

WSTPC NATIONAL ISSUES BULLETIN

October, 2004

An e-mail service for members of the Western States Tourism Policy Council by WSTPC Washington, DC, Representative Aubrey King (202.251.6845), who can provide more details on any of the issues reported here. Comments or suggestions are always welcome. New or rewritten information added since the last edition of the NIB is in bold.

CONTENTS	PAGE
<i>Gateways Bill Before Senate</i>	<i>1</i>
<i>Under Secretary of Homeland Security for the Private Sector and Tourism</i>	<i>2</i>
<i>Funding for International Marketing</i>	<i>2</i>
<i>International Travel Facilitation Concerns</i>	<i>2</i>
<i>Reauthorization of the Federal Highway Program</i>	<i>3</i>
<i>Public Lands Budgets</i>	<i>4</i>
<i>Recreation Fee Demonstration Program</i>	<i>5</i>
<i>Access to the Federal Lands</i>	<i>6</i>
<i>Outfitter Policy Act</i>	<i>7</i>

Congress has now adjourned and several major legislative matters remain unsettled, including 12 of the 13 appropriations bills and legislation to implement the recommendations of the 9/11 Commission. Nearly every issue on the WSTPC legislative agenda is also unresolved, including the gateways bill, recreation fee legislation, the new DHS Under Secretary position, new funding for international tourism marketing. A lame duck session following the elections is planned that will decide these issues. Even long term Federal highway reauthorization, which appears to be a dead issue for this year, could conceivably be revived in the lame duck session. Further complicating legislative calculations is that there will definitely be several huge omnibus bills that will pull together many disparate pieces of legislation and are notorious for including many unexpected items. An omnibus appropriations bill and an omnibus public lands bill are particular candidates for such outcomes.

Gateways Bill Before Senate

H.R. 1014, the Gateways Communities Cooperation Act, is awaiting action by the Senate. The tight Congressional schedule means the best legislative prospects for H.R. 1014 are for it to be added to other legislation or included in an omnibus public lands bill.

This legislation was introduced by House National Parks Subcommittee Chairman George Radanovich (R-CA) and passed the House of Representatives on July 19, 2004. Under the bill, State tourism offices will have the responsibility of identifying communities that serve as gateways for millions of visitors to the national parks, forests and other Federal lands. Those gateway communities will then have a much greater role in the development of the critical multi-year plans that guide local Federal land units.

The WSTPC is now urging key leaders in the Senate, including Senator Craig Thomas (R-WY), Chairman of the Subcommittee on National Parks, and Senator Larry Craig (R-ID), Chairman of the Subcommittee on Public Lands and Forests, to agree to H.R. 1014.

Under Secretary of Homeland Security for the Private Sector and Tourism

The WSTPC has been leading industry support for establishment of a new position of Under Secretary of Homeland Security for the Private Sector and Tourism. This important legislation was introduced by Representative Jon Porter (R-NV) and has been included in H.R. 10, the 9/11 Commission Recommendations Implementation Act, which passed the House of Representatives on October 8, 2004.

The new Under Secretary would report directly to the Secretary of Homeland Security and would substantially enhance the voice of travel and tourism on homeland security decisions and policies.

H.R. 10 must now be reconciled with similar legislation passed earlier by the Senate that does not include the new Under Secretary position. This will happen in a House-Senate Conference Committee and the WSTPC is communicating its support for the new position to the Senators and Representatives on that Conference Committee, especially those from the West.

Funding for International Tourism Marketing

Senate Appropriations Committee Chairman Ted Stevens (R-AK) included \$20 million for international tourism marketing in the Commerce, Justice, State (CJS) Appropriations bill passed by his committee September 16, 2004. The appropriation is for the Commerce Department's U. S. Travel and Tourism Promotion Advisory Board, although it is unclear whether a purely advisory body is authorized to expend such congressionally appropriated moneys. The Senate CJS bill must be passed by the full Senate and then be reconciled in conference committee with the CJS bill passed by the House of Representatives in July, which does not provide any funds for international tourism marketing. The WSTPC had earlier urged Chairman Stevens to lead the effort to provide such funding and strongly supports its approval by the Senate and then by the CJS conference committee.

The WSTPC is now communicating with all western members of the House and Senate appropriations committees to request their support for this funding.

International Travel Facilitation Concerns

The latest issue affecting international travel to the U.S. is the US-VISIT (U.S.-Visitor and Immigrant Status Indicator Technology) program, which is being closely followed by the travel and tourism industry. US-VISIT was launched in January, 2004, and originally required all arrivals from non-visa waiver countries

to provide biometric identification (i.e., finger scans at present). When they depart the U.S., they are to be identified again to ascertain whether they have overstayed the time allowed by their visas.

Since September 30, 2004, all visitors from the 26 visa waiver countries (our nation's largest international tourist markets, with whom we have reciprocal agreements to waive visa requirements) have also been enrolled in the US-VISIT program. This means another 13-14 million annual visitors now have to be processed through US-VISIT.

