

# WSTPC NATIONAL ISSUES BULLETIN

September/October, 2006

*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 since the last National Issues Bulletin is in bold.*

## CONTENTS

<i>Gateways Bill</i>	<i>1</i>
<i>National Parks Management Policies</i>	<i>2</i>
<i>National Parks Visitation Concerns</i>	<i>4</i>
<i>Immigration Reform</i>	<i>4</i>
<i>2007 Budget Outlook for Federal Land Agencies</i>	<i>5</i>
<i>International Tourism Marketing</i>	<i>7</i>
<i>Facilitation of International Travel: WHTI</i>	<i>7</i>
<i>Facilitation of International Travel: Visa Waiver e-Passports</i>	<i>8</i>
<i>Federal Highway Fiscal Outlook</i>	<i>9</i>
<i>Recreation Fees</i>	<i>9</i>
<i>Regional Meetings Planned for Federal Lands Recreation Issues</i>	<i>11</i>

## Gateways Bill

The Department of the Interior and the USDA Forest Service on July 14, 2006, proposed 18 amendments to H.R. 585. Most of these are “technical” amendments, with a modest effect on the substance of the legislation. At least two, however, are more serious. One would change the current bill’s “directing” the agencies to do certain things to “encouraging” the agencies to do so. Another would leave it entirely up to the Federal agencies to designate which communities are “gateways” under the act, while the current bill also allows State tourism offices to make that designation. The agencies raise constitutional federal system questions to allowing States to have such a role. **The WSTPC is now discussing with Congressional staff these proposed agency amendments with the goal of obtaining Senate passage in the lame duck Congressional session scheduled to follow the November 7<sup>th</sup> election.**

Background: On May 10<sup>th</sup>, the Senate Forests Subcommittee held the first ever Senate hearing on the Gateways Bill (H.R. 585 – The Gateway Communities Cooperation Act). This was a very important and positive step forward because it positions the bill for committee action. Bob Warren, chairman of the National Alliance of Gateway Communities, testified for the bill and no one really testified against it, although Steve Duerr, former executive director of the Jackson Hole Chamber of Commerce, raised some questions. Ranking Subcommittee Member Ron Wyden (D-OR) expressed support for the bill. Witnesses for the Department of the Interior and the Forest Service expressed support for H.R. 585 but indicated they intended to suggest several amendments. More

troubling were several critical questions from Senator Craig Thomas (R-WY), which we have to address. In his testimony, Bob Warren indicated the bill is supported by ARVC, the National Association of Counties, the American Bus Association, the National Tour Association, the Western States Tourism Policy Council and the Travel Industry Association of America.)

H.R. 585 passed the House of Representatives on December 6, 2005. Gateway communities serve as gateways for millions of visitors to the national parks, forests and other Federal lands. This legislation has been a high ARVC priority because it promises to improve relationships between gateway businesses and the Federal land agencies.

Under the bill, communities would be certified as “gateways” by either local Federal land managers or by state tourism offices and the Federal agencies would be required to involve gateways as early as possible in the preparation of their critical multi-year plans and other plans and policies and assist those communities to participate in the planning process in a meaningful manner.

### *National Parks Management Policies*

**In August, the new the National Park Service Management Policies (NPSMP) were issued. This new 2006 edition replaces the draft NPSMP that was proposed last year to replace the 2001 NPS Management Policies. ARVC had submitted formal comments on July 17<sup>th</sup> regarding the draft NPSMP.**

**The new NPS Management Policies (NPSMP) reaffirms the primacy of conservation as the guiding principle in management of the national parks. According to the NPS Organic Act of 1916, the purpose of the National Park Service is “to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” The definition of “unimpaired” is not always exact (although the NPSMP goes to considerable length to clarify the concept) and park managers are authorized to restrict or prohibit activities that are merely “unacceptable” even if they do not meet the “impairment” threshold. But the NPSMP makes clear that when “use” and “enjoyment” conflict with “conservation,” then the latter value must prevail.**

**The NPSMP does, however, include fundamental principles critical to tourism and recreation and to local gateway communities.**

**In so doing, the NPSMP adopts two major recommendations made by the WSTPC in its comments it formally submitted on July 17<sup>th</sup> regarding the draft NPSMP.**

- **Recognize the positive potential value of the tourism industry in helping guide, direct and manage visitor volume and the important role of state tourism offices;**

- Recognize the importance of gateway communities.

