

***In the House of Representatives, U. S.,***

*November 6, 2009.*

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 1299) entitled “An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.”, with the following

**HOUSE AMENDMENT TO SENATE AMENDMENT:**

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “United States Capitol*  
3 *Police Administrative Technical Corrections Act of 2009”.*

4 ***SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF***  
5 ***THE CAPITOL POLICE.***

6 *(a) CLARIFICATION OF CERTAIN HIRING AUTHORI-*  
7 *TIES.—*

8 *(1) CHIEF ADMINISTRATIVE OFFICER.—Section*  
9 *108(a) of the Legislative Branch Appropriations Act,*  
10 *2001 (2 U.S.C. 1903(a)) is amended to read as fol-*  
11 *lows:*

12 *“(a) CHIEF ADMINISTRATIVE OFFICER.—*

13 *“(1) ESTABLISHMENT.—There shall be within*  
14 *the United States Capitol Police an Office of Admin-*

1        *istration, to be headed by the Chief Administrative*  
2        *Officer, who shall report to and serve at the pleasure*  
3        *of the Chief of the Capitol Police.*

4                *“(2) APPOINTMENT.—The Chief Administrative*  
5        *Officer shall be appointed by the Chief of the United*  
6        *States Capitol Police, after consultation with the*  
7        *Capitol Police Board, without regard to political af-*  
8        *filiation and solely on the basis of fitness to perform*  
9        *the duties of the position.*

10                *“(3) COMPENSATION.—The annual rate of pay*  
11        *for the Chief Administrative Officer shall be the*  
12        *amount equal to \$1,000 less than the annual rate of*  
13        *pay in effect for the Chief of the Capitol Police.”.*

14                *(2) ADMINISTRATIVE PROVISIONS.—Section 108*  
15        *of the Legislative Branch Appropriations Act, 2001 (2*  
16        *U.S.C. 1903) is amended by striking subsection (c).*

17                *(3) CERTIFYING OFFICERS.—Section 107 of the*  
18        *Legislative Branch Appropriations Act, 2001 (2*  
19        *U.S.C. 1904) is amended—*

20                        *(A) in subsection (a), by striking “the Cap-*  
21                        *itol Police Board” and inserting “the Chief of*  
22                        *the Capitol Police”; and*

23                        *(B) in subsection (b)(1), by striking “the*  
24                        *Capitol Police Board” and inserting “the Chief*  
25                        *of the Capitol Police”.*

1           (4) *PERSONNEL ACTIONS OF THE CHIEF OF THE*  
2           *CAPITOL POLICE.*—

3                   (A) *IN GENERAL.*—Section 1018(e) of the  
4           *Legislative Branch Appropriations Act, 2003 (2*  
5           *U.S.C. 1907(e)) is amended by striking para-*  
6           *graph (1) and inserting the following:*

7           “(1) *AUTHORITY.*—

8                   “(A) *IN GENERAL.*—*The Chief of the Cap-*  
9           *itol Police, in carrying out the duties of office,*  
10           *is authorized to appoint, hire, suspend with or*  
11           *without pay, discipline, discharge, and set the*  
12           *terms, conditions, and privileges of employment*  
13           *of employees of the Capitol Police, subject to and*  
14           *in accordance with applicable laws and regula-*  
15           *tions.*

16                   “(B) *SPECIAL RULE FOR TERMINATIONS.*—  
17           *The Chief may terminate an officer, member, or*  
18           *employee only after the Chief has provided notice*  
19           *of the termination to the Capitol Police Board*  
20           *(in such manner as the Board may from time to*  
21           *time require) and the Board has approved the*  
22           *termination, except that if the Board has not*  
23           *disapproved the termination prior to the expira-*  
24           *tion of the 30-day period which begins on the*  
25           *date the Board receives the notice, the Board*

1 shall be deemed to have approved the termi-  
2 nation.

3 “(C) NOTICE OR APPROVAL.—The Chief of  
4 the Capitol Police shall provide notice or receive  
5 approval, as required by the Committee on Rules  
6 and Administration of the Senate and the Com-  
7 mittee on House Administration of the House of  
8 Representatives, as each Committee determines  
9 appropriate for—

10 “(i) the exercise of any authority under  
11 subparagraph (A); or

12 “(ii) the establishment of any new po-  
13 sition for officers, members, or employees of  
14 the Capitol Police, for reclassification of ex-  
15 isting positions, for reorganization plans, or  
16 for hiring, termination, or promotion for of-  
17 ficers, members, or employees of the Capitol  
18 Police.”.

19 (B) TECHNICAL AND CONFORMING AMEND-  
20 MENTS.—

21 (i) SUSPENSION AUTHORITY.—Section  
22 1823 of the Revised Statutes of the United  
23 States (2 U.S.C. 1928) is repealed.

24 (ii) PAY OF MEMBERS UNDER SUSPEN-  
25 SION.—The proviso in the Act of Mar. 3,

1           1875 (ch. 129; 18 Stat. 345), popularly  
2           known as the “Legislature, Executive, and  
3           Judicial Appropriation Act, fiscal year  
4           1876”, which is codified at section 1929 of  
5           title 2, United States Code (2000 Editions,  
6           Supp. V), is repealed.

7           (5) CONFORMING APPLICATION OF CONGRES-  
8           SIONAL ACCOUNTABILITY ACT OF 1995.—

9           (A) IN GENERAL.—Section 101(9)(D) of the  
10          Congressional Accountability Act of 1995 (2  
11          U.S.C. 1301(9)(D)) is amended by striking “the  
12          Capitol Police Board,” and inserting “the  
13          United States Capitol Police,”.

14          (B) NO EFFECT ON CURRENT PRO-  
15          CEEDINGS.—Nothing in the amendment made by  
16          subparagraph (A) may be construed to affect any  
17          procedure initiated under title IV of the Congres-  
18          sional Accountability Act of 1995 prior to the  
19          date of the enactment of this Act.

20          (6) NO EFFECT ON CURRENT PERSONNEL.—  
21          Nothing in the amendments made by this subsection  
22          may be construed to affect the status of any indi-  
23          vidual serving as an officer or employee of the United  
24          States Capitol Police as of the date of the enactment  
25          of this Act.

