

PROTECTING ACCESS FOR HUNTERS AND
ANGLERS ACT OF 2023

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

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 615]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 615) to prohibit the Secretary of the Interior and the Secretary of Agriculture from prohibiting the use of lead ammunition or tackle on certain Federal land or water under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, and for other purposes., 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 Access for Hunters and Anglers Act of 2023”.

SEC. 2. PROTECTING ACCESS FOR HUNTERS AND ANGLERS ON FEDERAL LAND AND WATER.

(a) IN GENERAL.—Except as provided in section 20.21 or 20.108 of title 50, Code of Federal Regulations (as in effect on the date of enactment of this Act), and subsection (b), the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service or the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the “applicable Secretary”), may not—

(1) prohibit the use of lead ammunition or tackle on Federal land or water that is—

(A) under the jurisdiction of the applicable Secretary; and

- (B) made available for hunting or fishing activities; or
- (2) issue regulations relating to the level of lead in ammunition or tackle to be used on Federal land or water described in paragraph (1).
- (b) EXCEPTION.—Subsection (a) shall not apply to a prohibition or regulations described in that subsection that are limited to a specific unit of Federal land or water, if the applicable Secretary determines that—
 - (1) a decline in wildlife population at the specific unit of Federal land or water is primarily caused by the use of lead in ammunition or tackle, based on the field data from the specific unit of Federal land or water; and
 - (2) the prohibition or regulations, as applicable, are—
 - (A) consistent with the law of the State in which the specific Federal land or water is located;
 - (B) consistent with an applicable policy of the fish and wildlife department of the State in which the specific Federal land or water is located; or
 - (C) approved by the applicable fish and wildlife department of the State in which the specific Federal land or water is located.
- (c) FEDERAL REGISTER NOTICE.—The applicable Secretary shall include in a Federal Register notice with respect to any prohibition or regulations that meet the requirements of paragraphs (1) and (2) of subsection (b) an explanation of how the prohibition or regulations, as applicable, meet those requirements.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 615 is to prohibit the Secretary of the Interior and the Secretary of Agriculture from prohibiting the use of lead ammunition or tackle on certain Federal land or water under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Hunting and fishing are allowed at nearly 400 national wildlife refuges, 35 wetland management districts, and 20 national fish hatcheries.¹ Each of these units are managed differently and, in some cases, hunting and fishing is only allowed for certain species or in certain sections of a particular refuge. In addition, hunting and fishing in the National Wildlife Refuge System (System) is governed in compatibility with state laws around hunting seasons and licensing.²

According to the U.S. Fish and Wildlife Service (USFWS), “as practiced on refuges, hunting does not pose a threat to the wildlife populations—and in some instances it is necessary for sound wildlife management.”³ Science-based hunting is used as a tool to manage species populations, like deer, that if they become overpopulated can threaten habitat for other vital species. The harvesting of wildlife on refuges is intended to be regulated on a case-by-case basis based on the conditions at each refuge unit, not by a one-size fits all mandate system-wide.⁴

On August 18, 2020, the Department of the Interior (DOI) announced it was expanding hunting and fishing opportunities on 2.3 million acres across 147 national wildlife refuges and national fish hatcheries.⁵ In response, the Center for Biological Diversity (CBD) filed suit against the DOI in the U.S. District Court for the District

¹“Hunting.” U.S. Fish and Wildlife Service. *Hunting* | U.S. Fish & Wildlife Service (fws.gov).

²*Id.*

³“Why Hunting is Allowed on National Wildlife Refuges.” U.S. Fish and Wildlife Service. *Why Hunting Is Allowed on Refuges* | U.S. Fish & Wildlife Service (fws.gov).

