

WSTPC NATIONAL ISSUES BULLETIN

April, 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 information added since the March edition of the WSTPC NIB is in bold.

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International Travel Facilitation Concerns

The travel and tourism industry continues to be concerned over the potential negative impact on international tourist visits of recent and pending regulatory actions by the U.S. State Department and the Department of Homeland Security.

The new U.S. VISIT (Visitor and Immigrant Status Indicator Technology) program requires all arrivals from non-visa waiver countries to provide biometric identification (i.e., finger scans (fingerprints) 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. Although the first three months of US VISIT generated only modest congestion and complaints, the busier spring and summer travel seasons will put mounting pressure on the new system. Outbound identifications are being tested in pilot programs at two airports – BWI in Baltimore and Miami International.

Anecdotal accounts from travel industry and airline sources are growing that spring delays are, in fact, increasing. There is concern the problem will be exacerbated by a recent freeze on hiring by the Department of Homeland Security that will make it much more difficult to ensure adequate staffing for U.S. VISIT implementation.

On April 2, 2004, the Administration announced that no later than September 30, 2004, all travelers from the 26 visa waiver countries will be enrolled in the U.S. VISIT Program. This will mean another 13-14 million annual visitors having to be processed through U.S. VISIT. It is believed that this expansion of U.S. VISIT to include visa waiver travelers is a price demanded by the Administration for its

request that Congress postpone for two years the October 26 biometric passport deadline. (See below.)

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. On February 25th, the WSTPC was told by Lora Ries, Immigration Policy Director, Border and Transportation Security Directorate, Department of Homeland Security, that the Administration would ask Congress for a two year postponement of the October 26th biometric passport requirement for visa waiver countries.

On March 17th, Secretary of State Powell and Secretary of Homeland Security Ridge formally asked the House Judiciary Committee for this postponement.

The WSTPC earlier communicated its concern over the potential 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.

On April 21, 2004, the House Judiciary Committee will hold a hearing on the Administration's request for a two-year postponement of the biometric passport requirement. Judiciary Committee Chairman Jim Sensenbrenner (R-WI) indicates he has reservations about the requested postponement. The only two witnesses at the April 21 hearing will be Secretary of State Powell and Secretary of Homeland Security Ridge. The WSTPC is submitting a hearing statement in support of the postponement.

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 Administration reauthorization proposal, the Safe and Flexible Transportation Efficiency Act (SAFETEA), called for \$256 billion over six years, while the Senate Environment and Public Works Committee wanted \$318 billion and the House Transportation and Infrastructure Committee believed no less than \$375 billion was needed.

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 has extended TEA 21 twice, with the latest extension expiring on May 1, 2004. **Another extension is now expected, probably until July 1, 2004, to allow the**

House-Senate Conference Committee to complete its work of reconciling reauthorization legislation passed by the two Houses.

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, both far from the Administration on funding levels.

On February 12th, 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.

On April 2, 2004, the House backed away from the \$375 billion goal long urged by its Transportation and Infrastructure Committee and by a 357-65 vote passed TEA-LU as a \$275 billion six year reauthorization bill after the T & I Committee accepted that figure as directed by the House Republican leadership. The Committee did, however, succeed in getting included in TEA-LU an automatic “reopener” provision, which will require Congress to revisit reauthorization before October 1, 2005.

House and Senate conferees are expected to be named and begin deliberating after the Spring Congressional Recess ends on April 20. The final legislation produced by the Conference Committee will probably be set near \$300 billion for six years.

The Administration through the Director of the Office of Management and Budget and the Secretary of Transportation has said both House and Senate bills are unacceptable and that any figure higher than \$256 billion will be vetoed.

Although reauthorization legislation passed both the House and Senate by “veto proof” margins, it is unlikely that a Republican Congress will override a Republican President’s veto, especially in an election year. In that case, Congress may choose to pass a two-year reauthorization bill at funding levels acceptable to the White House and agree to take up reauthorization all over again in 2006.

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 all bills.

