

WSTPC NATIONAL ISSUES BULLETIN

September, 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 last edition of the NIB is in bold.

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As the 108th Congress moves towards conclusion, nearly every issue on the WSTPC Agenda is undecided with the outcome uncertain. With Congress facing a very crowded schedule, including 12 of the 13 appropriations bills and legislation to implement the recommendations of the 9/11 Commission, and wanting badly to return home for the final weeks of campaigning, many now expect a lame duck session following the elections. Further complicating legislative calculations is the possibility of 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 especially likely.

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 9/16. The appropriation is to go to 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 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.

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 historic legislation was introduced by House National Parks Subcommittee Chairman George Radanovich (R-CA) and passed the House of Representatives 7/19. 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. This legislation has been a top WSTPC priority for the past three years.

Undersecretary of Homeland Security for Local Government and Tourism

Congressional legislation to implement recommendations of the 9/11 Commission that passed the House Aviation Subcommittee on 9/22 and was approved by the full House Transportation and Infrastructure Committee on 9/29 includes creation of a new position of Undersecretary of Homeland Security for Local Government and Tourism. The new undersecretary will report directly to the Secretary of Homeland Security and would substantially enhance the voice of travel and tourism on homeland security decisions, including those affecting the facilitation of international travel (see next item).

The WSTPC is working to help mobilize other travel and tourism industry organizations in support of this new position. The WSTPC directly secured commitments of support from two key T & I committee leaders. Enactment prospects for this new departmental position by Congress remain uncertain. The challenge now is to convince the House leadership, the Senate and the White House to keep this new undersecretary position in the final legislation.

International Travel Facilitation Concerns

President Bush on August 10, 2004, signed into law a one-year extension of the October 26 deadline for requiring the 27 visa waiver countries to begin issuing passports with biometric identifications. The U.S. Senate on July 22nd passed legislation approving the one-year extension. The House of Representatives passed identical legislation on June 14th.

The WSTPC is pleased with the one-year extension although we had supported the Departments of State and Homeland Security in their request for a two-year extension because many, if not most, visa waiver countries will not be able to comply with the new

2005 deadline. This strongly suggests a return of this issue to the Congressional agenda next year.

In the past year, the WSTPC actively communicated its concern over the potential impact on international tourism of the biometric passport deadline, first to the Secretaries of State, Commerce and Homeland Security and to key leaders in Congress. On April 21, 2004, the House Judiciary Committee held a hearing on the Administration's request for a two-year extension of the biometric passport requirement and the WSTPC submitted a statement for the hearing supporting a two-year extension.

Other border control issues continue to be followed by the U.S. tourism industry. The new U.S. VISIT (Visitor and Immigrant Status Indicator Technology) program was launched in January, 2004, and requires 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.

Beginning 9/30 all visitors from the 26 visa waiver countries must be enrolled in the U.S. VISIT program. This will mean another 13-14 million annual visitors will have to be processed through U.S. VISIT. It should be noted that enforcement of U.S. VISIT requirements for visa waiver countries in essence renders the biometric passport requirement less essential because travelers with visa waiver country passports will be subjected to biometric identification requirements anyway.

Effective 10/26, all visa waiver countries will be required to have machine-readable passports.

Reauthorization of Federal Highway Program

Congress today (9/30) extended the Federal highway program eight months. Although the House-Senate conference committee that has been meeting off and on for the past month promises to continue working on a six-year reauthorization bill, it is now highly unlikely that agreement will be reached this year.

On 9/24 the last extension of the Federal highway program expired. On 9/30 all Federal surface transportation funding was scheduled to expire. This longer extension of eight months confirms that the gap between highway needs and revenue cannot be closed at this time.

In the conference committee, the Senate majority has proposed \$289 billion in guaranteed funding and \$301 in total authorization for a six-year reauthorization, while Senate Energy and Commerce Chairman John McCain (R-AZ) announced opposition to any reauthorization containing substantial earmarks and the Senate minority has insisted on a \$318 billion six-year reauthorization with \$301 billion in guaranteed funding. Bipartisan House leadership proposed \$284 billion in guaranteed funding and \$299 billion in contract authority. House majority leaders

have suggested that the Administration would be willing to accept the House figure, but anti-tax organizations continue to urge the White House to hold firm at its earlier figure of \$256 billion.