⁴*Id.*

⁵“Secretary Bernhardt Announces Historic Expansion of Hunting and Fishing Opportunities on Public Lands.” U.S. Fish and Wildlife Service. August 18, 2020. *Secretary Bernhardt Announces Historic Expansion of Hunting and Fishing Opportunities on Public Lands* | U.S. Fish & Wildlife Service (fws.gov).

of Montana on November 29, 2021.⁶ In its suit, CBD stated the effects of lead ammunition and tackle would negatively impact endangered species that inhabit the System.⁷

On November 30th, 2022, the USFWS and CBD reached a settlement agreement that mandated USFWS to take steps to protect wildlife “harmed by expanded hunting and fishing” on refuges.⁸ Also included in the settlement were USFWS promises to expand lead ammunition bans as a part of the 2023–2024 annual rule governing management of the System. USFWS also agreed to respond to CBD’s petition to ban lead ammunition and fishing tackle across all refuges,⁹ which the Service denied on June 7, 2023.¹⁰

On June 22, 2023, the USFWS followed through on the settlement agreement by proposing to ban the use of lead ammunition and tackle by 2026 in seven specified national wildlife refuge (NWR) areas: Blackwater NWR in Maryland, Eastern Neck NWR Maryland, Erie NWR in Pennsylvania, Great Thicket NWR in Maine, Patuxent Research Refuge in Maryland, Rachel Carson NWR in Maine and Wallops Island NWR in Virginia.¹¹ In addition, lead ammunition, but not tackle, would be banned in the Chincoteague NWR in Virginia and Maryland.¹²

A ban on cost-effective traditional lead ammunition and tackle has an impact on sportsmen participation and therefore dollars going into wildlife conservation. Increasing costs on consumers could result in a substantial decrease in hunting and fishing participation and, by extension, conservation funding. The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and Dingell-Johnson Act (16 U.S.C. 777 et seq.) require that the sale of hunting and fishing equipment have an excise tax attached to it that is paid by manufacturers and, ultimately, consumers.¹³ In Fiscal Year 2023, U.S. Fish and Wildlife Service received \$1.2 billion in receipts from Pittman-Robertson¹⁴ and \$425 million in receipts from Dingell-Johnson.¹⁵

In 2021, the National Shooting Sports Foundation concluded that lead-free hunting ammunition is on average 24.66 percent more expensive than lead ammunition.¹⁶ In addition, the cost of raw mate-

⁶“Greens sue to block expanded hunting on wildlife refuges.” Michael Doyle. E&E News, November 29, 2021. *Greens sue to block expanded hunting on wildlife refuges—E&E News* (eenews.net).

⁷*Id.*

⁸“Biden’s war on hunting faces blowback from Republicans, sportsmen groups.” Thomas Catenucci. Fox News. April 30, 2023. <https://www.foxnews.com/politics/bidens-war-hunting-faces-blowback-republicans-sportsmen-groups>.

⁹*Id.*

¹⁰“The Association Support the U.S. Fish and Wildlife Service’s Decision to Reject CBD’s petition.” Association of Fish & Wildlife Agencies. June 7, 2023. *AFWA Supports USFWS Decision to Reject CBDs Petition: Association of Fish & Wildlife Agencies* (fishwildlife.org).

¹¹88 FR 41058.

¹²*Id.*

¹³“The Pittman-Robertson Wildlife Restoration Act.” Erin H. Ward, Pervaze A. Sheikh, and Mark K. DeSantis. Congressional Research Service. *The Pittman-Robertson Wildlife Restoration Act* (congress.gov) and “Sport Fish Restoration.” U.S. Fish and Wildlife Service. *Sport Fish Restoration | U.S. Fish & Wildlife Service* (fws.gov).

¹⁴“Certificate of Apportionment Pittman-Robertson Wildlife Restoration Act FY23”. Martha Williams. U.S. Fish and Wildlife Service. January 30, 2023. *Certificate of Apportionment Pittman-Robertson Wildlife Restoration.pdf* (fws.gov).

¹⁵“FY 23—Certificate of Apportionment for Dingell-Johnson Sport Fish Restoration.” Martha Williams. U.S. Fish and Wildlife Service. January 30, 2023. *Certificate of Apportionment for Dingell-Johnson Sport Fish Restoration.pdf* (fws.gov).

