

## PROTECTING HUNTING HERITAGE AND EDUCATION ACT

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SEPTEMBER 20, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Ms. FOXX, from the Committee on Education and the Workforce,  
submitted the following

### R E P O R T

[To accompany H.R. 5110]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 5110) to amend the Elementary and Secondary Education Act of 1965 to clarify that the prohibition on the use of Federal education funds for certain weapons does not apply to the use of such weapons for training in archery, hunting, or other shooting sports, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Hunting Heritage and Education Act”.

#### SEC. 2. CLARIFICATION OF PROHIBITION ON USE OF FEDERAL EDUCATION FUNDS FOR CERTAIN WEAPONS AND RELATED TRAINING.

Section 8526(7) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7906(7)) is amended by inserting “, except that this paragraph shall not apply to the use of funds under this Act for activities carried out under programs authorized by this Act that are otherwise permissible under such programs and that provide students with educational instruction or educational enrichment activities, such as archery, hunting, other shooting sports, or culinary arts” before the period at the end.

#### PURPOSE

Students should have access to a well-rounded education and safe, healthy recreation. Federal funds under the *Elementary and Secondary Education Act* (ESEA) should continue to be available for these kinds of activities, which should include access to the nec-

essary equipment. And H.R. 5110, the *Protecting Hunting Heritage and Education Act*, is designed to clarify that such funds can be used for these purposes. In August, Rep. Mark Green (R-TN) and Rep. Richard Hudson (R-NC) introduced H.R. 5110, the *Protecting Hunting Heritage and Education Act*. The bill amends ESEA to clarify that the prohibition on the use of ESEA funds for certain weapons does not apply to programs for instruction or educational enrichment activities such as archery, hunting, other shooting sports, or culinary programs.

#### COMMITTEE ACTION

##### 117TH CONGRESS

##### *Second Session—Hearings*

On February 16, 2022, the Committee’s Subcommittee on Early Childhood, Elementary, and Secondary Education (ECESE) held a hearing on “Serving All Students: Promoting a Healthier, More Supportive School Environment.” The purpose of the hearing was to examine school safety practices, such as seclusion and restraint and corporal punishment, and proposals to fund school districts’ efforts to create positive school climates. Testifying before the subcommittee were Mr. Max Eden, Research Fellow, American Enterprise Institute, Washington D.C.; Ms. Kristen Harper, Vice President For Public Policy and Engagement, Child Trends, Bethesda, MD; Mr. Guy Stephens, Founder and Executive Director, Alliance Against Seclusion and Restraint, Solomons, MD; and Ms. Morgan Craven, National Director of Policy, Advocacy and Community Engagement, Intercultural Development Research Association, San Antonio, TX.

On May 26, 2022, the Committee on Education and the Workforce held a hearing on “Examining the Policies and Priorities of the U.S. Department of Education.” The purpose of the hearing was to review the Fiscal Year 2023 budget priorities of the U.S. Department of Education and school safety was discussed. Testifying before the Committee was The Honorable Miguel Cardona, Secretary, U.S. Department of Education, Washington, D.C.

On September 20, 2022, the Committee’s Subcommittee on Early Childhood, Elementary, and Secondary Education (ECESE) held a hearing on “Back to School: Meeting Students’ Academic, Social and Emotional Needs.” The purpose of the hearing was to examine how states and school districts are meeting the academic and mental health needs of students. Testifying before the subcommittee were Dr. Penny Schwinn, Commissioner, Tennessee Department of Education, Nashville, TN; Dr. Aaliyah A. Samuel, President and Chief Executive Officer, Collaborative for Academic, Social, and Emotional Learning, Chicago, IL; Dr. Matthew Blomstedt, Commissioner, Nebraska Department of Education, Lincoln, NE; and Ms. Phyllis Jordan, Associate Director, Future Ed, Georgetown University, Washington, D.C.

##### *Legislative Action*

On September 29, 2021, Rep. Debbie Wasserman Schultz (D-FL) introduced H.R. 5428, the *School Shooting Preparedness and Safety Act*, with Reps. Lucy McBath (D-GA) and Jahana Hayes (D-CT) as

original co-sponsors. The bill was referred solely to the Committee on Education and Labor.

On March 16, 2022, the Committee considered H.R. 5428 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 27–21. The Committee considered the following amendments to H.R. 5428:

1. Rep. McBath offered an Amendment in the Nature of a Substitute (ANS) to make conforming and technical changes to the bill. The amendment was adopted by a voice vote.

2. Rep. Burgess Owens (R–UT) offered an amendment to the ANS, representing the minority substitute. The Owens amendment struck the definitions and mentions of “school shooting” and “mass shooting” from the bill and would require the Department of Education to consult with the Department of Homeland Security in collecting and publishing data on school safety while eliminating the detailed data collection on school shooting collected by the underlying bill. The amendment was defeated by a recorded vote of 21–28.

3. Rep. Elise Stefanik (R–NY) offered an amendment to include data collection and reporting on the implementation of bail reform, the presence of school resource officers at schools, and the implementation of alternative discipline practices in school districts that have experienced a school shooting. The amendment was defeated by a recorded vote of 22–27.

4. Rep. Rick Allen (R–GA) offered an amendment to include a study regarding school safety and school choice, including whether increased school choice increases perceptions of school safety. The amendment was defeated by a recorded vote of 22–27.

On July 26, 2022, Rep. John Joyce (R–PA) introduced H. Res. 1273 to direct the President to provide certain documents to the House of Representatives in relation to communication between the executive branch and the American Federation of Teachers (AFT) regarding reopening schools and supporting safe, in-person learning. On September 15, 2022, the Committee considered H. Res. 1273 in legislative session and reported it unfavorably, as amended, to the House of Representatives by a vote of 28–21. The resolution was not considered on the House floor.

#### 118TH CONGRESS

##### *First Session—Hearings*

On February 8, 2023, the Committee on Education and the Workforce held a hearing on “American Education in Crisis.” The purpose of the hearing was to examine the state of American education, including the need to add transparency and accountability, to update the education system to serve the needs of students and families, and to protect and restore the rights of parents to have a say in their children’s education; issues around school safety also were discussed. Testifying before the Committee were Ms. Virginia Gentles, Director, Education Freedom Center, Independent Women’s Forum, Arlington, VA; Dr. Monty Sullivan, President, Louisiana Community and Technical College System, Baton Rouge, LA; Mr. Scott Pulsipher, President, Western Governors University, Salt

Lake City, UT; and Mr. Jared Polis, Governor, State of Colorado, Denver, CO.

#### *Legislative action*

On August 1, 2023, Rep. Mark Green (R-TN) introduced H.R. 5110, the *Protecting Hunting Heritage and Education Act*, with Rep. Richard Hudson (R-NC) as an original co-sponsor. The bill was referred solely to the Committee on Education and the Workforce. On September 14, 2023, the Committee considered H.R. 5110 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 42–0. The Committee considered the following amendments to H.R. 5110:

1. Rep. Glenn Grothman (R-WI) offered an Amendment in the Nature of a Substitute (ANS) to clarify the prohibition on use of federal education funds for certain weapons and related training. The amendment was adopted by voice vote.

### COMMITTEE VIEWS

#### INTRODUCTION

Students should have access to a well-rounded education and safe, healthy recreation. This includes access to a wide range of activities including programs such as school-based archery, hunting, and culinary arts classes. There is ample evidence that these classes are good for students, teach them safe habits, and help build self-esteem, patience, and discipline. Federal funds under the *Elementary and Secondary Education Act* (ESEA) should continue to be available for these kinds of activities, which should include access to the necessary equipment. H.R. 5110, the *Protecting Hunting Heritage and Education Act*, is designed to clarify that such funds can be used for these purposes.

#### *Background on the importance of a wide range of activities in education*

While the *General Education Provisions Act* bans the Department of Education from dictating curriculum,<sup>1</sup> ESEA recognizes the importance of access to a “well-rounded education” and authorizes federal funding for such programming.<sup>2</sup> In addition to the core academic subjects and those associated with “typical” academic disciplines, the ESEA definition of “well-rounded education” includes “arts, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.”<sup>3</sup> Research has shown the importance of a well-rounded education and ensur-

<sup>1</sup> General Education Provisions Act, 20 U.S.C. § 1232(a) (“No provision of any applicable program shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.”).

