

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**

**S. 2250**

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

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. KLOBUCHAR (for herself and Mr. BLUNT)

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Travel Promotion, En-

5 hancement, and Modernization Act of 2014”.

6 **SEC. 2. BOARD OF DIRECTORS.**

7 Subsection (b)(2)(A) of the Travel Promotion Act of

8 2009 (22 U.S.C. 2131(b)(2)(A)) is amended—

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

1 (A) in the first sentence, by striking “pro-  
2 motion and marketing” and inserting “pro-  
3 motion or marketing”; and

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

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

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

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

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

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

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

5                   “(G) a description of, and rationales for,  
6           the Corporation’s efforts to focus on specific  
7           countries and populations;

8                   “(H)(i) a description of, and rationales for,  
9           the Corporation’s combination of media chan-  
10          nels employed in meeting the promotional objec-  
11          tives of its marketing campaign;

12                   “(ii) the ratio in which such channels are  
13          used; and

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

16 **SEC. 4. BIENNIAL REVIEW OF PROCEDURES TO DETER-**  
17 **MINE FAIR MARKET VALUE OF GOODS AND**  
18 **SERVICES.**

19          Subsection (d)(3) of the Travel Promotion Act of  
20 2009 (22 U.S.C. 2131(d)(3)) is amended—

21           (1) in subparagraph (B)(ii), by striking “80  
22          percent” and inserting “70 percent”; and

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

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

4           “(F) FORMALIZED PROCEDURES FOR IN-  
5           KIND CONTRIBUTIONS POLICY.—Not later than  
6           90 days after the date of enactment of the  
7           Travel Promotion, Enhancement, and Mod-  
8           ernization Act of 2014, the Secretary of Com-  
9           merce, in coordination with the Corporation,  
10          shall establish formal, publicly available proce-  
11          dures specifying time frames and conditions  
12          for—

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

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

21           “(G) BIENNIAL REVIEW OF PROCEDURES  
22           TO DETERMINE FAIR MARKET VALUE OF GOODS  
23           AND SERVICES.—The Corporation and the Sec-  
24           retary of Commerce (or their designees) shall  
25           meet on a biannual basis to review the proce-

1           dures to determine the fair market value of  
2           goods and services received from non-Federal  
3           sources by the Corporation under subparagraph  
4           (B).”.

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

6           (a) IN GENERAL.—The Travel Promotion Act of  
7 2009 (22 U.S.C. 2131) is amended—

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

12          (2) in subsection (d)—

13                 (A) in paragraph (2)(B), by striking  
14                 “2015” and inserting “2020”; and

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

19           (b) SUNSET OF TRAVEL PROMOTION FUND FEE.—  
20 Section 217(h)(3)(B)(iii) of the Immigration and Nation-  
21 ality Act (8 U.S.C. 1187(h)(3)(B)(iii)) is amended by  
22 striking “September 30, 2015” and inserting “September  
23 30, 2020”.

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

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

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

7 (2) in paragraph (2) of subsection (c), by strik-  
8 ing “\$5,000,000” and inserting “\$500,000”;

9 (3) by inserting after subsection (e), as redesign-  
10 nated, the following:

11 “(f) ACCOUNTABILITY.—

12 “(1) PERFORMANCE PLANS AND MEASURES.—

13 Not later than 90 days after the date of the enact-  
14 ment of the Travel Promotion, Enhancement, and  
15 Modernization Act of 2014, the Corporation shall—

16 “(A) establish performance metrics, includ-  
17 ing time frames, evaluation methodologies, and  
18 data sources for measuring—

19 “(i) the effectiveness of marketing ef-  
20 forts by the Corporation, including its  
21 progress in achieving the long-term goals  
22 of increased traveler visits to and spending  
23 in the United States;

24 “(ii) whether increases in visitation  
25 and spending have occurred in response to  
26 external influences, such as economic con-

1                   ditions or exchange rates, rather than in  
2                   response to the efforts of the Corporation;  
3                   and

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

6                   “(B) conduct periodic program evaluations  
7                   in response to the data resulting from measure-  
8                   ments under subparagraph (A).

9                   “(2) GAO ACCOUNTABILITY.—Not later than  
10                  60 days after the date on which the Corporation re-  
11                  ceives a report from the Government Accountability  
12                  Office with recommendations for the Corporation,  
13                  the Corporation shall submit a report to Congress  
14                  that describes the actions taken by the Corporation  
15                  in response to the recommendations in such report.

16                  “(g) PROCUREMENT REQUIREMENTS.—The Corpora-  
17                  tion shall—

18                   “(1) establish a competitive procurement proc-  
19                   ess; and

20                   “(2) certify in its annual report to Congress  
21                   under subsection (c)(3) that any contracts entered  
22                   into were in compliance with the established com-  
23                   petitive procurement process.”.

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

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