

WSTPC NATIONAL ISSUES BULLETIN

November/December, 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.

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The 108th Congress has now passed into history and soon the first Administration of President George W. Bush will join it. As with all Congresses and Administrations, there were both achievements and disappointments and this certainly applies to tourism and recreation issues. Among the most notable achievements for tourism and recreation in the closing days of this Congress were the enactment of long term recreation fee legislation after nearly a decade of effort, the appropriation of \$10 million in additional funding for international tourism marketing by the Department of Commerce and a statutory directive for the Department of Homeland Security to pay more attention to the impact of its policies on tourism and recreation. The WSTPC was in the forefront of those who championed these outcomes. On the other hand, major disappointments were the failure to reauthorize a long term Federal highway program and to pass the Gateways Bill. Those two issues are sure to receive priority attention in 2005.

Gateways Bill Before Senate

H.R. 1014, the Gateways Communities Cooperation Act, again failed to gain enough support in the Senate. Hope that it would be included in an omnibus public lands bill during the November lame duck session of Congress collapsed when the House and Senate were unable to agree on omnibus legislation. The Gateways Bill therefore joined several dozen other bills that passed one house but not the other and had to be shelved when Congress adjourned.

Introduced by House National Parks Subcommittee Chairman George Radanovich (R-CA) H.R. 1014 passed the House of Representatives on July 19, 2004. Under the bill, State tourism offices would 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 would then have a much greater role in the development of the critical multi-year plans that guide local Federal land units.

Discussions are now underway to try and gain House passage of this legislation early in the 109th Congress to allow more time to win Senate approval.

Travel and Tourism in Homeland Security Policies

The industry goal of getting more recognition, visibility and influence for tourism in homeland security policy-making has been greatly advanced with enactment of S. 2845, the 9/11 Recommendations Implementation Act (aka "The National Intelligence Reform Bill").

The bill explicitly directs the Special Assistant to the Secretary for the Private Sector, who reports directly to the Secretary of Homeland Security, to take responsibility for coordinating and consulting on issues related to the travel and tourism industries with the DHS Directorate of Border and Transportation Security, the DHS Office of State and Local Government Coordination and Preparedness and the Department of Commerce Assistant Secretary for Trade Development. The WSTPC was one of the half dozen major tourism organizations that successfully lobbied for passage of this provision.

Although falling short of establishing a new DHS Under Secretary for the Private Sector and Tourism, this Congressional authorization is still a notable achievement.

The tourism industry must now use this legislative language to leverage its voice and influence on DHS policies. On December 20th, the WSTPC, along with the National Tour Association, the American Bus Association and the American Society of Travel Agents, who had also worked to get this provision enacted, met with current DHS Special Assistant Alphonso Martinez-Fonts, Jr., to discuss how this new language directive should be interpreted and implemented. We particularly invited Mr. Alphonso-Fonts to consider closer collaboration with the WSTPC as part of the Federal Team already established by the Joint WSTPC-Federal Agencies Memorandum of Understanding.

Funding for International Tourism Marketing

An additional \$10 million for international tourism marketing was added to the Department of Commerce budget in H.R. 4818, the 2005 Consolidated Appropriations Bill. This more than doubles the current \$6 million now allocated for its tourism marketing campaign that is limited to the U.K. The Department must now determine how this larger amount can be most effectively utilized.

Senate Appropriations Committee Chairman Ted Stevens (R-AK) earlier included \$20 million for international tourism marketing in the Commerce, Justice, State (CJS) Appropriations bill passed by his committee September 16, 2004. The WSTPC had earlier urged Chairman Stevens to lead the effort to provide such funding and strongly

supported increased funding in communications to western members of the appropriations committees.

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 may 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 was 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.

Both the Administration and Congress promise to continue working on a six-year reauthorization bill but this long extension of eight months confirms that the gap

between highway needs and revenue to meet those needs is proving to be very difficult to bridge. One major difficulty is the enormous increase by the Congress in recent years in “demonstration projects” in the highway program. From 17 demonstration projects in 1976, the number is now more than 5,000. This has substantially reduced the funding flexibility in the program, making it very hard to satisfy both “donor” and “donee” states without one group or the other enduring what they regard as unfair sacrifices.

Federal Highways Administrator Mary Peters promises a revised Administration proposal early next year although she says the changes from last year’s proposal would not be great. Congressional committee leadership also pledges to move legislation early in the 109th Congress.