<sup>2</sup> 20 U.S.C. § 7117.

<sup>3</sup> 20 U.S.C. § 7802.

ing students acquire skills that promote solution oriented actions, working together, and critical thinking.<sup>4</sup>

For example, some schools offer archery programming for their students. According to the National Archery in the Schools Program (NASP), more than one million students in nearly 9,000 schools participate in archery annually. According to NASP, 58 percent of participating students say they feel more connected with their school, 40 percent say they are more engaged in the classroom, and 91 percent pursue (or want to pursue) other outdoor activities thanks to NASP.<sup>5</sup> There are also a number of schools that offer hunter education courses.

Other schools offer courses in the culinary arts. Such courses can help students learn lifetime skills, promote healthy habits, and pique interest in the culinary arts career field.<sup>6</sup> Students taking such courses have reported not only learning culinary skills but also increased self-confidence.<sup>7</sup>

#### *Recent changes to the law*

The *Bipartisan Safer Communities Act* (BSCA), enacted in June 2022, included a provision to prohibit ESEA funds from being used “for the provision to any person of a dangerous weapon” or “training in the use of a dangerous weapon.”<sup>8</sup> Federal law defines “dangerous weapon” as “a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2 1/2 inches in length.”<sup>9</sup> The Department indicated that the language means that schools cannot use ESEA funds for programs that use such equipment. Bipartisan Senate negotiators did not intend to restrict use of ESEA funds on educational programming for students using “dangerous weapons,” such as archery, hunting, and culinary arts classes.

There is bipartisan support for clarifying that school and extracurricular programs for students that use equipment that could be categorized as “dangerous weapons,” such as archery, hunting, and culinary arts classes, are permissible use of ESEA funds. As such, the Committee considered H.R. 5110 and reported out the bill favorably with a unanimous vote.

#### CONCLUSION

It is important that students receive a well-rounded education. Programs such as hunting, archery, culinary arts courses, and other educational and enrichment programs can provide such an education. These opportunities should continue to remain available

<sup>4</sup>Nat'l Ctr. on Time & Learning, *A Well-Rounded Education*, Nat'l Ctr. on Time & Learning: Rsch, <https://timeandlearning.org/research/well-rounded-education> (last visited Sep. 18, 2023).

<sup>5</sup>Nat'l Archery in the Schs. Program, *Students Love Archery*, Nat'l Archery in the Schs. Program: Magic of NASP, <https://www.naspschools.org/magic-of-nasp/> (last visited Sept. 18, 2023).

<sup>6</sup>Healthy-Food-Choices-In-Schools, *Cooking with Kids in Schools: Why It Is Important*, Healthy Food Choices In Schs. (June 12, 2019) <https://healthy-food-choices-in-schools.extension.org/cooking-with-kids-in-schools-why-it-is-important/>.

<sup>7</sup>Julian Ward, *North Bend High School's culinary class gives students cooking skills and self-confidence*, The World (Dec. 19, 2019) [https://theworldlink.com/news/local/education/north-bend-high-schools-culinary-class-gives-students-cooking-skills-and-self-confidence/article\\_9c323517-baa6-593a-9210-f0f6fabbf960.html](https://theworldlink.com/news/local/education/north-bend-high-schools-culinary-class-gives-students-cooking-skills-and-self-confidence/article_9c323517-baa6-593a-9210-f0f6fabbf960.html).

<sup>8</sup>Bipartisan Safer Communities Act, Pub. L. No. 117–159, §13401, 136 Stat. 1313, 1338 (2022).

<sup>9</sup>*Id.*; See 18 U.S.C. 930(g)(2).

to students, and schools should be permitted to use federal funds to support these classes. The *Protecting Hunting Heritage and Education Act* will ensure that schools have clarity that federal funds may continue to be used for students to participate in such programs.

#### SUMMARY

H.R. 5110, the *Protecting Hunting Heritage and Education Act*, amends ESEA to clarify that the prohibition on the use of ESEA funds for certain weapons does not apply to programs for instruction or educational enrichment activities such as archery, hunting, other shooting sports, or culinary arts.