**I In a new, separate section, the NPSMP explicitly recognizes the importance of tourism to the national parks and the role of state tourism offices:**

*Section 8.2.7.*

*The Service will support and promote appropriate visitor use through cooperation and coordination with the tourism industry. As part of this effort, the Service will . . . develop and maintain a constructive dialogue and outreach with public and private organizations and businesses, including state and local tourism and travel offices;*

**II. Regarding gateway communities, the NPSMP in several sections directs park managers to work closely with gateways and other state and local interests:**

*Section 1.7 Civic Engagement*

*Civic engagement will be viewed as a commitment to building and sustaining relationships with neighbors and other communities of interest . . . Park and program managers will seek opportunities to work in partnership with all interested parties to jointly sponsor, develop and promote public involvement activities and thereby improve mutual understanding, decisions and work products. Through these efforts the Service will also learn from the communities it serves, including gateway communities.*

*Section 1.10 Partnerships*

*The Service will continue to welcome and actively seek partnership activities with individuals, organizations and others who share the Service's commitment to protecting park resources and values and providing for their enjoyment.*

*Section 2.1.3 Public Participation (in Park Planning Activities)*

*The Service will actively seek out and consult with existing and potential visitors, neighbors, American Indians, other people with traditional cultural ties to park lands, scientists and scholars, concessioners, cooperating associations, gateway communities, other partners and government agencies. (emphasis added)*

**Although some segments of the recreation industry are disappointed that the NPSMP did not take a stronger, unambiguous position in support of public enjoyment of the national parks, the WSTPC believes the new document can be constructively used by park managers to benefit tourism and recreation. The WSTPC is supporting efforts of the American Recreation Coalition and other tourism and recreation organizations to work with Interior Secretary Kempthorne and the National Park Service to move forward to ensure the parks fulfill their tourism and recreation potential for all Americans.**

### National Parks Visitation Concerns

**On September 13<sup>th</sup> Chairman Steve Pearce (R-NM) of the House National Parks Subcommittee convened a second hearing on Visitation Declines in the National Parks. This followed a first hearing Chairman Pearce held on April 6<sup>th</sup>. Since the April hearing, at the request of Chairman Pearce, a Working Group was formed of the witnesses at that hearing and held biweekly conference call meetings over the summer to develop a tangible action strategy to improve park visitation. WSTPC Secretary and New Mexico Cabinet Secretary for Tourism Michael Cerletti was a witness at both Congressional hearings and, with WSTPC Washington Representative Aubrey King, has participated regularly in the Working Group. Two initiatives were developed by this Working Group. One would develop a syllabus for a dual training program for travel professionals and NPS staff to show both their mutual interests and potential. The other would encourage closer partnerships between national park units and State and local tourism entities.**

**The importance of this work is highlighted by the latest NPS public use figures, which show that NPS visits are down 1.1% for the first six months of 2006 and down about 10% from the peak year of 1987, although the number of NPS units has grown from 310 to 390.**

### Immigration Reform

**Although President Bush has signed legislation authorizing construction of more than 700 miles of new security fence along the U.S. Mexican border, no further resolution of the deep divide separating the House of Representatives and the Senate appears likely at this time.**

**The WSTPC has supported efforts to find legal avenues for foreign workers to participate in the economy, many of whom provide a vital and stable workforce for the hospitality industry.**

Background: On May 25<sup>th</sup>, the U.S. Senate, by a vote of 62-36, passed S. 2611, the Comprehensive Immigration Reform Act of 2006, following a bipartisan effort led by Senators John McCain (R-AZ) and Ted Kennedy (D-MA). S. 2611 has the following primary features:

Border Enforcement: Authorizes 370 miles of triple layer fencing plus 500 miles of vehicle barriers along the U.S.-Mexico border. Also authorizes hiring an additional 1,000 Border Patrol agents this year, for a total of 3,000 more agents this year; an additional 14,000 agents will be hired by 2011, more than doubling the current force of 11,300 agents. Additional detention facilities will be constructed.