Prospects for higher funding in 2005 remain uncertain, however. Unless substantially more revenue can be found or lesser highway funding is accepted, 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.

In 2004, both House and Senate reauthorization proposals, as well as the Administration proposal, treated 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

Following are the final Congressional appropriations for the 2005 fiscal year for the Federal public lands programs most important to tourism and recreation interests. The comparable figures requested in the President’s budget are shown, as well as the 2004 amounts. To make matters more confusing, Congress also imposed across-the-board cuts that amount to a reduction of 1.39 percent in all programs. So the following figures will have to be cut 1.39 percent.

- NPS Operations. **Congress: \$1.707 billion.** President: \$1.686 billion. FY 2004: \$1.610 billion.
- NPS Construction. **Congress: \$307.4 million.** President: \$329 million. FY 2004: \$329 million.
- NPS Recreation & Preservation. **Congress: \$61.8 million.** President: \$37.7 million. FY 2004: \$61.8. Nearly all the difference between Congress and the President is the result of a \$24.6 million reduction in set-asides, earmarked funds for specific projects, especially heritage areas, which all Administrations resist and individual Members of Congress always love and usually wind up restoring to the budget.

- Forest Service Recreation. **Congress: \$261 million.** President: \$257.3 million. FY 2004: \$255.1 million.
- Forest Service Trails. **Congress: \$76.8 million.** President: \$71.8 million. FY 2004: \$74.7 million.
- BLM Recreation. **Congress: \$61.5 million.** President: \$59.9 million. FY 2004: \$62.3 million in 2004.
- FWS Refuge Management. **Congress: \$389.4 million.** President: \$387.7 million. FY 2004: \$391.5 million.
- Corps of Engineers Recreation Lakes. Congress and the President have also authorized for 2005 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. **Congress increased funding for the National Fire Plan to \$2.543 billion.** 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 were 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).

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.

Recreation Fee Demonstration Program

After nearly a decade of debate and controversy the 108th Congress finally passed one of the WSTPC's longstanding top policy priorities. An expanded long-term recreation fee program is now the law of the land.

The Consolidated Appropriations Bill (H.R. 4818) includes H.R. 3283, the Federal Lands Recreation Enhancement Act, as approved in September by the House Resources Committee. The new recreation fee program replaces the recreation fee demonstration program and includes most of the recommendations of the WSTPC. It authorizes a ten-year program, with state advisory committees (RACs), with state tourism offices mandated as members, and allows the Bureau of Reclamation to join the National Park Service, the Forest Service, the BLM and the Fish & Wildlife

Service, which have had fee demo authority from the beginning. Interagency and intergovernmental fee implementation is encouraged.

The WSTPC probably supported a long term fee program longer and harder than almost any other tourism and recreation organization. The WSTPC talked to Congressional Members and staff, testified and presented testimony to Congress several times over the past few years, most recently on April 21st this year, when WSTPC Vice Chairman Carl Wilgus presented strong testimony in support of a long term fee program before the Senate Forest Subcommittee.

The Federal agencies are now developing interim guidelines for implementation of the new recreation fee authority until permanent policies can be put in place later in 2005.

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.

In the Consolidated Appropriations Bill, Congress directed the NPS to implement its 720 daily snowmobile rule in Yellowstone in the 2004-2005 winter.

Outfitter Policy Act

The Outfitter Policy Act of 2003, S. 1420, introduced by Senator Larry Craig (R-ID), chairman of the Senate Energy and Natural Resources Subcommittee on Public

Lands and Forests, was not passed by the 108th Congress. The bill would have prohibited unauthorized outfitters from conducting commercial outfitted activities on Federal land, required the Secretaries of Agriculture and the Interior to establish criteria for granting outfitter permits, set forth procedures for issuing permits and described permit requirements, with fees for outfitter authorizations. America Outdoors, the national trade association for outfitters, championed the bill as a means of establishing more consistency and uniformity between the various Federal land agencies on permitting policies and practices. **The WSTPC supported S. 1420 and Chairman Todd Davidson testified for it at a 2004 Senate Forests Subcommittee hearing.**

**HAPPY HOLIDAYS TO EVERYONE IN THE WSTPC AND
BEST WISHES FOR A SUCCESSFUL 2005!**