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.

The WSTPC is working with the National Tourism and Recreation Coalition for Surface Transportation and other industry organizations to urge Congress to maintain current funding levels in the next year for such programs as transportation enhancements, scenic byways, trails and park and public land roads.

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%).

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

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 likely that there will simply be one 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.

On May 19th the House-Senate Conference Committee agreed on its recommended fiscal year 2005 Congressional budget with a small decrease in funding for the Federal lands. The House quickly approved the conference committee budget but it has stalled in the Senate. Although the conference committee action is advisory only and not binding on the appropriations committees, it is likely to be influential in shaping the final figures. The conference budget projects a \$200 million decrease in overall natural resources expenditures for fiscal 2005 to \$32.1 billion, compared to \$32.3 billion in fiscal 2004. The conference committee natural resources figure is \$900 million higher than the earlier budget passed by the House, which only recommended \$31.2 billion.

At present, because of an impasse between the House and Senate, there will probably not be a Joint Congressional Budget, so the appropriations committees in each house have been proceeding while guided by their respective budget committee recommendations.

The President's Fiscal Year 2005 budget proposal for the land agencies includes 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.

On June 17th, the full House approved its 2005 Interior Appropriations bill. The Senate Appropriations Subcommittee on the Interior has also approved funding levels for several individual programs but these have not been referred to the full committee. Following are the more salient items regarding the land agencies from the President's 2005 budget and the corresponding House numbers:

- NPS Operations. President: \$1.686 billion for Park Service Operations, compared to the FY 2004 appropriation of \$1.610 billion. House: \$1.686 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. House: \$1.2 billion.
- NPS Construction. \$329 million, the same amount as 2004. House: \$297.6 million.
- 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. House: \$53.9 million.
- Forest Service Recreation. \$257.3 million, compared to \$255.1 million in 2004. House: \$262.3 million.
- 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. House: \$500.8 million.
- BLM Recreation. \$59.9 million, compared with \$62.3 million in 2004. **House:** \$62.5 million.
- FWS Refuge Management. \$387.7 million, compared to \$391.5 million in 2004. House: \$389.4 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.

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) and House: \$49 million; President: \$91.5 million for the State Side of LWCF (\$91.5 million) and House: \$91.5 million; President: \$80 million for State and Tribal Wildlife grants (\$70 million) and House: \$67.5 million; UPAR – Urban Parks and Recreation – no money requested (nothing appropriated in 2004) and House: nothing; President: \$37.5 million for Historic Preservation Grants (\$40.5 million) and House: \$34.6 million; President: \$30 million for Save America's Treasures (\$33 million) and House: \$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. House: nothing.

The Senate Appropriations Committee is now considering its recommendations.

Recreation Fee Demonstration Program

On 9/22, 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 community participation in selling passes; and requiring that state tourism offices be appointed to 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 proposed Environmental Assessment has proposed a new 720 average daily ceiling for snowmobiles in Yellowstone National Park.

On June 17th, the House of Representatives refused by a vote of 224-198 to restrict snowmobile use in Yellowstone National Park during consideration of the 2005 Interior Appropriations Bill.

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 ordered reductions in 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. 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 (what has been described as two Federal judges hurling thunderbolts at each other across the continent), 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.

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. 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 are doubtful for Senate passage of the Outfitter Policy Act as majority and minority staff have been unable to reach agreement with America Outdoors, the outfitter and guide industry representative.

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.

The new \$6 million Commerce Department marketing campaign is now focused solely on the United Kingdom and is called the “Visit USA Alliance. It 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.

It remains to be seen what the effect will be of the possible passage by Congress of an additional \$20 million for international tourism marketing on these marketing plans for the U.K.

Industry Bill for Permanent National Tourism Office

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.