3408

Section 2124a, Pub. L. 87-63, title III, § 302, as added Pub. L. 97-63, § 4(c)(2), Oct. 16, 1981, 95 Stat. 1015; amended Pub. L. 102-372, § 15, Sept. 30, 1992, 106 Stat. 1181, provided for establishment of Tourism Policy Council. See section 2124 of this title.

Section 2124b, Pub. L. 87-63, title III, § 303, as added Pub. L. 97-63, § 4(c)(2), Oct. 16, 1981, 95 Stat. 1017; amended Pub. L. 102-372, § 16, Sept. 30, 1992, 106 Stat. 1181, provided for establishment of Travel and Tourism Advisory Board.

§ 2124c. Rural Tourism Development Foundation**(a) Establishment of Foundation**

In order to assist in the development and promotion of rural tourism, there is established a charitable and nonprofit corporation to be known as the Rural Tourism Development Foundation (hereafter in this section referred to as the "Foundation").

(b) Functions

The functions of the Foundation shall be the planning, development, and implementation of projects and programs which have the potential to increase travel and tourism export revenues by attracting foreign visitors to rural America. Initially, such projects and programs shall include—

- (1) participation in the development and distribution of educational and promotional materials pertaining to both private and public attractions located in rural areas of the United States, including Federal parks and recreational lands, which can be used by foreign visitors;
- (2) development of educational resources to assist in private and public rural tourism development; and
- (3) participation in Federal agency outreach efforts to make such resources available to private enterprises, State and local governments, and other persons and entities interested in rural tourism development.

(c) Board of Directors**(1) Composition**

(A) The Foundation shall have a Board of Directors (hereafter in this section referred to as the "Board") that—

(i) during its first two years shall consist of nine voting members; and

(ii) thereafter shall consist of those nine members plus up to six additional voting members as determined in accordance with the bylaws of the Foundation.

(B)(i) The Secretary of Commerce shall, within six months after September 30, 1992, appoint the initial nine voting members of the Board and thereafter shall appoint the successors of each of three such members, as provided by such bylaws.

(ii) The voting members of the Board, other than those referred to in clause (i), shall be appointed in accordance with procedures established by such bylaws.

(C) The voting members of the Board shall be individuals who are not Federal officers or employees and who have demonstrated an interest in rural tourism development. Of such voting members, at least a majority shall have experience and expertise in tourism trade promotion, at least one shall have experience and expertise in resource conservation, at least one shall have experience and expertise in financial administration in a fiduciary capacity, at least one shall be a representative of an Indian tribe who has experience and expertise in rural tourism on an Indian reservation, at least one shall represent a regional or national organization or association with a major interest in rural tourism development or promotion, and at least one shall be a representative of a State who is responsible for tourism promotion.

(D) Voting members of the Board shall each serve a term of six years, except that—

(i) initial terms shall be staggered to assure continuity of administration;

(ii) if a person is appointed to fill a vacancy occurring prior to the expiration of the term of the person's predecessor, that person shall serve only for the remainder of the predecessor's term; and

(iii) any such appointment to fill a vacancy shall be made within sixty days after the vacancy occurs.

(2) Ex-officio members

The Secretary of Commerce and representatives of Federal agencies with responsibility for Federal recreational sites in rural areas (including the National Park Service, Bureau of Land Management, Forest Service, Corps of Engineers, Bureau of Indian Affairs, Tennessee Valley Authority, and such other Federal agencies as the Board determines appropriate) shall be nonvoting ex-officio members of the Board.

(3) Chair

The Chairman and Vice Chairman of the Board shall be elected by the voting members of the Board for terms of two years.

(4) Meetings

The Board shall meet at the call of the Chairman and there shall be at least two

meetings each year. A majority of the voting members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Foundation shall have an official seal, which shall be judicially noticed. Voting membership on the Board shall not be deemed to be an office within the meaning of the laws of the United States.

(d) Compensation and expenses

No compensation shall be paid to the members of the Board for their services as members, but they may be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as such members out of Foundation funds available to the Board for such purposes.

(e) Acceptance of gifts, devises, and bequests

(1) In general

The Foundation is authorized to accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein for the benefit of or in connection with rural tourism, except that the Foundation may not accept any such gift, devise, or bequest which entails any expenditure other than from the resources of the Foundation. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of rural tourism.

(2) Indians

A gift, devise, or bequest accepted by the Foundation for the benefit of or in connection with rural tourism on Indian reservations, pursuant to section 5341 of title 25, shall be maintained in a separate accounting for the benefit of Indian tribes in the development of tourism on Indian reservations.

(f) Investments

Except as otherwise required by the instrument of transfer, the Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income thereof as the Board may from time to time determine. The Foundation shall not engage in any business, nor shall the Foundation make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer and may retain any property accepted by the Foundation.

(g) Perpetual succession; liability of Board members

The Foundation shall have perpetual succession, with all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name, but the members of the Board shall not be personally liable, except for malfeasance.

(h) Contractual power

The Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

(i) Administration

(1) In general

In carrying out the provisions of this section, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and may hire officers and employees and contract for any other necessary services. Such officers and employees shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service and may be paid without regard to the provisions of chapters 51 and 53 of such title relating to classification and General Schedule pay rates.

(2) Services

The Secretary of Commerce may accept the voluntary and uncompensated services of the Foundation, the Board, and the officers and employees of the Foundation in the performance of the functions authorized under this section, without regard to section 1342 of title 31 or the civil service classification laws, rules, or regulations.