#### H.R. 5110 SECTION-BY-SECTION SUMMARY

##### *Section 1. Short title*

- Names the bill: “Protecting Hunting Heritage and Education Act”

##### *Section 2—Clarification of prohibition on use of federal education funds for certain weapons and related training*

- Amends section 8526(7) of ESEA to clarify that the prohibition on the use of federal funds for training in certain weapons does not apply to activities carried out under programs authorized by ESEA that are otherwise permissible and that provide students with educational instruction or educational enrichment activities, such as archery, hunting, other shooting sports, or culinary arts.

#### EXPLANATION OF AMENDMENTS

The amendments, including the amendment in the nature of a substitute, are explained in the body of this report.

#### APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)3 of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 5110 amends ESEA to clarify that the prohibition on the use of ESEA funds for certain weapons does not apply to programs for instruction or educational enrichment activities such as archery, hunting, other shooting sports, or culinary arts. H.R. 5110 is applicable only to recipients of ESEA funds and therefore does not affect the legislative branch.

#### UNFUNDED MANDATE STATEMENT

Pursuant to Section 423 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93–344 (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act of 1995, Pub. L. No. 104–4), the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office (CBO) pursuant to section 402 of the Congressional Budget and Impoundment Control Act of 1974.

## EARMARK STATEMENT

H.R. 5110 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

## ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

Date:9/14/23

**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**

Roll Call:3

Bill:H.R.5110

Amendment Number: n/a

Disposition: Adopted by a Full Committee Roll Call Vote (42-0)

Sponsor/Amendment: Rep. Grothman/ HR5110ANS\_01 MOTION TO REPORT

| Name & State                | Aye | No | Not Voting | Name & State             | Aye | No | Not Voting |
|-----------------------------|-----|----|------------|--------------------------|-----|----|------------|
| Mrs. FOXX (NC) (Chairwoman) | X   |    |            | Mr. SCOTT (VA) (Ranking) | X   |    |            |
| Mr. WILSON (SC)             | X   |    |            | Mr. GRIJALVA (AZ)        | X   |    |            |
| Mr. THOMPSON (PA)           | X   |    |            | Mr. COURTNEY (CT)        | X   |    |            |
| Mr. WALBERG (MI)            | X   |    |            | Mr. SABLON (MP)          | X   |    |            |
| Mr. GROTHMAN (WI)           | X   |    |            | Ms. WILSON (FL)          | X   |    |            |
| Ms. STEFANIK (NY)           | X   |    |            | Ms. BONAMICI (OR)        | X   |    |            |
| Mr. ALLEN (GA)              | X   |    |            | Mr. TAKANO (CA)          | X   |    |            |
| Mr. BANKS (IN)              | X   |    |            | Ms. ADAMS (NC)           | X   |    |            |
| Mr. COMER (KY)              |     |    | X          | Mr. DESAULNIER (CA)      | X   |    |            |
| Mr. SMUCKER (PA)            | X   |    |            | Mr. NORCROSS (NJ)        | X   |    |            |
| Mr. OWENS (UT)              | X   |    |            | Ms. JAYAPAL (WA)         | X   |    |            |
| Mr. GOOD (VA)               | X   |    |            | Ms. WILD (PA)            | X   |    |            |
| Mrs. MCCLAIN (MI)           | X   |    |            | Ms. MCBATH (GA)          |     |    | X          |
| Mrs. MILLER (IL)            | X   |    |            | Mrs. HAYES (CT)          | X   |    |            |
| Mrs. STEEL (CA)             | X   |    |            | Ms. OMAR (MN)            | X   |    |            |
| Mr. ESTES (KS)              | X   |    |            | Ms. STEVENS (MI)         | X   |    |            |
| Ms. LETLOW (LA)             |     |    | X          | Ms. LEGER FERNÁNDEZ (NM) | X   |    |            |
| Mr. KILEY (CA)              | X   |    |            | Ms. MANNING (NC)         | X   |    |            |
| Mr. BEAN (FL)               | X   |    |            | Mr. MRVAN (IN)           | X   |    |            |
| Mr. BURLISON (MO)           | X   |    |            | Mr. BOWMAN (NY)          | X   |    |            |
| Mr. MORAN (TX)              | X   |    |            |                          |     |    |            |
| Mr. JAMES (MI)              | X   |    |            |                          |     |    |            |
| Ms. CHAVEZ-DEREMER (OR)     | X   |    |            |                          |     |    |            |
| Mr. WILLIAMS (NY)           | X   |    |            |                          |     |    |            |
| Ms. HOUGHIN (IN)            | X   |    |            |                          |     |    |            |