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

2005 Federal Public Lands Budgets

The Senate on March 11th approved a fiscal year 2005 budget that freezes spending for natural resources – which includes the Federal land agencies – for the next five years. Although this does not automatically limit direct spending by the Senate appropriations committee, the budget resolution is a significant source of guidance for the appropriations process. The House Budget Committee on March 17th approved a budget that is far tougher on natural resources and would cut \$1.5 billion out of natural resources spending next year.

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.

A controversy arose in March over an internal memorandum from the Philadelphia Regional Office of the National Park Service directing all NPS Superintendents in the Eastern Region (12 states from Virginia to Maine) to prepare a list of “service level adjustments” and suggests as examples: “closing the visitor center on all Federal holidays, eliminating all guided ranger tours, letting the manicured grasslands grow all summer and closing the park every Sunday and Monday.” This leaked memo resulted in a joint bipartisan letter from Representative Charles H. Taylor (R-NC) and Norman D. Dicks (D-WA). Chairman and Ranking Democratic Member of the House Interior Appropriations Subcommittee, declaring: “The parks are a national treasure and the Park Service should not restrict our citizens' ability to enjoy them.” The Taylor-Dicks letter emphasized that the NPS operating budget has increased about 50 percent in the last decade, from \$1.1 billion in 1994 to \$1.6 billion in 1994. The letter also noted that NPS officials spent \$50 million in 1992 and \$44 million in 1993 on foreign and domestic travel and directed that, beginning in October, all foreign travel must be approved by the appropriations subcommittee. **In the NPS House appropriations hearing on March 25th, NPS Director Fran Mainella agreed to freeze travel spending and to follow Congressional dictates regarding future travel.**

Recreation Fee Demonstration Program

The struggle continues over the future of the recreation fee demonstration program. In view of the cuts in natural resource spending in the Congressional budget resolutions, the future of fee demo becomes all the more important.

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 8th 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 extended fee demo for fifteen months until December 31, 2005, and once again urged 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 opposes S. 1107 because it would apply only to the National Park Service and would weaken support for fee demo at the other land agencies.

The Senate Energy and Resources Subcommittee on Forests and Public Lands has scheduled an April 21st hearing on fee demo. WSTPC Treasurer Carl Wilgus is testifying at this April 21st hearing in strong support of the fee demo program. On May 6th the House Subcommittee on National Parks and Recreation will have a hearing on fee demo and the WSTPC will submit a statement for that hearing. (The National Alliance of Gateway Communities, which agrees with the WSTPC fee demo position, will testify at the May 6th House hearing.)

Yellowstone Snowmobiling Court Battle Intensifies

On March 10th, the U.S. Court of Appeals for the Tenth Circuit upheld the jurisdiction of U.S. District Court Judge Clarence Brimmer in Wyoming in his February 10th decision that 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 11th.

Judge Brimmer's decision reversed 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 also threatened to hold National Park officials in contempt of court for violating his order by complying with the decision of Judge Brimmer.

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

The National Park Service is also considering developing entirely new regulations, departing from both earlier sets of regulations in order to avert the judicial conflict.

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. WSTPC Chairman Todd Davidson testified in support of S. 1420 before the Senate Energy and Natural Resources Subcommittee on Forests and Public Lands at a March 3rd hearing on S. 1420. The WSTPC testified in the 107th Congress in support of similar legislation.

Prospects appear brighter this year for Senate passage of the Outfitter Policy Act as majority and minority staff continue to work on an agreed bill.

Commerce Department International Tourism Marketing Campaign

Following Congressional 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 Department of Commerce cut another \$4 million from the campaign to meet Congressionally mandated departmental budget reductions.

Senate Appropriations Chairman Ted Stevens (R-AK), who was responsible for the \$50 million appropriation in 2003, continues to promise he will try to restore the funding at the first legislative opportunity.

The new \$6 million Commerce Department marketing campaign is now focused solely on the United Kingdom is called the “Visit USA Alliance and will be primarily implemented by three different private companies: Edelman Worldwide of Chicago will handle public relations, M&C Saatchi Worldwide of New York will be in charge of advertising and BVK of Milwaukee is developing cooperative partnerships. At the April 16 meeting of the U.S. Travel & Tourism Promotion Advisory Board, reservations were expressed about a proposed marketing campaign emphasizing American movies and it was agreed that more research would be done before the start of the campaign.

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.

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.