

# WSTPC NATIONAL ISSUES BULLETIN

February, 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.*

<i>CONTENTS</i>	<i>PAGE</i>
<i>Commerce Department International Tourism Marketing Campaign</i>	<i>1</i>
<i>Industry Bill for Permanent National Tourism Office Stalled</i>	<i>1</i>
<i>2003 Gateway Communities Cooperation Act On Hold</i>	<i>2</i>
<i>International Travel Facilitation Concerns</i>	<i>2</i>
<i>Long Term Reauthorization of the Federal Highway Program Uncertain</i>	<i>2</i>
<i>2005 Federal Public Lands Budgets</i>	<i>3</i>
<i>Recreation Fee Demonstration Program</i>	<i>5</i>
<i>Yellowstone Snowmobiling Court Battle Intensifies</i>	<i>5</i>
<i>Senate Hearing Scheduled for Outfitter Policy Act</i>	<i>6</i>

## *Commerce Department International Tourism Marketing Campaign*

On January 22, 2004, the United States Senate approved **rescission of \$40 million of the \$50 million campaign** to increase international visitors to the U.S., which had been enacted in February, 2003. The 80 percent rescission was contained in H.R. 2673, the omnibus \$328 billion appropriations bill, "must pass" legislation, which provided funding for eleven Federal cabinet departments, including Commerce, Justice, State, Transportation, Agriculture, Labor, Health and Human Services, Education, etc.

**Senate Appropriations Chairman Ted Stevens (R-AK)**, who was responsible for the \$50 million appropriation in 2003, says he will try to restore the funding at the first legislative opportunity. In the meantime, the Department of Commerce is considering a **further cut of \$5 million** from the campaign to satisfy departmental budget goals. Although the February 11, 2004, meeting of the U.S. Travel and Tourism Promotion Advisory Board was canceled, the Department reportedly continues to work on the selection of an advertising agency as the primary contractor to handle the campaign with an award announcement expected in March

## *Industry Bill for Permanent National Tourism Office Stalled*

Industry efforts to draft legislation to establish a permanent national tourism office have been put on hold until the future of the international tourism campaign is settled. The Travel Industry Association of America and the Travel Business Roundtable have taken the lead in developing such legislation.

### *2003 Gateway Communities Cooperation Act on Hold*

**H.R. 1014**, the Gateways Communities Cooperation Act, introduced by House National Parks Subcommittee Chairman George Radanovich (R-CA) was **approved October 21, 2003, by the Parks Subcommittee** but further action has been delayed pending consideration of legislation from the Administration regarding the Recreation Fee Demonstration Program, which may include portions of the Gateways Bill, plus provisions directly affecting gateway communities. (See story below about rec. fee demo.)

### *International Travel Facilitation Concerns*

Regulatory actions by the U.S. State Department and the Department of Homeland Security threaten to have a negative impact on international tourist visits to the United States without a sufficient commitment of resources for implementation.

A new U.S. entry-exit system at points of entry was implemented in January, 2004. US VISIT requires all arrivals from non-visa waiver countries to provide **biometric identification** (e.g. fingerprints at present). When they depart the U.S., they are to be identified again. Although initial reports are that implementation is proceeding smoothly, the winter season is the slowest period for international travel and it is not clear how the system will function during the much busier spring and summer travel seasons. Departing travelers are now only being identified at a single pilot airport.

In **October, 2004, three deadlines** may further aggravate international travel to the U.S. One is the requirement that all visa waiver passports be machine-readable. Another requirement is that all visa waiver passports provide biometric identification. The third requirement is that all U.S. visas include biometric identification. There is great concern that some major visa waiver countries will be unable or unwilling to meet these new requirements.

The WSTPC has communicated its concern over the impact of these actions on international tourism to the Secretaries of State, Commerce and Homeland Security and to key leaders in Congress and is working with the Travel Industry Association of America and other industry organizations in urging that these policy changes not be acted on until sufficient resources are in place and personnel trained to implement them efficiently and effectively.