TOTALS: Ayes: 42

Nos:0

Not Voting:3

Total: 45 / Quorum:42 / Report:

(25 R - 20 D)

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of rule XIII of the Rules of the House of Representatives, the goal of H.R. 5110 amends ESEA to clarify that the prohibition on the use of ESEA funds for certain weapons does not apply to programs for instruction or educational enrichment activities such as archery, hunting, other shooting sports, or culinary arts.

#### DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 5110 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee's oversight findings and recommendations are reflected in the body of this report.

#### REQUIRED COMMITTEE HEARING AND RELATED HEARINGS

In compliance with clause 3(c)(6) of rule XIII of the Rules of the House of Representatives the following hearing held during the 118th Congress was used to develop or consider H.R. 5110: on February 8, 2023, the Committee on Education and the Workforce held a hearing on “American Education in Crisis.”

#### NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for H.R. 5110 from the Director of the Congressional Budget Office:

| <b>H.R. 5110, Protecting Hunting Heritage and Education Act</b>                                              |             |                                           |                  |
|--------------------------------------------------------------------------------------------------------------|-------------|-------------------------------------------|------------------|
| <b>As ordered reported by the House Committee on Education and the Workforce on September 14, 2023</b>       |             |                                           |                  |
| By Fiscal Year, Millions of Dollars                                                                          | <u>2023</u> | <u>2023-2028</u>                          | <u>2023-2033</u> |
| Direct Spending (Outlays)                                                                                    | 0           | 0                                         | 0                |
| Revenues                                                                                                     | 0           | 0                                         | 0                |
| Increase or Decrease (-)<br>in the Deficit                                                                   | 0           | 0                                         | 0                |
| Spending Subject to<br>Appropriation (Outlays)                                                               | 0           | *                                         | not estimated    |
| Increases <i>net direct spending</i> in<br>any of the four consecutive 10-year<br>periods beginning in 2034? | No          | Statutory pay-as-you-go procedures apply? | No               |
|                                                                                                              |             | <b>Mandate Effects</b>                    |                  |
| Increases <i>on-budget deficits</i> in any<br>of the four consecutive 10-year<br>periods beginning in 2034?  | No          | Contains intergovernmental mandate?       | No               |
|                                                                                                              |             | Contains private-sector mandate?          | No               |
| * = between zero and \$500,000.                                                                              |             |                                           |                  |

H.R. 5110 would amend the Elementary and Secondary Education Act of 1965 to allow schools to use federal education funds to purchase or use dangerous weapons (as defined in law) to train students in archery, hunting, other shooting sports, or culinary arts. CBO estimates that the cost to the Department of Education to implement the bill would be insignificant; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Garrett Quenneville. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 5110. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when, as with the present report, the committee adopts as its own the cost estimate of the bill being prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

#### ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

\* \* \* \* \*

## TITLE VIII—GENERAL PROVISIONS

\* \* \* \* \*

### PART F—UNIFORM PROVISIONS

\* \* \* \* \*

#### Subpart 2—Other Provisions

\* \* \* \* \*

#### SEC. 8526. PROHIBITED USES OF FUNDS.

No funds under this Act may be used—

(1) for construction, renovation, or repair of any school facility, except as authorized under this Act;

(2) for transportation unless otherwise authorized under this Act;

(3) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

(4) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

(5) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence;

(6) to operate a program of contraceptive distribution in schools; or

(7) for the provision to any person of a dangerous weapon, as defined in section 930(g)(2) of title 18, United States Code, or training in the use of a dangerous weapon, *except that this paragraph shall not apply to the use of funds under this Act for activities carried out under programs authorized by this Act that are otherwise permissible under such programs and that provide students with educational instruction or educational enrichment activities, such as archery, hunting, other shooting sports, or culinary arts.*

\* \* \* \* \*

