

IT'S TIME TO SIGHT IN THE RIFLE

Wildlife conservation has always been faced with tough challenges. However, recent efforts to stymie the conservation of sage-grouse through the National Defense Authorization Act and legislative riders on an appropriation bill has me figuratively calling foul and throwing the yellow flag on Congressional action. This may be regarded as routine legislating but it clearly is not in the best interest of conservation. Nor is it in the best interest of our nation's defense or budget.

Our Constitution clearly defines one of the responsibilities of Congress: "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." Every year Congress debates bills offered for consideration. Some of these bills are lengthy and detailed discourses that prescribe the necessary and proper means to execute some type of government activity. Others are short and general in nature. The interpretation and execution of all bills that become law is the responsibility of the Executive branch of government.

As a former member of Executive branches at both the federal and state levels, I have had to respond to numerous legislature inquires about how my department or bureau did or did not execute laws according to the intent of the legislature. I also endured the constant barrage of criticism

as one of the much-maligned "bureaucrats" that allegedly caused all sorts of problems for the constituents we served. Those criticisms go with the territory when you work in the Executive branch of government. However, the recent spate of bills, legislative riders, and amendments that have been offered have really focused my thoughts on Congress's inability to prescribe the "necessary and proper" means to execute laws. The Supreme Court's decision to uphold the Affordable Care Act brought inattentive legislation drafting to the national headlines in June. In that case, the law was challenged over the words in one sentence of the law.

Apparently, it is far easier to criticize the execution of laws than for Congress to clearly define what it wants to accomplish when passing legislation. Let me provide two examples. The poster child and whipping boy for this issue is the Endangered Species Act (ESA). The ESA spells out specific timeframes and criteria to consider when the Fish and Wildlife Service receives a petition to list a species. Recent efforts to delay the listing decision for specific species arose from political and economic concerns—neither of which are criteria for listing defined by the ESA. Second, congressional actions to transfer federal land to other interests cite insufficient funding for management of those lands and legal wrangling that prevents management action.

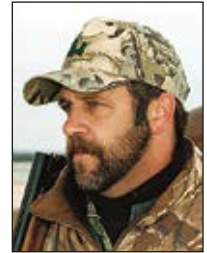
In both cases, Congress could amend the ESA and

address management concerns through an open and transparent legislative process. Rather, some members prefer to attach riders to appropriation bills or amendments that address a specific issue of concern. That is no way to run a railroad. Whether the riders and amendments are really meant to change public policy or to assuage selected constituents is not the issue. The interpretation of what is germane with respect to a bill amendment has become at best laughable and at worst, breathtakingly ill-informed. We have allowed Congress to construct a patchwork quilt of conservation laws that, in some cases, contradict one another, are unenforceable, and/or lead to unnecessary legal challenges.

We all suffer from the gyrations that some individual members have used to challenge wildlife conservation efforts. We should expect well-reasoned and measured debate to improve our existing wildlife policy. Instead, it appears that we are experiencing more shoot-from-the-hip legislating. I know that shooting from the hip is fun and sometimes you even hit the target. However, in keeping with the firearm analogy, we would all be better served if Congress stopped using the shotgun approach to legislating and instead took the time to use a sighted-in rifle to target legislative change in our current conservation laws and policy.

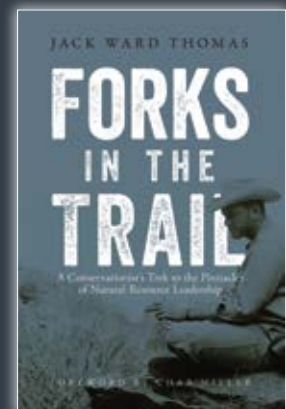
The Boone and Crockett Club can help identify the useful changes to

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Steven Williams, Ph.D.
B&C PROFESSIONAL MEMBER
PRESIDENT
Wildlife Management Institute

existing laws and help untangle the Gordian knot that strangles effective conservation efforts, as so eloquently described by Club member Jack Ward Thomas. The Club has regular and professional members who have spent many years on the front lines of conservation. We can more effectively bring that collective knowledge and experience to advance conservation for our nation. ■



Read a story from the front lines of conservation in Jack Ward Thomas's new book *Forks in the Trail* on page 36.