1       **(b) DEPOSIT OF REIMBURSEMENTS FOR LAW EN-**  
2 **FORCEMENT ASSISTANCE.—**

3           **(1) IN GENERAL.—***Section 2802 of the Supple-*  
4 *mental Appropriations Act, 2001 (2 U.S.C. 1905) is*  
5 *amended—*

6                   **(A)** *in subsection (a)(1), by striking “Cap-*  
7 *itol Police Board” each place it appears and in-*  
8 *serting “United States Capitol Police”; and*

9                   **(B)** *in subsection (a)(2), by striking “Cap-*  
10 *itol Police Board” and inserting “Chief of the*  
11 *United States Capitol Police”.*

12           **(2) EFFECTIVE DATE.—***The amendments made*  
13 *by paragraph (1) shall take effect as if included in*  
14 *the enactment of the Supplemental Appropriations*  
15 *Act, 2001.*

16       **(c) PRIOR NOTICE TO AUTHORIZING COMMITTEES OF**  
17 **DEPLOYMENT OUTSIDE JURISDICTION.—***Section*  
18 *1007(a)(1) of the Legislative Branch Appropriations Act,*  
19 *2005 (2 U.S.C. 1978(a)(1)) is amended by striking “prior*  
20 *notification to” and inserting the following: “prior notifica-*  
21 *tion to the Committee on House Administration of the*  
22 *House of Representatives, the Committee on Rules and Ad-*  
23 *ministration of the Senate, and”.*

24       **(d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERV-**  
25 **ICES.—**

1           (1) *IN GENERAL.*—Section 1002 of the Legisla-  
2           *tive Branch Appropriations Act, 2008 (Public Law*  
3           *110–161; 2 U.S.C. 1981) is amended by inserting*  
4           *“the Committee on House Administration of the*  
5           *House of Representatives, and the Committee on*  
6           *Rules and Administration of the Senate” after “the*  
7           *Senate,”.*

8           (2) *EFFECTIVE DATE AND APPLICATION.*—*The*  
9           *amendment made by this subsection shall take effect*  
10          *30 days after the date of enactment of this Act and*  
11          *apply to payments made on or after that effective*  
12          *date.*

13 **SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND**  
14                                   **THE UNITED STATES CAPITOL POLICE.**

15          (a) *APPOINTMENT AND SERVICE.*—

16           (1) *IN GENERAL.*—*There shall be within the*  
17           *United States Capitol Police the General Counsel to*  
18           *the Chief of Police and the United States Capitol Po-*  
19           *lice (in this subsection referred to as the “General*  
20           *Counsel”), who shall report to and serve at the pleas-*  
21           *ure of the Chief of the United States Capitol Police.*

22           (2) *APPOINTMENT.*—*The General Counsel shall*  
23           *be appointed by the Chief of the Capitol Police in ac-*  
24           *cordance with section 1018(e)(1) of the Legislative*  
25           *Branch Appropriations Act, 2003 (2 U.S.C.*

1     1907(e)(1)) (as amended by section 2(a)(4)), after  
2     consultation with the Capitol Police Board, without  
3     regard to political affiliation and solely on the basis  
4     of fitness to perform the duties of the position.

5             (3) COMPENSATION.—

6             (A) IN GENERAL.—Subject to subparagraph  
7             (B), the annual rate of pay for the General  
8             Counsel shall be fixed by the Chief of the Capitol  
9             Police.

10            (B) LIMITATION.—The annual rate of pay  
11            for the General Counsel may not exceed an an-  
12            nual rate equal to \$1,000 less than the annual  
13            rate of pay in effect for the Chief of the Capitol  
14            Police.

15            (4) TECHNICAL AND CONFORMING AMEND-  
16            MENT.—House Resolution 661, Ninety-fifth Congress,  
17            agreed to July 29, 1977, as enacted into permanent  
18            law by section 111 of the Legislative Branch Appro-  
19            propriation Act, 1979 (2 U.S.C. 1901 note) is repealed.

20            (5) NO EFFECT ON CURRENT GENERAL COUN-  
21            SEL.—Nothing in this subsection or the amendments  
22            made by this subsection may be construed to affect the  
23            status of the individual serving as the General Coun-  
24            sel to the Chief of Police and the United States Cap-  
25            itol Police as of the date of the enactment of this Act.

1       **(b) LEGAL REPRESENTATION AUTHORITY.—**

2               **(1) IN GENERAL.—***Section 1002(a)(2)(A) of the*  
3 *Legislative Branch Appropriations Act, 2004 (2*  
4 *U.S.C. 1908(a)(2)(A)) is amended by striking “the*  
5 *General Counsel for the United States Capitol Police*  
6 *Board and the Chief of the Capitol Police” and in-*  
7 *serting “the General Counsel to the Chief of Police*  
8 *and the United States Capitol Police”.*

9               **(2) NO EFFECT ON CURRENT PROCEEDINGS.—**  
10 *Nothing in the amendment made by paragraph (1)*  
11 *may be construed to affect the authority of any indi-*  
12 *vidual to enter an appearance in any proceeding be-*  
13 *fore any court of the United States or of any State*  
14 *or political subdivision thereof which is initiated*  
15 *prior to the date of the enactment of this Act.*

16 **SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE**  
17 **AND THE UNITED STATES CAPITOL POLICE.**

18       **(a) LEGAL REPRESENTATION AUTHORITY.—**

19               **(1) IN GENERAL.—***Section 1002(a)(2)(B) of the*  
20 *Legislative Branch Appropriations Act, 2004 (2*  
21 *U.S.C. 1908(a)(2)(B)) is amended by striking “the*  
22 *Employment Counsel for the United States Capitol*  
23 *Police Board and the United States Capitol Police”*  
24 *and inserting “the Employment Counsel to the Chief*  
25 *of Police and the United States Capitol Police”.*



1           (2) *REPEAL OF RELATED OBSOLETE PROVI-*  
2           *SIONS.—*

3                   (A) *OVERTIME PAY DISBURSED BY*  
4           *HOUSE.—Section 3 of House Resolution 449,*  
5           *Ninety-second Congress, agreed to June 2, 1971,*  
6           *as enacted into permanent law by chapter IV of*  
7           *the Supplemental Appropriations Act, 1972 (85*  
8           *Stat. 636) (2 U.S.C. 1924), together with any*  
9           *other provision of law which relates to compen-*  
10           *satory time for the Capitol Police which is codi-*  
11           *fied at section 1924 of title 2, United States Code*  
12           *(2000 Editions, Supp. V), is repealed.*

