

WESTERN SLOPE NO-FEE COALITION

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FEE OPPONENTS CALL FOR REMOVAL OF PUBLIC LANDS RIDER FROM SPENDING BILL

House Slipped In Fee Measure During First Lame Duck Session

The Western Slope No-Fee Coalition has joined with other groups throughout the country in calling for the U.S. House to pull a controversial public lands fee measure from the massive omnibus spending bill.

Rep. Ralph Regula (R-OH), who has no public lands in his district, slipped his controversial bill into the huge appropriations measure using a parliamentary sleight of hand called a rider. Despite the fact that Regula's bill has never been approved by the full House and has never been introduced, had hearings, or been voted upon in the Senate, it will become law unless removed from the final omnibus measure by the House leadership.

The 3,000-plus page omnibus spending bill that was supposed to have been completed before Thanksgiving has encountered an unexpected setback. The House version was approved, but before the Senate could complete its vote, a clause was discovered that would have allowed the Chairs of the House and Senate Appropriations Committees to inspect any tax return, a privilege previously reserved to IRS staffers. Regula, who is in line to become Chair of the House Appropriations Committee, would have been one of those authorized to compel the IRS to show him any tax return he chose to view.

Privacy advocates cried foul, and the Senate deleted the clause before taking its vote. That means the House of Representatives must be called back for a second lame duck session December 6 so the House can re-visit the bill.

Fee opponents see the delay as an opportunity to derail Regula's bill before it takes effect. "HR 3283 is substantive legislation, including criminal penalties," said Kitty Benzar, co-founder of the Western Slope No-Fee Coalition. "Using an omnibus rider to fundamentally change the way public lands are funded and managed is a disgrace to the democratic process. This is lawmaking at its worst, and Ralph Regula would be responsible for the first tax increase of the Bush administration."

In a letter delivered to House and Senate leaders on Tuesday, Robert Funkhouser, President of the WSNC, stated "The attempt to slip such a controversial measure into the

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omnibus has ignited a firestorm in the West. Fee Demo is even more intensely unpopular now than it was when it was originally implemented, and this bill would be unlikely to pass on its own merits. To tack it on as an appropriations rider is an abuse of legislative power. House leadership should take this opportunity to right the wrong that is about to be perpetrated on the American people. This bill must be allowed to see the light of day.”

The bill, HR 3283, would allow the federal land management agencies to charge access fees for recreational use of public lands by the general public. It would replace the Recreational Fee Demonstration Program (Fee Demo), begun in 1996 as a two-year demonstration and extended every year since then, with a permanent fee program. Fee Demo has been highly controversial and is opposed by hundreds of organizations, state legislatures, and county governments and by millions of rural Americans. Opponents point out that its original passage and subsequent extensions have all been done as appropriations riders without open debate or public hearings.

“Congressman Regula is well aware that his measure would be unlikely to pass on its own merits,” said Funkhouser. “To tack it on as an appropriations rider is a despicable abuse of his legislative power. His heavy-handed tactics show that he is hostile to rural and western values.”

Unless deleted from the final omnibus measure, Regula’s bill will go into effect immediately. Its key provisions include permanent recreation fee authority for all National Forests and BLM land as well as all land managed by the U.S. Fish and Wildlife Service, the Bureau of Reclamation, and the National Park Service. Failure to pay the fees will be a criminal offense punishable by up to \$5,000 and/or 6 months in jail. Drivers, owners, and occupants of vehicles not displaying either a daily or annual pass will be presumed guilty of failure to pay and can all be charged, without obligation by the government to prove their guilt. The measure encourages agencies to contract with private companies and other non-governmental entities to manage public lands and to enforce fee collection. Under private enforcement, violations would go against your individual credit rating and there is no opportunity to defend yourself in court. The bill also establishes a national, interagency annual pass called the America the Beautiful Pass, expected to cost \$85-\$100 initially.

These provisions have encountered strong opposition in the west and in rural areas nationwide. The program is considered a double tax by many and puts the burden of funding the management agencies on the backs of rural Americans. Regula’s bill failed to attract a single western sponsor but was co-sponsored by seven eastern congressmen.