(3) Construction

Neither an officer or employee hired under paragraph (1) nor an individual who provides services under paragraph (2) shall be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims.

(j) Exemption from taxes; contributions

The Foundation and any income or property received or owned by it, and all transactions relating to such income or property, shall be exempt from all Federal, State, and local taxation with respect thereto. The Foundation may, however, in the discretion of the Board, contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay such government if it were not exempt from taxation by virtue of this subsection or by virtue of its being a charitable and nonprofit corporation and may agree so to contribute with respect to property transferred to it and the income derived therefrom if such agreement is a condition of the transfer. Contributions, gifts, and other transfers made to or for the use of the Foundation shall be regarded as contributions, gifts, or transfers to or for the use of the United States.

(k) Liability of United States

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation.

(l) Annual report

The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives an annual report of its proceedings and activities, including a full and complete statement of its receipts, expenditures, and investments.

(m) Definitions

As used in this section—

(1) the term “Indian reservation” has the meaning given the term “reservation” in section 1452(d) of title 25;

(2) the term “Indian tribe” has the meaning given that term in section 5304(e) of title 25;

(3) the term “local government” has the meaning given that term in section 3371(2) of title 5; and

(4) the term “rural tourism” has the meaning given that term by the Secretary of Commerce and shall include activities related to travel and tourism that occur on Federal recreational sites, on Indian reservations, and in the territories, possessions, and commonwealths of the United States.

(Pub. L. 102-372, §4, Sept. 30, 1992, 106 Stat. 1171; Pub. L. 104-288, §9(b), Oct. 11, 1996, 110 Stat. 3407.)

Editorial Notes

CODIFICATION

Section is comprised of section 4 of Pub. L. 102-372. Subsec. (n) of section 4 of Pub. L. 102-372 amended section 2123(a) of this title.

Section was enacted as part of the Tourism Policy and Export Promotion Act of 1992, and not as part of the International Travel Act of 1961 which comprises this chapter.

AMENDMENTS

1996—Subsec. (c)(1)(B)(i), (2). Pub. L. 104-288 substituted “Secretary of Commerce” for “Under Secretary of Commerce for Travel and Tourism”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

§ 2125. Transferred

Editorial Notes

CODIFICATION

Section, Pub. L. 87-63, title II, §203, formerly §5, June 29, 1961, 75 Stat. 130, which related to annual reports to the President and Congress, was renumbered by Pub. L. 97-63, §3(e), Oct. 16, 1981, 95 Stat. 1013, transferred to section 2123a of this title, and subsequently repealed by Pub. L. 102-372, §8(a), Sept. 30, 1992, 106 Stat. 1177.

§§ 2126 to 2129. Repealed. Pub. L. 104-288, §9(a), Oct. 11, 1996, 110 Stat. 3407

Section 2126, Pub. L. 87-63, title III, §304, formerly §6, June 29, 1961, 75 Stat. 130; Pub. L. 91-477, §4, Oct. 21, 1970, 84 Stat. 1072; Pub. L. 93-193, §1(a), Dec. 19, 1973, 87 Stat. 765; Pub. L. 94-55, §1, July 9, 1975, 89 Stat. 262; Pub. L. 96-85, §1, Oct. 10, 1979, 93 Stat. 655; renumbered and amended Pub. L. 97-63, §5(a), Oct. 16, 1981, 95 Stat. 1018; Pub. L. 102-372, §17, Sept. 30, 1992, 106 Stat. 1181, authorized appropriations to carry out this chapter.

Section 2127, Pub. L. 87-63, title III, §305, formerly §7, as added Pub. L. 91-477, §5, Oct. 21, 1970, 84 Stat. 1072,

and renumbered Pub. L. 97-63, §5(b), Oct. 16, 1981, 95 Stat. 1018, defined terms used in this chapter.

Section 2128, Pub. L. 87-63, title III, §306, as added Pub. L. 101-508, title X, §10301(a), Nov. 5, 1990, 104 Stat. 1388-395, provided for United States Travel and Tourism Administration Facilitation fee to be collected from each airline and cruise ship line transporting passengers to United States.

A prior section 2128, Pub. L. 87-63, §9, as added Pub. L. 96-85, §2, Oct. 10, 1979, 93 Stat. 655, related to reduction in number of employees of United States Travel Service in District of Columbia offices, prior to repeal by Pub. L. 97-63, §5(b), Oct. 16, 1981, 95 Stat. 1018, effective Oct. 1, 1981.

Section 2129, Pub. L. 87-63, title III, §307, as added Pub. L. 101-508, title X, §10301(b), Nov. 5, 1990, 104 Stat. 1388-396, provided civil penalties for nonpayment of Travel and Tourism Administration Facilitation fee.

SUBCHAPTER IV—CORPORATION FOR TRAVEL PROMOTION

§ 2131. Travel Promotion Act of 2009

(a) Short title

This section may be cited as the “Travel Promotion Act of 2009”.

(b) The Corporation for Travel Promotion

(1) 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 subsection, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(2) Board of directors

(A) In general

The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion or marketing, broadly representing various regions of the United States, who are United States citizens. At least 5 members of the board shall have experience working in United States multinational entities with marketing budgets. At least 2 members of the board shall be audit committee financial experts (as defined by the Securities and Exchange Commission in accordance with section 7265 of title 15). All members of the board shall be a current or former chief executive officer, chief financial officer, or chief marketing officer, or have held an equivalent management position. 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:

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

(ii) 1 shall have appropriate expertise and experience in the restaurant or foodservice sector;

(iii) 1 shall have appropriate expertise and experience in the small business or re-