13                   (B) *OVERTIME PAY DISBURSED BY SEN-*  
14           *ATE.—The last full paragraph under the heading*  
15           *“Administrative Provisions” in the appropria-*  
16           *tion for the Senate in the Legislative Branch Ap-*  
17           *propriations Act, 1972 (85 Stat. 130) (2 U.S.C.*  
18           *1925) is repealed.*

19           (b) *OVERTIME COMPENSATION FOR OFFICERS AND*  
20           *EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS ACT*  
21           *OF 1938.—*

22                   (1) *CRITERIA UNDER WHICH COMPENSATION*  
23           *PERMITTED.—The Chief of the Capitol Police may*  
24           *provide for the compensation of overtime work of ex-*  
25           *empt individuals which is performed on or after the*

1       *date of the enactment of this Act, in the form of addi-*  
2       *tional pay or compensatory time off, only if—*

3               *(A) the overtime work is carried out in con-*  
4               *nection with special circumstances, as deter-*  
5               *mined by the Chief;*

6               *(B) the Chief has established a monetary*  
7               *value for the overtime work performed by such*  
8               *individual; and*

9               *(C) the sum of the total amount of the com-*  
10              *penetration paid to the individual for the overtime*  
11              *work (as determined on the basis of the monetary*  
12              *value established under subparagraph (B)) and*  
13              *the total regular compensation paid to the indi-*  
14              *vidual with respect to the pay period involved*  
15              *may not exceed an amount equal to the cap on*  
16              *the aggregate amount of annual compensation*  
17              *that may be paid to the individual under appli-*  
18              *cable law during the year in which the pay pe-*  
19              *riod occurs, as allocated on a per pay period*  
20              *basis consistent with premium pay regulations of*  
21              *the Capitol Police Board.*

22              *(2) EXEMPT INDIVIDUALS DEFINED.—In this*  
23              *subsection, an “exempt individual” is an officer or*  
24              *employee of the United States Capitol Police—*

1           (A) *who is classified under regulations*  
2 *issued pursuant to section 203 of the Congres-*  
3 *sional Accountability Act of 1995 (2 U.S.C.*  
4 *1313) as exempt from the application of the*  
5 *rights and protections established by subsections*  
6 *(a)(1) and (d) of section 6, section 7, and section*  
7 *12(c) of the Fair Labor Standards Act of 1938*  
8 *(29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or*

9           (B) *whose annual rate of pay is not estab-*  
10 *lished specifically under any law.*

11           (3) *CONFORMING AMENDMENT.—*

12           (A) *IN GENERAL.—Section 1009 of the Leg-*  
13 *islative Branch Appropriations Act, 2003 (Pub-*  
14 *lic Law 108–7; 117 Stat. 359) is repealed.*

15           (B) *EFFECTIVE DATE.—The amendment*  
16 *made by subparagraph (A) shall take effect as if*  
17 *included in the enactment of the Legislative*  
18 *Branch Appropriations Act, 2003, except that*  
19 *the amendment shall not apply with respect to*  
20 *any overtime work performed prior to the date*  
21 *of the enactment of this Act.*

22 **SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORREC-**  
23 **TIONS.**

24           (a) *REPEAL OF OBSOLETE PROCEDURES FOR INITIAL*  
25 *APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER.—Sec-*

1 *tion 108 of the Legislative Branch Appropriations Act,*  
2 *2001 (2 U.S.C. 1903) is amended by striking subsections*  
3 *(d) through (g).*

4 *(b) REPEAL OF REQUIREMENT THAT OFFICERS PUR-*  
5 *CHASE OWN UNIFORMS.—Section 1825 of the Revised Stat-*  
6 *utes of the United States (2 U.S.C. 1943) is repealed.*

7 *(c) REPEAL OF REFERENCES TO OFFICERS AND PRI-*  
8 *VATES IN AUTHORITIES RELATING TO HOUSE AND SENATE*  
9 *OFFICE BUILDINGS.—*

10 *(1) HOUSE OFFICE BUILDINGS.—The item relat-*  
11 *ing to “House of Representatives Office Building” in*  
12 *the Act entitled “An Act making appropriations for*  
13 *sundry civil expenses of the Government for the fiscal*  
14 *year ending June thirtieth, nineteen hundred and*  
15 *eight, and for other purposes”, approved March 4,*  
16 *1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended by*  
17 *striking “other than officers and privates of the Cap-*  
18 *itol police” each place it appears and inserting “other*  
19 *than the United States Capitol Police”.*

20 *(2) SENATE OFFICE BUILDINGS.—The item relat-*  
21 *ing to “Senate Office Building” in the Legislative*  
22 *Branch Appropriation Act, 1943 (56 Stat. 343; 2*  
23 *U.S.C. 2023) is amended by striking “other than for*  
24 *officers and privates of the Capitol Police” each place*

1        *it appears and inserting “other than for the United*  
2        *States Capitol Police”.*

3        *(d) CLARIFICATION OF APPLICABILITY OF U.S. CAP-*  
4        *ITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER*  
5        *IMPLEMENTATION ACT OF 2007.—*

6            *(1) REPEAL OF DUPLICATE PROVISIONS.—Effective*  
7        *as if included in the enactment of the Legislative*  
8        *Branch Appropriations Act, 2008 (Public Law 110–*  
9        *161), section 1004 of such Act is repealed, and any*  
10       *provision of law amended or repealed by such section*  
11       *is restored or revived to read as if such section had*  
12       *not been enacted into law.*

13           *(2) NO EFFECT ON OTHER ACT.—Nothing in*  
14       *paragraph (1) may be construed to prevent the enact-*  
15       *ment or implementation of any provision of the U.S.*  
16       *Capitol Police and Library of Congress Police Merger*  
17       *Implementation Act of 2007 (Public Law 110–178),*  
18       *including any provision of such Act that amends or*  
19       *repeals a provision of law which is restored or revived*  
20       *pursuant to paragraph (1).*

21       *(e) AUTHORITY OF CHIEF OF POLICE.—*

22           *(1) REPEAL OF CERTAIN PROVISIONS CODIFIED*  
23       *IN TITLE 2, UNITED STATES CODE.—The provisions*  
24       *appearing in the first paragraph under the heading*  
25       *“Capitol Police” in the Act of April 28, 1902 (ch.*

1       594; 32 Stat. 124), and the provisions appearing in  
2       the first paragraph under the heading “Capitol Po-  
3       lice” in title I of the Legislative and Judiciary Ap-  
4       propriation Act, 1944 (ch. 173; 57 Stat. 230), insofar  
5       as all of those provisions are related to the sentence  
6       “The captain and lieutenants shall be selected jointly  
7       by the Sergeant at Arms of the Senate and the Ser-  
8       geant at Arms of the House of Representatives; and  
9       one-half of the privates shall be selected by the Ser-  
10      geant at Arms of the Senate and one-half by the Ser-  
11      geant at Arms of the House of Representatives.”,  
12      which appears in 2 U.S.C. 1901 (2000 Edition,  
13      Supp. V), are repealed.