¹⁶“2021 Economic Impact of Ban on Traditional Ammunition in the United States.” National Shooting Sports Foundation. https://naturalresources.house.gov/uploadedfiles/2021_economic_impact_banning_traditional_ammo_united_states_pdf.pdf.

rials to manufacture lead alternatives compared to traditional lead is substantial, with copper being four times more expensive than lead (\$8.49/kg for copper vs. \$2.17/kg for lead).¹⁷ For fishing tackle, the cost of lead-free alternatives is even more stark. For example, tin, a leading alternative costs \$13.04/lb. compared to \$0.98/lb. for lead.¹⁸ This price difference could increase if a System-wide ban on lead ammunition and fishing tackle is put in place, as the demand for copper and other alternatives will most likely increase due to market conditions. After years of decline, participation in hunting and fishing activities increased substantially during the pandemic.¹⁹ Increasing participation costs on consumers by increasing the cost of popular hunting ammunition and fishing tackle, could result in a substantial decrease in hunting and fishing participation.

COMMITTEE ACTION

H.R. 615 was introduced on January 27, 2023, by Rep. Robert J. Wittman (R-VA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. The bill was also referred to the Committee on Agriculture. On May 10, 2023, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On June 21, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 615 by unanimous consent. Rep. Wittman (R-VA) offered an amendment in the nature of a substitute, designated Wittman ANS 061. Ranking Member Raúl Grijalva (D-AZ) offered an amendment to the amendment in the nature of a substitute, designated Grijalva #1 Revised. The amendment to the amendment in the nature of a substitute was not adopted by a roll call vote of 16 yeas to 20 nays, as follows:

¹⁷“Copper Commodity Price.” Markets Insider. May 8, 2023. <https://markets.businessinsider.com/commodities/copper-price> and “Lead Commodity Price.” Markets Insider. May 8, 2023. <https://markets.businessinsider.com/commodities/lead-price>.

¹⁸“Tin Metal Price.” Daily Metal Price. May 8, 2023. *Daily Metal Price: Tin Price (USD / Pound) Chart for the Last 2 Years*.

¹⁹“Hunting pastime spikes during pandemic. Conservationists are glad. Here’s why.” Alex Brown. The Washington Post. *Hunting pastime spikes during pandemic. Conservationists are glad. Here’s why.*—The Washington Post.

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: June 21, 2023

Roll Call# 5

Meeting on / Amendment on: Grijalva #1 revised to Wittman ANS_061 to H.R. 615 (Rep. Wittman),
"Protecting Access for Hunters and Anglers Act of 2023"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA				Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL				Ms. Leger Fernandez, NM	X		
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID		X		Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY	X		
Mr. Curtis, UT		X		Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL				Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO				Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Cass, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL							
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	16	20	

Rep. Debbie Dingell (D–MI) offered an amendment to the amendment in the nature of a substitute, designated Dingell #2. The amendment to the amendment in the nature of a substitute was not adopted by a roll call vote of 16 yeas to 20 nays, as follows:

Roll Call# 6

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westernman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA				Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ			
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL				Ms. Leger Fernandez, NM	X		
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID		X		Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY	X		
Mr. Curtis, UT		X		Mr. Mullin, CA			
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL				Ms. Kamlager-Dove, CA	X		
Mr. Rosendahl, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO				Ms. Velázquez, NY			
Mr. Bentz, OR		X		Mr. Case, HI			
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL							
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	16	20	

The amendment in the nature of a substitute offered by Rep. Wittman was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by a roll call vote of 21 yeas to 15 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: June 21, 2023

Roll Call# 7

Meeting on / Amendment on: On Favorably Reporting, as amended, H.R. 615 (Rep. Wittman),
"Protecting Access for Hunters and Anglers Act of 2023"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman	X			Mr. Grijalva, AZ, Ranking		X	
Mr. Lamborn, CO	X			Ms. Napolitano, CA		X	
Mr. Wittman, VA	X			Mr. