



NEWS from U.S. Senator Bob Dole

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STATEMENT OF HON. BOB DOLE
SUBCOMMITTEE ON PARKS AND RECREATION
S. 1381 - LIMITATION OF USER FEES
APRIL 12, 1973

Mr. Dole. Mr. Chairman, Thank you for this opportunity to express a concern held by thousands of Kansans over the Corps of Engineers' proposed user fees at federal lakes. I appreciate the committee's action, giving prompt consideration to the legislation which I have sponsored with 18 other Senators to limit these fees. This bill served the important interests of promoting good administrative practice, eliminating a major source of public irritation, and following the guidance of common sense.

As other Senators and officials from the Corps of Engineers can verify, the imposition of these fees has been met with unprecedented opposition from ordinary citizens throughout the nation.

QUESTIONS OVER ANNOUNCEMENT

In part this opposition arose from the questionable and confusing way in which the Corps handled the announcement and consideration of the fee proposals.

The American people have a deep-seated sense of fair play and due process. They expect to be treated fairly, and, when they do not receive a fair shake or if they feel someone is trying to pull a "fast one" on them, they leave no question about their reaction.

And, I believe the people of Kansas -- as reflected in the largest volume of mail my office has received on any subject in more than a year -- got the impression that the Corps of Engineers was less than totally candid and straightforward in the proposal and consideration of these fees.

UNUSUAL TIMETABLE

They saw that the law authorizing these fees was passed in July, 1972. They saw that the Corps of Engineers did not make its fee proposals public until February 1973, in the FEDERAL REGISTER, a publication which is hardly everyday reading for most citizens. And they then saw the statement that it was "impractical and contrary to the public interest" to give more than 15 days for public comment and criticism of the proposals.

Well, I believe the people had a different view of the public interest and the practicalities involved here. After waiting some 6 months from passage of the enabling

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legislation, to sees these fees put forward in an obscure notice in an equally obscure federal publication with an unsubstantiated assertion that the people should only have 15 days to comment, they felt something unusual was happening.

And, I think I can understand the feelings of a family man when he saw this fuzzy, unclear bureaucratic notice saying he might have to pay upwards of \$30 per weekend to take his family camping at the local lake. And then he read further and saw that all this was going to happen without any opportunity for him to speak out and be heard, because by the time he found out, the comment period had expired.

Well, as we subsequently learned, there were errors in the published proposal, the comment period was extended, the Corps of Engineers clarified several points about the fees that would and would not be charged, and as finally promulgated, the fees did not come near totaling \$30 per weekend.

TARNISHED REPUTATION

But I do understand the wide concern -- particularly in light of the feeling in some quarters that the Corps of Engineers has a somewhat tarnished reputation for failing to involve the public at appropriate stages in its decisionmaking processes. In many cases this criticism is unwarranted, but a case such as this certainly does nothing to enhance the standing of the Corps of Engineers in the eyes of the ordinary citizen and taxpayer.

But, now, we have put the initial confusion and misunderstandings about the fee proposals behind us. On March 23, specific fee schedules were published, and they showed that the worse possibilities -- as read into the original February 1 proposal -- were not going to be realized. There was significant relief among picnickers, campers and boaters over this announcement, but basic objections and drawbacks to these fees were not overcome in this announcement.

TWO TYPES OF FEES

As finally announced, the fees in Kansas are of two basic types. One is for the use of overnight camping facilities and the second is for the use of daytime recreation areas and facilities.

OVERNIGHT CAMPING FEES

As far as the overnight camping fees are concerned, the highest individual assessment is set at \$2 -- and that at fewer than half of the sites in the state. And I do not believe, from what the people have told me, that they object to a fair fee charged for a valuable service -- such as a neat, clean and well-equipped overnight camping area.

And it is widely recognized that, at least in Kansas, the Corps of Engineers' campsites are extremely well-kept, and \$1 or \$2 is felt by most campers to be a fair and worthwhile expenditure for the privilege of spending an evening.

DAY-USE FEES

But when we consider the fees for day recreation areas, other questions and considerations are raised.

QUESTION OF CONGRESSIONAL INTENT

The basic issue involved in the day-use fees is whether Congress ever intended that they would be charged, and I believe the record shows there was clearly no such idea in mind when this law was passed. Certainly, those of us sponsoring this bill, today, who were in the Congress at the time Public Law 92-347 was considered did not have such an intent.

It should be emphasized that these day-use areas are not extensively developed sites which only a few, special-purpose visitors might be expected to utilize. On the contrary, they include the picnic areas, toilets, playgrounds, beaches and drinking fountains which virtually every visitor might be expected to seek out, whether coming to a lake for a picnic, a nature hike, or an afternoon's fishing.

Congress certainly did not intend to levy a charge on every visitor to our federal water recreation areas. I believe the Corps of Engineers' fees for day-use areas would violate the purpose and intended limitations of the law. And, since the Corps of Engineers appears unwilling to yield on this point, we must act to change the law, so there will be no doubt about what Congress means.

COMMON SENSE

Aside from the question of these fees being in accord with the law's intent, another point is raised which strongly supports the idea of limiting these fees.

As can be noted from the various fees schedules, the day-use fee is usually set at \$0.50 per car. Fortunately, this fee is on a per-car rather than on a per-person basis as originally indicated, so the financial burden on the visitor is lessened considerably. But it seems almost impossible for the Corps to avoid great administrative difficulties in the collection of these fees. So in addition to creating major inconvenience and irritation for the public, the collection process will also cost the Corps of Engineers far more than the amounts collected. Thus, these fees will do no good for anyone -- the people who pay them, the Corps of Engineers, or the taxpayers generally. Apparently the Corps believes it is required to impose fees for the administrative difficulties, the inconvenience to the public or the likelihood that the collections will not be enough to offset costs.

I would be inclined to feel that anyone of these considerations -- in addition to the basic question of the authority to charge the fees -- would be reason enough to hold back on setting these fees. Common sense might be a reliable guide to show that going to the trouble, expense and effort to collect fifty cents from every car going into one of these areas simply was not worth it.

Evidently the Corps of Engineers has a different view of the matter. So the legislation which I am sponsoring with 18 of my colleagues has been proposed.

CITIZEN INVOLVEMENT

Mr. Chairman, as I said these fees have received wide attention in Kansas, and opposition to them has come from all over the state and from people in every

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walk of life. I have received thousands and thousands of letters and petitions expressing concern, opposition and considerable irritation with the whole procedure and its substance.

This outpouring has been spontaneous and without any real overall organization. But one of the major spokesman on the subject has been Bob Freeman, who is outdoor director of radio stations KEYN AM and FM in Wichita, Kansas. Bob did a great deal to bring the fee proposals to public light in February, and, when, these hearings were announced, I felt he would be an appropriate representative on behalf of the people of Kansas who have contacted me on this matter. In response to my request he has furnished a letter which explains some of the history of the reaction to the fee proposals and goes into detail on several of the basic objections many people have to the fees. I request that this letter be included in the hearing record at this point.

Bob Freeman has certainly demonstrated the ability of our people to get together and work on behalf of their common interests. He and his listeners and thousands of others across Kansas and in many other states have clearly demonstrated the democratic process and citizen involvement in responsive government.

It is personally gratifying to me as a Senator to receive so many cards, letter, telegrams and other expressions of concern from those who I have the privilege of representing. I think this is our system at its best, and I would hope other issues might also receive the same broad and deeply-felt response.

CONCLUSION

So Mr. Chairman, I am pleased to appear before the subcommittee today on behalf of S. 1381. It is legislation which has the strongest public support. It is backed by a strong indication that it fulfills a basic intent that this type of user-fee was not intended by Congress. And it also carries the weight of common sense that a federal agency should not undertake a fee program which shows little prospect of returning enough to the public treasury to pay even the costs of collection.

I believe passage of this legislation will eliminate a major and quite legitimate irritation for a broad segment of the general public. It will relieve the Corps of Engineers of a non-productive collection program which goes against a basic Congressional understanding and intent. And by fulfilling both of these goals it will serve the interests of both the public and good government.

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