14           (2) *RESTORATION OF REPEALED PROVISION.*—  
15      Section 1018(h)(1) of the Legislative Branch Appro-  
16      priations Act, 2003 (Public Law 108–7, div. H, title  
17      I, 117 Stat. 368) is repealed, and the sentence “The  
18      Capitol Police shall be headed by a Chief who shall  
19      be appointed by the Capitol Police Board and shall  
20      serve at the pleasure of the Board.”, which was re-  
21      pealed by such section, is restored to appear at the  
22      end of section 1821 of the Revised Statutes of the  
23      United States (2 U.S.C. 1901).

24           (3) *CONFORMING AMENDMENT.*—The first sen-  
25      tence of section 1821 of the Revised Statutes of the

1 *United States (2 U.S.C. 1901) is amended by striking*  
2 *“, the members of which shall be appointed by the*  
3 *Sergeants-at-Arms of the two Houses and the Archi-*  
4 *tect of the Capitol Extension”.*

5 (4) *EFFECTIVE DATE.*—*The amendments made*  
6 *by this subsection shall take effect as if included in*  
7 *the enactment of the Legislative Branch Appropria-*  
8 *tions Act, 2003.*

9 **SEC. 7. TREATMENT OF CAPITOL POLICE EMPLOYEES AS**  
10 **CONGRESSIONAL EMPLOYEES.**

11 (a) *DEFINITION OF CONGRESSIONAL EMPLOYEE.*—  
12 *Section 2107(4) of title 5, United States Code, is amended*  
13 *by inserting “or employee” after “member”.*

14 (b) *DUAL PAY AND DUAL EMPLOYMENT.*—

15 (1) *DEFINITION OF AGENCY IN THE LEGISLATIVE*  
16 *BRANCH.*—*Section 5531(4) of title 5, United States*  
17 *Code, is amended by striking “and the Congressional*  
18 *Budget Office” and inserting “the Congressional*  
19 *Budget Office, and the United States Capitol Police”.*

20 (2) *DUAL PAY.*—*Section 5533 of title 5, United*  
21 *States Code, is amended—*

22 (A) *in subsection (c)—*

23 (i) *in paragraph (1), by striking “or*  
24 *the Chief Administrative Officer of the*  
25 *House of Representatives” and inserting “,*

1           *the Chief Administrative Officer of the*  
2           *House of Representatives, or the Chief of the*  
3           *Capitol Police”*; and

4                     *(ii) in paragraph (2), by inserting “or*  
5           *the Chief of the Capitol Police” after*  
6           *“House of Representatives”*; and

7                     *(B) in subsection (d)(5)(A), by striking “or*  
8           *the Chief Administrative Officer of the House of*  
9           *Representatives” and inserting “, the Chief Ad-*  
10          *ministrative Officer of the House of Representa-*  
11          *tives, or the Chief of the Capitol Police”.*

12          *(c) FEES FOR JURY AND WITNESS SERVICE.—*

13                     *(1) CREDITING AMOUNTS RECEIVED.—Section*  
14          *5515 of title 5, United States Code, is amended by*  
15          *striking “or the Chief Administrative Officer of the*  
16          *House of Representatives” and inserting “, the Chief*  
17          *Administrative Officer of the House of Representa-*  
18          *tives, or the Chief of the Capitol Police”.*

19                     *(2) FEES FOR SERVICE.—Section 5537(a) of title*  
20          *5, United States Code, is amended by striking “or the*  
21          *Chief Administrative Officer of the House of Rep-*  
22          *resentatives” and inserting “, the Chief Administra-*  
23          *tive Officer of the House of Representatives, or the*  
24          *Chief of the Capitol Police”.*

1       (d) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall take effect as though enacted as part of section*  
3 *1018 of the Legislative Branch Appropriations Act, 2003*  
4 *(2 U.S.C. 1907).*

5 **SEC. 8. LAW ENFORCEMENT AUTHORITY OF SERGEANT-AT-**  
6 **ARMS AND DOORKEEPER OF THE SENATE.**

7       (a) *IN GENERAL.*—*The Sergeant-at-Arms and Door-*  
8 *keeper of the Senate shall have the same law enforcement*  
9 *authority, including the authority to carry firearms, as a*  
10 *member of the Capitol Police. The law enforcement author-*  
11 *ity under the preceding sentence shall be subject to the re-*  
12 *quirement that the Sergeant-at-Arms and Doorkeeper of the*  
13 *Senate have the qualifications specified in subsection (b).*

14       (b) *QUALIFICATIONS.*—*The qualifications referred to*  
15 *in subsection (a) are the following:*

16               (1) *A minimum of 5 years of experience as a law*  
17 *enforcement officer before beginning service as the*  
18 *Sergeant-at-Arms and Doorkeeper of the Senate.*

19               (2) *Current certification in the use of firearms*  
20 *by the appropriate Federal law enforcement entity or*  
21 *an equivalent non-Federal entity.*

22               (3) *Any other firearms qualification required for*  
23 *members of the Capitol Police.*

1           (c) *REGULATIONS.*—*The Committee on Rules and Ad-*  
2 *ministration of the Senate shall have authority to prescribe*  
3 *regulations to carry out this section.*

4 **SEC. 9. TRAVEL PROMOTION ACT OF 2009.**

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

7           (b) *THE CORPORATION FOR TRAVEL PROMOTION.*—

8                   (1) *ESTABLISHMENT.*—*The Corporation for*  
9 *Travel Promotion is established as a nonprofit cor-*  
10 *poration. The Corporation shall not be an agency or*  
11 *establishment of the United States Government. The*  
12 *Corporation shall be subject to the provisions of the*  
13 *District of Columbia Nonprofit Corporation Act (D.C.*  
14 *Code, section 29–1001 et seq.), to the extent that such*  
15 *provisions are consistent with this subsection, and*  
16 *shall have the powers conferred upon a nonprofit cor-*  
17 *poration by that Act to carry out its purposes and ac-*  
18 *tivities.*