So far, US-VISIT has been implemented at 115 airports and 14 seaports, but, beginning November 15, 2004, it will begin to be implemented at land borders. By the end of the year it will be expanded to the 50 busiest land ports of entry and to all 165 land border entries by December 31, 2005.

Although US-VISIT has proceeded relatively smoothly to this point, the effect of its recent dramatic expansion on congestion and traveler frustration, and eventually on the willingness of international tourists to visit the U.S., is of great concern to gateway communities and to the rest of the travel and tourism industry and is being closely followed.

Also of concern is that the one year extension, until October 26, 2005, of the requirement that the 26 visa waiver countries must have biometric identifications on their passports will not be enough time to allow those countries to comply with the requirement. This means the WSTPC and other organizations will again have to convince a reluctant Congress to approve another extension.

Reauthorization of Federal Highway Program

As the WSTPC had predicted earlier this year, the 108th Congress has been unable to enact a long term highway reauthorization bill and, on September 30, 2004, extended the Federal highway program eight months, until May 30, 2005. This is the sixth extension of this critical program since the last six-year highway authorization, known as TEA-21, expired on September 30, 2003.

Although a House-Senate conference committee that has been meeting off and on since early September promises to continue working on a six-year reauthorization bill, it is now highly unlikely that agreement will be reached this year. This longer extension of eight months confirms that the gap between highway needs and revenue to meet those needs cannot be closed at this time.

Although some hope that prospects for higher funding will be better next year, there is no guarantee this will be the case. Unless substantially more revenue can be found, the result could be a real crisis for the current Federal highway program with serious ramifications for the travel and tourism industry in the West and the nation.

Both House and Senate reauthorization proposals, as well as the Administration proposal, treat tourism and recreation programs kindly, with respectable increases for scenic byways, recreational trails, park service roads and Federal lands highways, although the transportation enhancements program would be cut substantially (15% - 30%).

Federal Public Lands Budgets

With Congress unable to make much progress on the thirteen appropriations bills, passing only the Defense Department spending bill, it is now certain that there will be an omnibus appropriations bill at the end of the session that will lump together the Interior Department Budget, along with ten or eleven other departmental and agency appropriations measures into one very large bill.

Following is the current status of 2005 appropriations for the Federal public land agencies of most importance to tourism and recreation interests in the West and the nation, showing what was proposed early in the year by the President, how that compared with the 2004 fiscal year budgets and how the agency budgets have been subsequently treated by the Senate and the House. The final budget numbers will be provided in the omnibus appropriations bill.

- **NPS Operations.** President: \$1.686 billion for Park Service Operations, compared to the FY 2004 appropriation of \$1.610 billion. House: \$1.686 billion. **Senate: \$1.689 billion.**
- **NPS Maintenance.** President: \$1.1 billion, compared to \$958 million in the final fiscal 2004 appropriation. House: \$1.2 billion. **Senate: \$1.2 billion.**
- **NPS Construction.** President: \$329 million, the same amount as 2004. House: \$297.6 million. **Senate: \$330 million.**
- **NPS Recreation & Preservation.** President: \$37.7 million, compared to \$61.8 million in 2004. Nearly all the difference is a \$24.6 million reduction in set-asides, earmarked funds for specific projects, especially heritage areas, which the Administration resists and individual Members of Congress love and usually wind up restoring to the budget. House: \$53.9 million. **Senate: \$63 million.**
- **Forest Service Recreation.** President: \$257.3 million, compared to \$255.1 million in 2004. House: \$262.3 million. **Senate: \$257.3 billion.**
- **Forest Service Maintenance.** President: \$501.1 million, compared to \$555.2 million in 2004. This includes recreational trails, which are to be decreased \$3 million, from \$74.7 million in 2004 to \$71.8 million in 2005, along with set-asides for numerous construction projects, including recreation facilities. This budget cut for Forest Service capital projects and maintenance continues the trend of recent years. House: \$500.8 million. **Senate: \$500.3 million.**

- BLM Recreation. President: \$59.9 million, compared with \$62.3 million in 2004. House: \$62.5 million. **Senate: \$60.9 million.**
- FWS Refuge Management. President: \$387.7 million, compared to \$391.5 million in 2004. House: \$389.4 million. **Senate: \$391.5 million.**
- Corps of Engineers Recreation Lakes. The President's 2005 budget would authorize six new recreation lake projects managed by the Corps in IL, IA, NC, TX, KY, and AK. Some view this as a start towards a national recreation lakes system.
- Fire Fighting. Following Congressional passage last year of the President's Healthy Forest legislation, overall fire fighting budgets for the Forest Service and the Interior Department in the President's budget are increased approximately 6.8 percent, to \$2.257 billion from \$2.104 billion in 2004. This includes reduction of hazardous fuels (\$401.3 million from \$211 million), fire suppression (\$906.9 million from \$790 million) and preparedness (\$949.2 million from \$945.9 million). The Forest Service has nearly two and half times as large a fire fighting budget (\$1.618 billion proposed for 2005) as Interior (\$640 million). The House increases funding for the National Fire Plan to \$2.543 billion. The Senate does the same. Both Senate and House have approved \$500 million in emergency fire fighting money to avoid Forest Service and Interior Department borrowing from other programs to pay fire-fighting costs, as they have had to do in recent years.

Other relevant budget amounts (with 2004 comparable figures in parentheses) include President: \$220 million for the Federal Side of the Land Water Conservation Fund (\$177 million) with the House at \$49 million and the **Senate at \$217.1 million**; President: \$91.5 million for the State Side of LWCF (\$91.5 million) with the House at \$91.5 million and the **Senate at \$94 million**; President: \$80 million for State and Tribal Wildlife grants (\$70 million) House: \$67.5 million and **Senate: \$75 million**; UPAR – Urban Parks and Recreation – no money requested by the President (nothing appropriated in 2004) and nothing appropriated by the House or the Senate; President: \$77.5 million for Historic Preservation Grants (\$73.6 million) with the House at: \$74.6 million and **the Senate at \$71.3 million**; President: \$30 million for Save America's Treasures (\$33 million) and House and Senate both at \$30 million; and President: \$10 million for new Preserve America grants to be used for planning and other soft activities to complement Save America's Treasures and preserve the country's historic resources, with nothing appropriated by the House or Senate.

Recreation Fee Demonstration Program

On September 22, 2004, the House Resources Committee passed a recreation fee bill (H.R. 3283) that follows closely key WSTPC recommendations: authorizing a long-term (10 years) fee program; providing multi-agency coverage (National Park Service, Forest Service, Bureau of Land Management, Fish & Wildlife Service and the Bureau of Reclamation); allowing regional interagency and intergovernmental passes; allowing

gateway communities to help implement the program and to sell Federal land passes; and requiring that state tourism offices be appointed to critical state Recreation Resource Advisory Committees that are to advise the agencies on fee implementation.

This is the first time that a Congressional authorizing committee has approved multi-agency recreation fee legislation. For the past ten years, the fee demo program has been sustained solely by the Congressional appropriations committees.

The time remaining for enactment of such complex fee legislation is very short. It can also be anticipated that intense grassroots opposition to fee legislation will be mounted to block such legislation. Furthermore, the Senate appears unwilling to agree to the House fee legislation unless it includes a mandatory 25 percent revenue sharing arrangement with counties. Current fee demo authorization extends until the end of 2005, so it is still important at least to establish a good base for a strong Congressional push next year.

There remains concern that S. 1107, introduced by Senate National Parks Subcommittee Chairman Craig Thomas (R-WY), which would make fee demo permanent only for the National Park Service, may be included in any omnibus public lands legislation. The WSTPC and other industry organizations have joined the Administration in opposing such single agency fee legislation because its passage would weaken support for fee authority for other Federal land agencies.

Access to the Federal Lands

The WSTPC has submitted comments regarding the USDA Forest Service proposal regarding access of off-highway vehicles to the national forest system. The proposed rule would require establishment of a system of roads, trails and areas designated for OHV use. The proposed rule would also prohibit OHV use off the designated system. The justification for the proposed rule is to balance the protection of natural resource values and to enhance opportunities for motorized recreation experiences in the national forest system.

In its comments, the WSTPC urges the Forest Service to solicit actively and directly the views of state tourism offices, gateway communities and the travel and tourism industry, as well as OHV user groups, in designating OHV areas.

On a related issue dealing with motorized recreation on the Federal lands, the National Park Service in a recent Environmental Assessment has proposed a new 720 average daily ceiling for snowmobiles in Yellowstone National Park.

On October 15, 2004, U.S. District Judge Clarence Brimmer in Wyoming overturned a Clinton Administration rule that would have completely banned snowmobiling in Yellowstone. Further judicial action is expected from U.S. District Judge Emmet Sullivan in Washington, D.C., who has previously upheld the Clinton rule and insisted that it be enforced.

Outfitter Policy Act

The Outfitter Policy Act of 2003, S. 1420, was introduced by Senator Larry Craig (R-ID), chairman of the Senate Energy and Natural Resources Subcommittee on Public Lands and Forests on 9/16/03. The bill prohibits unauthorized outfitters from conducting commercial outfitted activities on Federal land, requires the Secretaries of Agriculture and the Interior to establish criteria for granting outfitter permits, sets forth procedures for issuing permits and describes permit requirements, with fees for outfitter authorizations. America Outdoors, the national trade association for outfitters, strongly supports the bill as a means of establishing more consistency and uniformity between the various Federal land agencies on permitting policies and practices.