

Committee on Resources

Witness Statement

Testimony Before The House Resources Committee

July 20, 1999

Becky Norton Dunlop

Chairman Young, Members of the Committee...I greatly appreciate the opportunity to participate in this very important hearing today. The views I express in this testimony are my own, and should not be construed as representing any official position of The Heritage Foundation. While I do not represent in any official capacity state officials who manage wildlife programs, I do express sentiments and views that are shared by many of them who have spoken directly to me or communicated these views to me through others. As you might suspect, there is some fear that openly expressing concerns about the integrity of this program would result in retribution against their state program.

In addition, to commend you and your staff for your work on this hearing, I would like to express my gratitude and that of many sportsmen across the country to the National Wilderness Institute for its persistent efforts to bring to public and congressional attention the issues with which you deal today. A willingness to stand with career civil servants who have spent a lifetime working to enhance our nation's wildlife and to assure that the millions of dollars sportsmen and women provide for wise management of resources we believe are important and valuable are used for this purpose led them to undertake investigations that resulted in this hearing and hopefully the restoration of integrity to a government program. Their work has been invaluable to this end.

It is a privilege for me to testify on the operation of the Federal Aid to Wildlife programs. I have a somewhat unique perspective on these laws since I saw them from both the federal perspective of Assistant Secretary for Fish, Wildlife and Parks at the Department of the Interior and from the state perspective as Secretary of Natural Resources for the Commonwealth of Virginia. These experiences convinced me that the only way we can be successful at conserving and enhancing wildlife is for primary jurisdiction over wildlife to be retained by the states. State fish and game agencies and private property owners are far better able to create appropriate, workable site and situation specific conservation programs while - as we heard from Mr. Beers and the General Accounting Office - centrally planned programs over time become politicized, ideological, and ineffectual in the field.

From the beginning in 1937, the goal of the Pittman - Robertson Act was to provide maximum funds for use on the land. The original bill was drafted by Carl Shoemaker who had worked as a lawyer and newspaperman before becoming Director of the Oregon Fish and Game Commission and then coming to Washington as a staff investigator of the Senate Special Committee on Conservation of Wildlife Resources. His proposal to allocate the excise tax on sporting arms and ammunition to the states for game management was enthusiastically endorsed by the hunting community and the firearms industry. But they asked for one improvement. Shoemaker had proposed allowing the Biological Survey, the forerunner of the FWS, to retain 10% for administration. Charles Horn of the Federal Cartridge Company objected, saying as much as possible should go to conservation. Shoemaker at first held out for 10% but finally agreed to lower it to a maximum of 8%. Years later, in 1960, Shoemaker wrote, "Mr. Horn was right." Until the past few years, the

most that was gobbled up in Washington was 5%.

The Pittman-Robertson Act is based on the remarkably straightforward idea of using an excise tax on guns and ammunition to provide a secure funding base for state fish and game departments. The idea first surfaced in the 1920's after repeated attempts to create a federal hunting license were wisely defeated in Congress.

The rapidly rising incomes of the 20's, and the increase in leisure time combined with the new mobility provided by the automobile created explosive growth in the numbers of hunters and a corresponding concern among sportsmen that there would soon be few places left to hunt and that game populations would be depleted by over-hunting. In Europe, hunting and fishing were the privilege of nobleman but America was different, and sportsmen wanted to find a way to preserve our country's outdoor heritage and maintain hunting opportunities for everyone.

The genius of the Pittman - Robertson Act is that, in reality, it is more of a user fee than a tax. And like all the really beneficial wildlife laws it was not designed merely to restrict the taking of wildlife but to increase the supply of natural resources. It was set up to expand opportunities for public hunting by having hunters pay for scientific wildlife management programs that create a harvestable surplus of game. In many ways, it is the first supply-side approach to conservation. Game laws go back to the colonial era. But the early game laws simply sought to ration dwindling stocks of wildlife. That approach does not work. What works are conservation programs that recognize that renewable natural resources such as wildlife are resilient and dynamic and respond positively when managed wisely. The restoration of the wild turkey is a prime example of a good conservation program fostered by the Pittman - Robertson Act and carried out by the states and sportsmen's groups such as the Wild Turkey Federation. In 1937, the wild turkey was endangered. By 1968, they were plentiful thanks to a 30 year effort based on scientific research into the turkey's habitat requirements and an active program of trapping and relocating wild birds. Today, there are more wild turkeys than there were when Columbus arrived in this hemisphere and they now are found beyond their original range, occurring in every state except Chairman Young's state of Alaska.

It may be politically incorrect in some circles to say this, but the fact is that sportsmen - and sportswomen - hunters and fishermen - have paid for wildlife conservation in this country. Most state fish and wildlife departments get their budgets almost entirely from the sale of hunting and fishing licenses. It is interesting to note that even this source of state funding has been secured by the Pittman Robertson Act.