19                   (2) *BOARD OF DIRECTORS.*—

20                           (A) *IN GENERAL.*—*The Corporation shall*  
21 *have a board of directors of 11 members with*  
22 *knowledge of international travel promotion and*  
23 *marketing, broadly representing various regions*  
24 *of the United States, who are United States citi-*  
25 *zens. Members of the board shall be appointed by*

1           *the Secretary of Commerce (after consultation*  
2           *with the Secretary of Homeland Security and*  
3           *the Secretary of State), as follows:*

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

7                     *(ii) 1 shall have appropriate expertise*  
8                     *and experience in the restaurant sector;*

9                     *(iii) 1 shall have appropriate expertise*  
10                    *and experience in the small business or re-*  
11                    *tail sector or in associations representing*  
12                    *that sector;*

13                    *(iv) 1 shall have appropriate expertise*  
14                    *and experience in the travel distribution*  
15                    *services sector;*

16                    *(v) 1 shall have appropriate expertise*  
17                    *and experience in the attractions or recre-*  
18                    *ations sector;*

19                    *(vi) 1 shall have appropriate expertise*  
20                    *and experience as officials of a city conven-*  
21                    *tion and visitors' bureau;*

22                    *(vii) 2 shall have appropriate expertise*  
23                    *and experience as officials of a State tour-*  
24                    *ism office;*

1                   (viii) 1 shall have appropriate exper-  
2                   tise and experience in the passenger air sec-  
3                   tor;

4                   (ix) 1 shall have appropriate expertise  
5                   and experience in immigration law and  
6                   policy, including visa requirements and  
7                   United States entry procedures; and

8                   (x) 1 shall have appropriate expertise  
9                   in the intercity passenger railroad business.

10                  (B) INCORPORATION.—The members of the  
11                  initial board of directors shall serve as  
12                  incorporators and shall take whatever actions  
13                  are necessary to establish the Corporation under  
14                  the District of Columbia Nonprofit Corporation  
15                  Act (D.C. Code, section 29–301.01 et seq.).

16                  (C) TERM OF OFFICE.—The term of office of  
17                  each member of the board appointed by the Sec-  
18                  retary shall be 3 years, except that, of the mem-  
19                  bers first appointed—

20                         (i) 3 shall be appointed for terms of 1  
21                         year;

22                         (ii) 4 shall be appointed for terms of 2  
23                         years; and

24                         (iii) 4 shall be appointed for terms of  
25                         3 years.

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

4           (E) *VACANCIES.*—*Any vacancy in the board*  
5           *shall not affect its power, but shall be filled in*  
6           *the manner required by this subsection. Any*  
7           *member whose term has expired may serve until*  
8           *the member's successor has taken office, or until*  
9           *the end of the calendar year in which the mem-*  
10           *ber's term has expired, whichever is earlier. Any*  
11           *member appointed to fill a vacancy occurring*  
12           *prior to the expiration of the term for which that*  
13           *member's predecessor was appointed shall be ap-*  
14           *pointed for the remainder of the predecessor's*  
15           *term. No member of the board shall be eligible to*  
16           *serve more than 2 consecutive full 3-year terms.*

17           (F) *ELECTION OF CHAIRMAN AND VICE*  
18           *CHAIRMAN.*—*Members of the board shall annu-*  
19           *ally elect one of the members to be Chairman*  
20           *and elect 1 or 2 of the members as Vice Chair-*  
21           *man or Vice Chairmen.*

22           (G) *STATUS AS FEDERAL EMPLOYEES.*—  
23           *Notwithstanding any provision of law to the con-*  
24           *trary, no member of the board may be considered*  
25           *to be a Federal employee of the United States by*

1           *virtue of his or her service as a member of the*  
2           *board.*

3                   *(H) COMPENSATION; EXPENSES.—No mem-*  
4           *ber shall receive any compensation from the Fed-*  
5           *eral government for serving on the Board. Each*  
6           *member of the Board shall be paid actual travel*  
7           *expenses and per diem in lieu of subsistence ex-*  
8           *penses when away from his or her usual place of*  
9           *residence, in accordance with section 5703 of*  
10           *title 5, United States Code.*

11                   *(3) OFFICERS AND EMPLOYEES.—*

12                           *(A) IN GENERAL.—The Corporation shall*  
13           *have an executive director and such other officers*  
14           *as may be named and appointed by the board*  
15           *for terms and at rates of compensation fixed by*  
16           *the board. No individual other than a citizen of*  
17           *the United States may be an officer of the Cor-*  
18           *poration. The Corporation may hire and fix the*  
19           *compensation of such employees as may be nec-*  
20           *essary to carry out its purposes. No officer or*  
21           *employee of the Corporation may receive any*  
22           *salary or other compensation (except for com-*  
23           *ensation for services on boards of directors of*  
24           *other organizations that do not receive funds*  
25           *from the Corporation, on committees of such*

1           boards, and in similar activities for such organi-  
2           zations) from any sources other than the Cor-  
3           poration for services rendered during the period  
4           of his or her employment by the Corporation.  
5           Service by any officer on boards of directors of  
6           other organizations, on committees of such  
7           boards, and in similar activities for such organi-  
8           zations shall be subject to annual advance ap-  
9           proval by the board and subject to the provisions  
10          of the Corporation's Statement of Ethical Con-  
11          duct. All officers and employees shall serve at the  
12          pleasure of the board.

13                   (B) *NONPOLITICAL NATURE OF APPOINT-*  
14                   *MENT.*—No political test or qualification shall be  
15                   used in selecting, appointing, promoting, or tak-  
16                   ing other personnel actions with respect to offi-  
17                   cers, agents, or employees of the Corporation.