### *Long Term Reauthorization of Federal Highway Program Uncertain*

**Congress was unable to pass a multi-year surface transportation reauthorization bill in 2003 although TEA-21, the current highway bill, officially expired on October 1, 2003.** The difference over funding between the Administration and Congress over funding was too great. The Congressional targets are simply not achievable without an increase in the Federal motor fuel tax, and the President has threatened to veto any such gas tax increase. Instead, Congress passed and President Bush signed legislation (PL

108-88) that simply extended TEA-21, the current Federal surface transportation program, for five months. **It now looks as if Congress will have to pass a further extension extending TEA 21 at least another two or three months.**

The five-month extension continues funding at the 2004 levels set by Congress.

Both the House T & I Committee (H.R. 3550 – The Transportation Efficiency Act: A Legacy for Users or **TEA-LU**) and the Senate Environment and Public Works Committee (S. 1072) in late 2003 produced separate versions of six-year reauthorization legislation, but both remain far from the Administration on funding levels. On February 12<sup>th</sup>, following a spirited debate over its budgetary impact, the Senate passed by 76-21 its **\$318 billion** reauthorization bill and there were immediate threats of a presidential veto. The House continues to hold to a target of **\$375 billion**. The Administration proposes **\$256 billion** in its Safe and Flexible Transportation Efficiency Act (**SAFETEA**). Both House and Senate bills, as well as the Administration proposal, treat tourism and recreation programs kindly, with respectable increases for scenic byways, recreational trails, park service roads and forest highways and recreation roads, although the transportation enhancements program would be cut nearly 20 percent by both bills.

If the impasse between the White House and Congress continues, it is expected that a **two or three year reauthorization** may be passed instead of the six year reauthorization that has been followed for nearly forty years. This would avoid “locking in” lower funding levels for a longer period and allow Congress to revisit the issue under (hopefully) better economic conditions.

The WSTPC continues to give high priority to critical reauthorization developments, especially as a founder and leader of the National Travel, Tourism and Recreation Coalition for Surface Transportation.

### **2005 Federal Public Lands Budgets**

An overview of the President’s Fiscal Year 2005 budget proposal for the land agencies shows essentially status quo requests for the National Park Service and for the Forest Service Recreation budget, with small increases that do not keep pace with the COL. Otherwise decreases are proposed for Forest Service Maintenance, BLM Recreation and the Fish & Wildlife Service’s Refuge Management. Fire fighting programs receive a substantial increase and new recreation lakes are proposed for the Corps of Engineers. Following are the more salient items regarding the land agencies from the President’s 2005 budget:

- NPS Operations. \$1.686 billion for Park Service Operations, compared to the FY 2004 appropriation of \$1.610 billion.
- NPS Maintenance. \$1.1 billion, compared to \$958 million in the final fiscal 2004 appropriation. Park roads maintenance would increase by \$52 million to \$310

million, compared to \$258 million in 2004, with both figures dependent on passage of SAFETEA, the Administration's highway reauthorization proposal.

- NPS Construction. \$329 million, the same amount as 2004.
- NPS Recreation & Preservation. \$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.
- Forest Service Recreation. \$257.3 million, compared to \$255.1 million in 2004.
- Forest Service Maintenance. \$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.
- BLM Recreation. \$59.9 million, compared with \$62.3 million in 2004.
- FWS Refuge Management. \$387.7 million, compared to \$391.5 million in 2004.
- 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 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).

Other Administration budget proposals (with 2004 comparable figures in parentheses) include \$220 million for the Federal Side of the Land Water Conservation Fund (\$177 million); \$93.8 million for the State Side of LWCF (\$95 million); \$80 million for State and Tribal Wildlife grants (\$70 million); UPAR – Urban Parks and Recreation – no money requested (nothing appropriated in 2004); \$37.5 million for Historic Preservation Grants (\$40.5 million); \$30 million for Save America's Treasures (\$33 million); and \$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.