When Congressman Willis Robertson (a Virginian, I might add, and a Democrat) was first shown a copy of the Senate bill, he penciled in twenty-nine additional words and said, "With this amendment, I will gladly introduce the bill in the House." His amendment said that no state that diverts hunting license fees from its fish and game department and uses the money for any other purpose would be eligible for federally collected aid for wildlife. Before being elected to Congress, he had served on the Virginia Game and Inland Fisheries Board and wanted to be sure that the existence of federal conservation dollars did not tempt state legislators to direct hunting license fees to other uses.

After more than sixty years, it is remarkable how little Congress has changed this law and how effective its consistency has been. In fact, it has served as a model for subsequent laws such as the Dingell-Johnson Act, an essentially parallel law that uses an excise tax on fishing equipment to help state efforts to improve sport fishing resources.

I have mentioned all this history to try to show how irresponsible and damaging it is to allow these very

special sportsmen financed programs to be looted to pay for unrelated costs such as wasteful travel or employee's moving expenses or to cover budget shortfalls for offices that did not bother to live within their means. It is particularly offensive to hear about the contemptible efforts of political appointees to curry favor with politically connected anti-hunting groups by trying to steer them grants from these funds. I should mention that Congress in 1950 even denied itself the power to redirect these funds by giving Pittman - Robertson funds permanent, indefinite appropriations status which automatically transfers the taxes collected to the Fish and Wildlife Service for apportionment to the states.

I believe Congress should now similarly restrict the Service's ability to play games with these funds. As a state official, I found the Service reluctant to fund tried and true conservation efforts and instead uncritically favored even required novelty and new programs in order for states to access all the dollars for which they were eligible. This encourages a kind of grantsmanship that is a disservice to the program. It also diverts important resources from the management tasks at hand that are proven to be effective. I also want to call to your attention to the fact that the Dingell-Johnson Act uses more specific language to direct the grants to "fish which have material value in connection with sport or recreation..." The Pittman - Robertson Act uses the undefined terms "wildlife restoration project." In practice, the restoration projects that have been funded have mostly been for species of interest to sportsmen and this, without doubt, is the original Congressional intent. But in light of the recent misadventures downtown, it is time to add words similar the D-J language to the P-R Act. Non-hunters interested in wildlife should take delight in the fact that when a wildlife management area with public hunting is created, it secures habitat for all species. Far from being a federal subsidy for hunters, the hunters and fishermen are willingly paying for conservation programs that benefit everyone.

This Committee should also see to it that the interest of the Act's earliest supporters, Shoemaker, Robertson and Horn, as well as most Members who have been supporters of this program in the ensuing years, in having as much as possible of the money go to work in the field is realized and restored. Administrative costs were kept to 3 or 4% during most of the Act's history. The 8% that has been gobbled up during the last few years should be cut. Why in an age of automation are administrative costs increasing? Why in a time when state agencies are recognized as having great success in managing their states' resources are federal administrative costs increasing? The Interior Department should not be permitted to use the P-R, D-J funds for anything not allowed under the law at the state agencies. Money derived from these funds should be similarly restricted and missing or mis-allocated funds should be restored and distributed to the states.

In specific, allow me to offer a few recommendations. The first recommendation is to eliminate any administrative fees for whatever federal agency is determined to administer the Acts. The second recommendation is to forbid the use of P-R money for species that states do not allow to be harvested. Third, assure all future P-R and D-J funds are "matched" before using any license money for non-game fund matching. The last recommendation is to define a "wildlife restoration project" as one that is designed to enhance a species or the habitat of a species that sportsmen are permitted to harvest during legal seasons.

1987 was the 50th anniversary of the Pittman-Robertson Act. I was at the Department of the Interior that year and we published a history of the law called Restoring America's Wildlife. It contained the following passage, "The Pittman Robertson Act has a long history of excellent performance, free of scandals and serious problems." Many of you on this Committee were serving in the Congress at that time and had maintained a vigilant eye over the program to help assure such a statement could be made.

Sadly, today, we can no longer make that statement, but today you can start to restore the program.

And if you are guided by the wisdom of the program's early supporters and the commitment that has been the Congress' up to this time with regard to this program and make the changes necessary to correct the abuses and misconduct of the current leadership at Interior, and if the supporters of sound wildlife management stay vigilant, and if the Second Amendment survives, and if nintendo games do not completely obliterate the interest of young people in wholesome outdoor pursuits; if all these thing happen - and I think they will - then 38 years from now, on the 100th anniversary of Pittman - Robertson, someone will write that the Pittman Robertson Act has a long history of excellent performance, with only a brief period of scandal but that the problems were quickly corrected by the 106th Congress.

#