18                   (4) *NONPROFIT AND NONPOLITICAL NATURE OF*  
19                   *CORPORATION.*—

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

23                   (B) *PROFIT.*—No part of the income or as-  
24                   sets of the Corporation shall inure to the benefit  
25                   of any director, officer, employee, or any other

1           *individual except as salary or reasonable com-*  
2           *ensation for services.*

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

6           (D) *SENSE OF CONGRESS REGARDING LOB-*  
7           *BYING ACTIVITIES.—It is the sense of Congress*  
8           *that the Corporation should not engage in lob-*  
9           *bying activities (as defined in section 3(7) of the*  
10           *Lobbying Disclosure Act of 1995 (5 U.S.C.*  
11           *1602(7)).*

12          (5) *DUTIES AND POWERS.—*

13           (A) *IN GENERAL.—The Corporation shall*  
14           *develop and execute a plan—*

15                   (i) *to provide useful information to*  
16                   *foreign tourists, business people, students,*  
17                   *scholars, scientists, and others interested in*  
18                   *traveling to the United States, including the*  
19                   *distribution of material provided by the*  
20                   *Federal government concerning entry re-*  
21                   *quirements, required documentation, fees,*  
22                   *processes, and information concerning de-*  
23                   *clared public health emergencies, to prospec-*  
24                   *tive travelers, travel agents, tour operators,*  
25                   *meeting planners, foreign governments,*

1 *travel media and other international stake-*  
2 *holders;*

3 *(ii) to identify, counter, and correct*  
4 *misperceptions regarding United States*  
5 *entry policies around the world;*

6 *(iii) to maximize the economic and*  
7 *diplomatic benefits of travel to the United*  
8 *States by promoting the United States of*  
9 *America to world travelers through the use*  
10 *of, but not limited to, all forms of adver-*  
11 *tising, outreach to trade shows, and other*  
12 *appropriate promotional activities;*

13 *(iv) to ensure that international travel*  
14 *benefits all States and the District of Co-*  
15 *lumbia and to identify opportunities and*  
16 *strategies to promote tourism to rural and*  
17 *urban areas equally, including areas not*  
18 *traditionally visited by international trav-*  
19 *elers; and*

20 *(v) to give priority to the Corpora-*  
21 *tion's efforts with respect to countries and*  
22 *populations most likely to travel to the*  
23 *United States.*

1           (B) *SPECIFIC POWERS.*—*In order to carry*  
2           *out the purposes of this subsection, the Corpora-*  
3           *tion may—*

4                   (i) *obtain grants from and make con-*  
5                   *tracts with individuals and private compa-*  
6                   *nies, State, and Federal agencies, organiza-*  
7                   *tions, and institutions;*

8                   (ii) *hire or accept the voluntary serv-*  
9                   *ices of consultants, experts, advisory boards,*  
10                   *and panels to aid the Corporation in car-*  
11                   *rying out its purposes; and*

12                   (iii) *take such other actions as may be*  
13                   *necessary to accomplish the purposes set*  
14                   *forth in this subsection.*

15           (C) *PUBLIC OUTREACH AND INFORMA-*  
16           *TION.*—*The Corporation shall develop and main-*  
17           *tain a publicly accessible website.*

18           (6) *OPEN MEETINGS.*—*Meetings of the board of*  
19           *directors of the Corporation, including any committee*  
20           *of the board, shall be open to the public. The board*  
21           *may, by majority vote, close any such meeting only*  
22           *for the time necessary to preserve the confidentiality*  
23           *of commercial or financial information that is privi-*  
24           *leged or confidential, to discuss personnel matters, or*

1       to discuss legal matters affecting the Corporation, in-  
2       cluding pending or potential litigation.

3               (7) *MAJOR CAMPAIGNS.*—The board may not au-  
4       thorize the Corporation to obligate or expend more  
5       than \$25,000,000 on any advertising campaign, pro-  
6       motion, or related effort unless—

7               (A) the obligation or expenditure is ap-  
8       proved by an affirmative vote of at least 2/3 of  
9       the members of the board present at the meeting;

10              (B) at least 6 members of the board are  
11       present at the meeting at which it is approved;  
12       and

13              (C) each member of the board has been  
14       given at least 3 days advance notice of the meet-  
15       ing at which the vote is to be taken and the mat-  
16       ters to be voted upon at that meeting.

17              (8) *FISCAL ACCOUNTABILITY.*—

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

21              (B) *BUDGET.*—The Corporation shall adopt  
22       a budget for each fiscal year.

23              (C) *ANNUAL AUDITS.*—The Corporation  
24       shall engage an independent accounting firm to  
25       conduct an annual financial audit of the Cor-

1            *poration's operations and shall publish the re-*  
2            *sults of the audit. The Comptroller General of the*  
3            *United States may review any audit of a finan-*  
4            *cial statement conducted under this paragraph*  
5            *by an independent accounting firm and may*  
6            *audit the Corporation's operations at the discre-*  
7            *tion of the Comptroller General. The Comptroller*  
8            *General and the Congress shall have full and*  
9            *complete access to the books and records of the*  
10           *Corporation.*

11            *(D) PROGRAM AUDITS.—Not later than 2*  
12            *years after the date of enactment of this section,*  
13            *the Comptroller General shall conduct a review*  
14            *of the programmatic activities of the Corporation*  
15            *for Travel Promotion. This report shall be pro-*  
16            *vided to appropriate congressional committees.*

17            *(c) ACCOUNTABILITY MEASURES.—*

18            *(1) OBJECTIVES.—The Board shall establish an-*  
19            *ual objectives for the Corporation for each fiscal year*  
20            *subject to approval by the Secretary of Commerce*  
21            *(after consultation with the Secretary of Homeland*  
22            *Security and the Secretary of State). The Corporation*  
23            *shall establish a marketing plan for each fiscal year*  
24            *not less than 60 days before the beginning of that*

1        *year and provide a copy of the plan, and any revi-*  
2        *sions thereof, to the Secretary.*

3            (2) *BUDGET.*—*The board shall transmit a copy*  
4        *of the Corporation’s budget for the forthcoming fiscal*  
5        *year to the Secretary not less than 60 days before the*  
6        *beginning of each fiscal year, together with an expla-*  
7        *nation of any expenditure provided for by the budget*  
8        *in excess of \$5,000,000 for the fiscal year. The Cor-*  
9        *poration shall make a copy of the budget and the ex-*  
10       *planation available to the public and shall provide*  
11       *public access to the budget and explanation on the*  
12       *Corporation’s website.*

13           (3) *ANNUAL REPORT TO CONGRESS.*—*The Cor-*  
14       *poration shall submit an annual report for the pre-*  
15       *ceding fiscal year to the Secretary of Commerce for*  
16       *transmittal to the Congress on or before the 15th day*  
17       *of May of each year. The report shall include—*

18                (A) *a comprehensive and detailed report of*  
19                *the Corporation’s operations, activities, financial*  
20                *condition, and accomplishments under this sec-*  
21                *tion;*

22                (B) *a comprehensive and detailed inventory*  
23                *of amounts obligated or expended by the Cor-*  
24                *poration during the preceding fiscal year;*

1           (C) a detailed description of each in-kind  
2           contribution, its fair market value, the indi-  
3           vidual or organization responsible for contrib-  
4           uting, its specific use, and a justification for its  
5           use within the context of the Corporation's mis-  
6           sion;

7           (D) an objective and quantifiable measure-  
8           ment of its progress, on an objective-by-objective  
9           basis, in meeting the objectives established by the  
10          board;

11          (E) an explanation of the reason for any  
12          failure to achieve an objective established by the  
13          board and any revisions or alterations to the  
14          Corporation's objectives under paragraph (1);

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

18          (G) such recommendations as the Corpora-  
19          tion deems appropriate.