Now Congress will begin to work its will through the appropriations process and then the question will be how much of the final budgets will result in real “on the ground” benefits to visitors and users of the public lands.

### **Recreation Fee Demonstration Program**

The struggle continues over the future of the recreation fee demonstration program.

The Administration would like to make the current fee demo program permanent for the four agencies now included – National Park Service, USDA Forest Service, Bureau of Land Management and Fish & Wildlife Service – and expand the program to include the U.S. Army Corps of Engineers and the Bureau of Reclamation. The Administration is also willing to authorize establishment of intergovernmental, regional fees to encompass Federal, State and local lands; and give gateway communities a role in administering the fee program. (The Gateways Bill – **H.R. 1014** – has also been held up to see if the Administration Bill will have other ramifications for gateways.) The Administration has expressed support for **H.R. 3828**, introduced October 8<sup>th</sup> by Representative Ralph Regula (D-OH) and six House members from the East, would make fee demo permanent for the four current agencies.

**On February 11, 2004, the Senate Energy and Resources Committee approved S. 1107, which would make fee demo permanent only for the National Park Service but does not include the other fee demo agencies. The Committee agreed at the same time to hold hearings later this spring regarding fee demo at the other agencies.**

In fiscal 2004, it is estimated that the fee demo program will collect an estimated \$180.2 million, with the National Park Service receiving \$124.7 million, the Forest Service \$42 million, the Bureau of Land Management \$9.5 million and the Fish & Wildlife Service \$4 million.

The 2004 Interior Appropriations Bill **extends fee demo for fifteen months until December 31, 2005**, and once again urges the House authorizing committee (the Resources Committee) to write permanent fee demo legislation.

The WSTPC is working with the Administration and Congress to support broader reform of Federal land agency fees, including a requirement that would allow revenue from special use permits to be retained and used at the location where they are collected. The WSTPC has opposed S. 1107 because it would apply only to the National Park Service and would weaken support for fee demo at the other land agencies.

### **Yellowstone Snowmobiling Court Battle Intensifies**

**U.S. District Court Judge Clarence Brimmer in Wyoming on February 10, 2004, ordered the National Park Service to increase immediately the daily cap on snowmobiles in Yellowstone National Park from 493 machines to 780 per day, with all snowmobiles entering the Park required to be accompanied by a guide and using**

**the best available technology. YNP Superintendent Suzanne Lewis raised the daily cap on February 11<sup>th</sup>.**

This action reverses an earlier order by **U.S. District Court Judge Emmet Sullivan in the District of Columbia on December 16, 2003**. Judge Sullivan had rejected new snowmobile regulations for Yellowstone National Park proposed last year by the National Park Service. The proposed NPS rules would have allowed no more than 950 snowmobiles per day into Yellowstone, compared to an average of 840 previously, with the current peak on some days in earlier years reaching 1500. Judge Sullivan's decision reinstated Clinton Administration regulations of January, 2001, that order reduced the number of snowmobiles admitted to Yellowstone this winter to 493, plus another 50 each for Grand Teton National Park and the John D. Rockefeller, Jr., National Memorial Parkway. Under the Clinton rule, next winter no snowmobiles would be allowed into the three units. In addition, Judge Sullivan directed the National Park Service to respond by February 17, 2004, to a challenge to snowmobile use throughout the national park system.

Judge Sullivan has now threatened to hold National Park officials in contempt of court for violating his order.

With the split between the Federal judicial circuits, this issue may be headed for a decision by the U.S. Supreme Court.

### **Senate Hearing Scheduled for 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 July 16, 2003. 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 and 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. **The Senate Committee on Energy and Natural Resources has scheduled a hearing on S. 1420 for March 3, 2004, and WSTPC Chairman Todd Davidson is scheduled to testify.** The WSTPC testified in the 107<sup>th</sup> Congress in support of similar legislation.