Employer Requirements: Within 18 months, employers and subcontractors would have to use an electronic system to verify new hires and increase maximum fines for hiring illegal workers to \$20,000 per worker, with jail time for repeat offenders.

Guest Worker Program: A path to citizenship or legal permanent residency is provided for an estimated eight million undocumented persons who can prove they have been in the country for five years or more before the legislation is enacted. They would be granted a renewable work visa, after paying at least \$3,250 in fines and fees, paying any back taxes and passing a national security and criminal background check. After five years, they could apply for citizenship, provided they remain employed and demonstrate a knowledge of English and U.S. civics. For undocumented workers in the country two to five years, they would have to report to a U.S. port of entry to be fingerprinted and processed, and, if they pass the preceding requirements for temporary workers, they would be given priority over future immigrants entering as temporary workers. Illegal immigrants with felony or triple misdemeanor convictions would be deported regardless of how long they have been in the U.S.

A special guest worker program for an estimated 1.5 million immigrant farm workers would be created and they could also earn permanent legal residency. The number of H1-B visas for skilled workers would be increased from 65,000 to 115,000 annually, beginning in 2007. Immigrants with certain advanced degrees would not be subject to the caps, which could rise by 20 percent depending on labor market demands. 200,000 new temporary guest worker visas would be allowed each year.

S. 2611 is very different from H.R. 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act, which was introduced by House Judiciary Committee Chairman James Sensenbrenner (R-WI) on December 6, 2005, and passed the House of Representatives just ten days later. H.R. 4437 does not allow a guest worker program and concentrates on tighter border enforcement and heavier penalties for employers of illegal immigrants (fines to \$40,000 per violation and felony convictions) and for anyone assisting or encouraging illegal immigration. The House bill is strongly opposed by the U.S. Chamber of Commerce and other business interests, including many tourism and hospitality companies, because it would require reverification of all 140 million immigrant workers and would classify millions of undocumented aliens as “aggravated felons” and require that they return to their home countries before becoming eligible for legal worker status in the U.S.

Prospects for final legislation agreeable to both the House and the Senate were not advanced by both the House Judiciary Committee and the Senate Judiciary Committee holding summer field hearings around the country to hear testimony about immigration reform. For the most part, these hearings were not used so much to shed light on this difficult issue but instead to mobilize supporters of conflicting positions and to dramatize the different positions of the two houses of Congress.

**2007 Budget Outlook for Federal Land Agencies**

On June 28<sup>th</sup>, the Senate Appropriations Committee approved its version of H.R. 5386, the 2007 fiscal year appropriations bill for the Department of the Interior and Related Agencies, including the Forest Service. On May 18<sup>th</sup>, the House had approved its version of H.R. 5386. Agency programs have generally fared better with Congress than under President Bush's proposed budget for the 2007 fiscal year.

Final Congressional passage of this appropriations legislation will occur in the lame duck session of Congress scheduled after the November 7<sup>th</sup> elections.

Following is a brief summary overview showing the amounts called for in the President's budget for 2007, compared with the amounts approved by the full House of Representatives and the Senate Appropriations Committee, with the amount appropriated by Congress for 2006 in parentheses:

***NPS Operations:*** President -- \$1.74 billion; House -- \$1.754 billion; Senate Appropriations Committee -- \$1.751 billion (2006: \$1.72 billion)

***NPS Operations Maintenance:*** President -- \$601.8 million; House -- \$599.8 million; Senate Appropriations Committee -- \$603.1 million (\$593.1 million)

***NPS Construction:*** President -- \$229.3 million; House -- \$229.9 million; Senate Appropriations Committee -- \$234.9 million (\$313.9 million);

***NPS Recreation and Preservation:*** President -- \$33.3 million; House -- \$47.2 million; Senate Appropriations Committee -- \$53.5 million (\$54.2 million) (Reduction resulted mainly from transfer of heritage areas program with \$13.9 million to the Historic Preservation Fund and elimination of earmarks.)

***National Heritage Area Grants:*** President -- \$7.4 million; House -- \$13.9 million; Senate Appropriations Committee -- \$14.1 million (\$13.3 million)

***Federal Side of Land Water Conservation Fund:*** President -- \$91 million; House -- \$58.8 million; Senate Appropriations Committee -- \$129.3 million (\$120.1 million)

***State Side of LWC:*** President -- \$-0-; House -- \$-0-; Senate Appropriations Committee -- \$30 million (\$30 million)

***Fish & Wildlife Service Refuge Operations:*** President -- \$480.4 million; House \$486.6 million; Senate Appropriations Committee -- \$489.1 million (\$480.4 million)

***BLM Recreation:*** President -- \$63.8 million; House -- \$67 million; Senate Appropriations Committee -- \$65.2 million (\$65.8 million)

***Corps of Engineers:* President -- \$4.733 billion; House -- \$4.984 billion (\$4.532 billion); Senate Appropriations Committee -- \$265.1 million (increase mainly due to Hurricane Katrina recovery expenses)**

***Forest Service Recreation and Wilderness:* President -- \$250.88 million; House -- \$262 million; Senate Appropriations Committee -- \$252 million (\$265.2 million)**

***Forest Service Trails (includes OHV implementation):* President -- \$60.341 million; House -- \$73.4 million; Senate Appropriations Committee -- \$61.9 million (\$74.882 million)**

### ***International Tourism Marketing***

**At its September Washington, DC, meetings celebrating The Power of Travel, which featured approximately 35 separate state dinners around the capital city, the Travel Industry Association of America encouraged support of a new initiative to generate \$300 million for an international tourism marketing program to market the U.S. as a global destination.**

The Travel Industry Association Board of Directors at its April meeting approved a plan for a well-funded nationally coordinated campaign to market the U.S. as a prime global tourism destination. Entitled *The Power of US: A Blueprint for the Industry's Future*, this plan is the first tangible follow-up to a "call to action" to the industry by TIA Chairman and Disney Executive Jay Rasulo and TIA President Roger Dow in recent speeches, first in Rasulo's January "State of the Industry Speech" in Washington and more recently at the World Travel and Tourism Council Summit Meeting in April and again at the 2006 International Pow Wow in May. This ambitious effort is intended to develop industry support for a campaign to establish a \$200 - \$300 million international tourism marketing program to restore the U.S. share of the global tourism market.

President Bush's budget contains no funding for the U.S. Travel and Tourism Promotion Advisory Board because the Administration believes that "No funding is requested for this program as travel promotion activities can be handled through a variety of non-federal sources." This, however, will not affect the ongoing activities of the Commerce Department and the Advisory Board, which is fully funded through the end of 2007 by previous Congressional appropriations. The \$6 million tourism marketing campaign in the U.K., created by the Advisory Board in 2003, has been joined this year by a similar campaign for Japan, with funds directly appropriated as a line item by Congress.

### ***Facilitation of International Travel: WHTI***

**Just before it adjourned prior to the fall elections, Congress passed and the President subsequently signed a nineteen-month extension of the major deadlines for implementation of the Western Hemisphere Travel Initiative. Under the former deadlines, travelers from Canada, Mexico, the Caribbean and Central and South**

**America would have been required to have passports for identification purposes. Air and sea arrivals would have been required to have passports by January, 2007, and arrivals by land would have been required to have passports by January, 2008. The new deadline for sea and land travelers will now be June 1, 2009.**

Background: On April 18, 2006, the Bush Administration announced it planned to require passports from all foreigners entering the U.S. under the deadlines required by the Western Hemisphere Travel Initiative (WHTI). Although a cheaper identification document, called a PASS card, may be allowed for U.S. citizens, it would not be available to Canadians or other frequent border crossers.

On January 17, 2006, the State Department Secretary Rice and Homeland Security Secretary Chertoff announced a new “Joint Vision” to “improve border security while still welcoming visitors to the United States.” The program includes several elements especially applicable to travel and tourism, including development of “model airports,” along the lines of pilot projects at Houston and Dulles, which will have customized video messages and improved screening and assistance for foreign travelers; expanded use of digital videoconferencing for visa applications; formation of a travel industry advisory board; increased use of digitalized e-passports; development of a secure, less expensive passport card for U.S. land borders by late 2006; creation of a global enrollment network to consolidate travel document application information obtained by either DHS or State; refinement and improvement of the US-VISIT entry-exit system; and improved screening of international travelers through the Terrorist Screening Center and the Human Smuggling and Trafficking Center.

#### **Facilitation of International Travel: Visa Waiver E-Passports**

The State Department announced on October 26, 2006, that 24 of the 27 Visa Waiver Program (VWP) countries have met the requirement for issuing e-Passports, which means all newly issued passports must contain a contactless chip with the passport holder’s biographic information and a biometric identifier, such as a digital photograph of the holder. The three VWP countries that do not satisfy the e-Passport requirement are Andorra, Brunei and Liechtenstein. Travelers from these countries will need to obtain a visa to enter the United States if they hold a passport issued on or after October 26, 2006, until they begin to issue e-Passports.

#### **Federal Highway Fiscal Outlook**

At an April 3<sup>rd</sup> hearing by the House Committee on Transportation and Infrastructure, the U.S Treasury Department, the Congressional Budget Office and the General Accountability Office all said that their long-term analyses conclude that programs authorized by the 2005 SAFETEA-LU highway bill will eat up more gas tax revenue than will be available by either the end of fiscal year 2009 (Treasury) or the end of 2010 (CBO). The implications for tourism and recreation are ominous – the less gasoline tax

money Congress has to work with, the smaller the allocations to such programs as transportation enhancements, scenic byways, recreational trails and Federal land roads.

As a result of Hurricane Katrina reconstruction costs, Congress imposed nearly a \$4 billion cut in the 2005 SAFETEA-LU Federal highway program for fiscal year 2006. Three separate rescission bills were passed at the end of 2005 that total between \$3.6 billion and \$4 billion. One was an across-the-board one percent rescission for all Federal programs, which meant just over \$400 million for the \$40.7 billion highway program. A second rescission of \$1.143 billion applies to “formula” programs, including transportation enhancements and recreational trails, but not to nonformula programs such as scenic byways, Federal land roads and earmarked projects. A third rescission of \$2 billion also applies to formula programs but not to nonformula programs. These reductions are not otherwise specified but are left up to the states to determine. This may mean that programs like transportation enhancements, which have never been popular with many state departments of transportation, may be exposed to substantial reductions without strong political support.

There is also serious concern over the future of scenic byways, transportation enhancements and other tourism-friendly programs as a significant Federal study commission is about to examine what the future Federal highway role should be. That commission was established by SAFETEA-LU and does not have any tourism representation on it.

### **Recreation Fees**

As WSTPC members know, for several years we have closely followed development of a recreation fee program for the national parks, forests and three other Federal land agencies. In December, 2004, in the Federal Lands Recreation Enhancement Act, Congress finally passed a ten-year fee program that incorporated many of the WSTPC’s suggestions. This new ten year program was modeled after a “fee demonstration program” that had functioned for the previous ten years. Nearly two full years after the 2004 legislation, however, the five Federal agencies are still struggling to implement their fee programs. Following is a synopsis of these efforts:

**Recreation Advisory Councils. The Recreation Advisory Council (RAC) structure mandated by the 2004 legislation for the Forest Service and the Bureau of Land Management has been announced. These RACs are comprised generally of state and local government officials and recreation user groups and will be responsible for reviewing and approving decisions about the level of fees and the areas and activities for which fees are charged. The final RAC structure generally provides single state RACs (as ARVC urged), with existing BLM Resource Advisory Councils (RACs) utilized in several cases, although there are a number of variations:**

- 1) Existing BLM Resource Advisory Councils (BLM RACs) will be used in States where appropriate. These States include: Arizona, North and South Dakota, Idaho, Kansas, Montana, Nevada, New Mexico and Utah.**

- 2) Both agencies will use new Recreations RACs, to be established by the Forest Service, for each of the Pacific Northwest (Oregon and Washington) and the Pacific Southwest (California) Regions.
- 3) The Forest Service will use new Recreation RACs to be established for each of the Eastern and Southern Regions (these represent most States east of the Rockies).
- 4) The Forest Service will use an existing Forest Service Advisory Board for the Black Hills National Forest.
- 5) Recreation RACs are not being established where the Secretaries of Agriculture and the Interior, in consultation with the Governor of individual States, have determined that sufficient interest does not exist in forming a Recreation RAC as allowed in the REA. Right now those States that are not establishing Recreation RACs are Wyoming and Nebraska. Discussions are still occurring with Alaska and Colorado.
- 6) Any of the above Recreation/BLM RACs may choose to develop subcommittees to address local community or recreation issues.
- 7) BLM Resource RACs and Forest Service Recreation RACs will be providing recommendations for both BLM and Forest Service recreation fees where applicable.

**GAO Report.** The Federal General Accountability Office (GAO) in a September 22, 2006, critique of the recreation fee program, found that the Federal land management agencies have not used nearly \$300 million in collected recreation fees that are supposed to be spent on operations and maintenance projects, with nearly \$240 million of that unspent by the National Park Service. While partly explainable because of a protracted agency project approval process and because the NPS has intentionally accumulated revenues in anticipation of large projects in the future, the GAO is much more concerned about delays by all the agencies in writing regulations to guide the field in implementing the new fee program. According to the GAO, “Unless actions are taken to issue final regulations and implementation guidance for the fee program, including detailed policy and procedure guidance, many unit officials will continue to struggle with how to effectively and consistently implement the recreation fee program.”

A good illustration of the agencies’ delay is the design and planning of the new interagency America the Beautiful Pass, which is intended to allow admission and recreational use at all participating agencies for one fee. Earlier this summer, a delay in issuance of “Requests for Proposals” was announced because “the Government is reevaluating this (RFP) requirement and revisions will be made

accordingly,” throwing into doubt whether the Pass will be widely available to the public by the 2006 holiday season as had been planned.

**Regional Meetings Planned for Federal Lands Recreation Issues**

The American Recreation Coalition and the National Forest Foundation have announced a series of regional recreation issue forums to be held around the country beginning in early 2007, with a national forum scheduled in Washington, DC, in April, 2007 (exact dates TBA). Regional meetings are planned for Atlanta, Denver, Los Angeles, Chicago and a location in the Pacific Northwest.

The Forest Service is encouraging and supporting these forums and they are listed as co-sponsors, along with the Bureau of Land Management, Tread Lightly, and the U.S. Fish and Wildlife Service.

According to the ARC-NFF release: *The day-long forums are designed to solicit recommendations and challenges regarding recreational activities on national forests and other public lands, and to collect suggestions for addressing these concerns. Presentations will be sought from diverse interests, including recreationists, tourism organizations, transportation and academic interests and others. Access issues will be one of the areas addressed -- looking at issues ranging from the condition and trend in roads and trails on public lands to land ownership patterns that may inhibit access to public lands. But other key issues are also expected to be raised, including use of new technologies to enhance visitor experiences and manage recreation, as well as ways to link children to the outdoors.*

The WSTPC will consider whether and how to participate most meaningfully in these forums.