20          (4) *LIMITATION ON USE OF FUNDS.*—Amounts  
21          deposited in the Fund may not be used for any pur-  
22          pose inconsistent with carrying out the objectives,  
23          budget, and report described in this subsection.

24          (d) *MATCHING PUBLIC AND PRIVATE FUNDING.*—

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

5           (2) *FUNDING.—*

6                   (A) *START-UP EXPENSES.—For fiscal year*  
7                   *2010, the Secretary of the Treasury shall make*  
8                   *available to the Corporation such sums as may*  
9                   *be necessary, but not to exceed \$10,000,000, from*  
10                   *amounts deposited in the general fund of the*  
11                   *Treasury from fees under section*  
12                   *217(h)(3)(B)(i)(I) of the Immigration and Na-*  
13                   *tionality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to*  
14                   *cover the Corporation’s initial expenses and ac-*  
15                   *tivities under this section. Transfers shall be*  
16                   *made at least quarterly, beginning on January*  
17                   *1, 2010, on the basis of estimates by the Sec-*  
18                   *retary, and proper adjustments shall be made in*  
19                   *amounts subsequently transferred to the extent*  
20                   *prior estimates were in excess or less than the*  
21                   *amounts required to be transferred.*

22                   (B) *SUBSEQUENT YEARS.—For each of fis-*  
23                   *cal years 2011 through 2014, from amounts de-*  
24                   *posited in the general fund of the Treasury dur-*  
25                   *ing the preceding fiscal year from fees under sec-*

1            *tion 217(h)(3)(B)(i)(I) of the Immigration and*  
2            *Nationality Act (8 U.S.C. 1187(h)(B)(i)(I)), the*  
3            *Secretary of the Treasury shall transfer not more*  
4            *than \$100,000,000 to the Fund, which shall be*  
5            *made available to the Corporation, subject to*  
6            *paragraph (3) of this subsection, to carry out its*  
7            *functions under this section. Transfers shall be*  
8            *made at least quarterly on the basis of estimates*  
9            *by the Secretary, and proper adjustments shall*  
10           *be made in amounts subsequently transferred to*  
11           *the extent prior estimates were in excess or less*  
12           *than the amounts required to be transferred.*

13           *(3) MATCHING REQUIREMENT.—*

14           *(A) IN GENERAL.—No amounts may be*  
15           *made available to the Corporation under this*  
16           *subsection after fiscal year 2010, except to the ex-*  
17           *tent that—*

18           *(i) for fiscal year 2011, the Corpora-*  
19           *tion provides matching amounts from non-*  
20           *Federal sources equal in the aggregate to 50*  
21           *percent or more of the amount transferred*  
22           *to the Fund under paragraph (2); and*

23           *(ii) for any fiscal year after fiscal year*  
24           *2011, the Corporation provides matching*  
25           *amounts from non-Federal sources equal in*

1           the aggregate to 100 percent of the amount  
2           transferred to the Fund under paragraph  
3           (2) for the fiscal year.

4           (B) *GOODS AND SERVICES.*—For the pur-  
5           pose of determining the amount received from  
6           non-Federal sources by the Corporation, other  
7           than money—

8                   (i) the fair market value of goods and  
9                   services (including advertising) contributed  
10                  to the Corporation for use under this section  
11                  may be included in the determination; but

12                   (ii) the fair market value of such goods  
13                   and services may not account for more than  
14                   80 percent of the matching requirement  
15                   under subparagraph (A) for the Corporation  
16                   in any fiscal year.

17           (C) *RIGHT OF REFUSAL.*—The Corporation  
18           may decline to accept any contribution in-kind  
19           that it determines to be inappropriate, not use-  
20           ful, or commercially worthless.

21           (D) *LIMITATION.*—The Corporation may  
22           not obligate or expend funds in excess of the total  
23           amount received by the Corporation for a fiscal  
24           year from Federal and non-Federal sources.

25           (4) *CARRYFORWARD.*—

1           (A) *FEDERAL FUNDS.*—Amounts transferred  
2 to the Fund under paragraph (2)(B) shall re-  
3 main available until expended.

4           (B) *MATCHING FUNDS.*—Any amount re-  
5 ceived by the Corporation from non-Federal  
6 sources in fiscal year 2010, 2011, 2012, 2013, or  
7 2014 that cannot be used to meet the matching  
8 requirement under paragraph (3)(A) for the fis-  
9 cal year in which amount was collected may be  
10 carried forward and treated as having been re-  
11 ceived in the succeeding fiscal year for purposes  
12 of meeting the matching requirement of para-  
13 graph (3)(A) in such succeeding fiscal year.

14       (e) *TRAVEL PROMOTION FUND FEES.*—Section  
15 217(h)(3)(B) of the Immigration and Nationality Act (8  
16 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

17           “(B) *FEES.*—

18           “(i) *IN GENERAL.*—No later than 6  
19 months after the date of enactment of the  
20 Travel Promotion Act of 2009, the Secretary  
21 of Homeland Security shall establish a fee  
22 for the use of the System and begin assess-  
23 ment and collection of that fee. The initial  
24 fee shall be the sum of—

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

3                   “(II) an amount that will at least  
4                   ensure recovery of the full costs of pro-  
5                   viding and administering the System,  
6                   as determined by the Secretary.

7                   “(ii) *DISPOSITION OF AMOUNTS COL-*  
8                   *LECTED.—Amounts collected under clause*  
9                   *(i)(I) shall be credited to the Travel Pro-*  
10                   *motion Fund established by subsection (d)*  
11                   *of section 11 of the Travel Promotion Act of*  
12                   *2009. Amounts collected under clause (i)(II)*  
13                   *shall be transferred to the general fund of*  
14                   *the Treasury and made available to pay the*  
15                   *costs incurred to administer the System.*

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

20                   (f) *ASSESSMENT AUTHORITY.—*

21                   (1) *IN GENERAL.—Except as otherwise provided*  
22                   *in this subsection, the Corporation may impose an*  
23                   *annual assessment on United States members of the*  
24                   *international travel and tourism industry (other than*  
25                   *those described in subsection (b)(2)(A)(iii) or (H))*

1        *represented on the Board in proportion to their share*  
2        *of the aggregate international travel and tourism rev-*  
3        *enue of the industry. The Corporation shall be respon-*  
4        *sible for verifying, implementing, and collecting the*  
5        *assessment authorized by this subsection.*

6            (2) *INITIAL ASSESSMENT LIMITED.*—*The Cor-*  
7        *poration may establish the initial assessment after the*  
8        *date of enactment of this section at no greater, in the*  
9        *aggregate, than \$20,000,000.*

10           (3) *REFERENDA.*—

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

13            (i) *the Corporation submits the pro-*  
14        *posed annual assessment to members of the*  
15        *industry in a referendum; and*

16            (ii) *the assessment is approved by a*  
17        *majority of those voting in the referendum.*

18            (B) *PROCEDURAL REQUIREMENTS.*—*In con-*  
19        *ducting a referendum under this paragraph, the*  
20        *Corporation shall—*

21            (i) *provide written or electronic notice*  
22        *not less than 60 days before the date of the*  
23        *referendum;*

1           (ii) describe the proposed assessment or  
2           increase and explain the reasons for the ref-  
3           erendum in the notice; and

4           (iii) determine the results of the ref-  
5           erendum on the basis of weighted voting ap-  
6           portioned according to each business enti-  
7           ty's relative share of the aggregate annual  
8           United States international travel and tour-  
9           ism revenue for the industry per business  
10          entity, treating all related entities as a sin-  
11          gle entity.

12          (4) COLLECTION.—

13           (A) IN GENERAL.—The Corporation shall  
14           establish a means of collecting the assessment  
15           that it finds to be efficient and effective. The  
16           Corporation may establish a late payment  
17           charge and rate of interest to be imposed on any  
18           person who fails to remit or pay to the Corpora-  
19           tion any amount assessed by the Corporation  
20           under this section.

21           (B) ENFORCEMENT.—The Corporation may  
22           bring suit in Federal court to compel compliance  
23           with an assessment levied by the Corporation  
24           under this section.

1           (5) *INVESTMENT OF FUNDS.*—*Pending disburse-*  
2           *ment pursuant to a program, plan, or project, the*  
3           *Corporation may invest funds collected through as-*  
4           *sessments, and any other funds received by the Cor-*  
5           *poration, only in obligations of the United States or*  
6           *any agency thereof, in general obligations of any*  
7           *State or any political subdivision thereof, in any in-*  
8           *terest-bearing account or certificate of deposit of a*  
9           *bank that is a member of the Federal Reserve System,*  
10          *or in obligations fully guaranteed as to principal and*  
11          *interest by the United States.*

12          (g) *OFFICE OF TRAVEL PROMOTION.*—*Title II of the*  
13          *International Travel Act of 1961 (22 U.S.C. 2121 et seq.)*  
14          *is amended by inserting after section 201 the following:*

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

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

19                 “(b) *DIRECTOR.*—

20                         “(1) *APPOINTMENT.*—*The Office shall be headed*  
21                         *by a Director who shall be appointed by the Sec-*  
22                         *retary.*

23                         “(2) *QUALIFICATIONS.*—*The Director shall be a*  
24                         *citizen of the United States and have experience in a*

1 *field directly related to the promotion of travel to and*  
2 *within the United States.*

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

6 “(c) *FUNCTIONS.*—*The Office shall—*

7 “(1) *serve as liaison to the Corporation for Trav-*  
8 *el Promotion established by subsection (b) of section*  
9 *11 of the Travel Promotion Act of 2009 and support*  
10 *and encourage the development of programs to in-*  
11 *crease the number of international visitors to the*  
12 *United States for business, leisure, educational, med-*  
13 *ical, exchange, and other purposes;*

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

16 “(A) *to disseminate information more effec-*  
17 *tively to potential international visitors about*  
18 *documentation and procedures required for ad-*  
19 *mission to the United States as a visitor;*

20 “(B) *to ensure that arriving international*  
21 *visitors are generally welcomed with accurate in-*  
22 *formation and in an inviting manner;*

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

1           “(D) enhance the entry and departure expe-  
2           rience for international visitors through the use  
3           of advertising, signage, and customer service;  
4           and

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

8           “(d) *REPORTS TO CONGRESS.*—Within a year after the  
9           date of enactment of the Travel Promotion Act of 2009, and  
10          periodically thereafter as appropriate, the Secretary shall  
11          transmit a report to the Senate Committee on Commerce,  
12          Science, and Transportation, the Senate Committee on  
13          Homeland Security and Governmental Affairs, the Senate  
14          Committee on Foreign Relations, the House of Representa-  
15          tives Committee on Energy and Commerce, the House of  
16          Representatives Committee on Homeland Security, and the  
17          House of Representatives Committee on Foreign Affairs de-  
18          scribing the Office’s work with the Corporation, the Sec-  
19          retary of State and the Secretary of Homeland Security to  
20          carry out subsection (c)(2).”.

21          (h) *RESEARCH PROGRAM.*—Title II of the Inter-  
22          national Travel Act of 1961 (22 U.S.C. 2121 et seq.), as  
23          amended by subsection (g), is further amended by inserting  
24          after section 202 the following:

1 **“SEC. 203. RESEARCH PROGRAM.**

2       “(a) *IN GENERAL.*—*The Office of Travel and Tourism*  
3 *Industries shall expand and continue its research and devel-*  
4 *opment activities in connection with the promotion of inter-*  
5 *national travel to the United States, including—*

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

10              “(2) *expanding the number of inbound air trav-*  
11 *elers sampled by the Commerce Department’s Survey*  
12 *of International Travelers to reach a 1 percent sample*  
13 *size and revising the design and format of question-*  
14 *naires to accommodate a new survey instrument, im-*  
15 *prove response rates to at least double the number of*  
16 *States and cities with reliable international visitor*  
17 *estimates and improve market coverage;*

18              “(3) *developing estimates of international travel*  
19 *exports (expenditures) on a State-by-State basis to en-*  
20 *able each State to compare its comparative position*  
21 *to national totals and other States;*

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

25              “(5) *research to support the annual reports re-*  
26 *quired by section 202(d) of this Act.*

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

Attest:

*Clerk.*



11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 1299**

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**HOUSE AMENDMENT TO  
SENATE AMENDMENT**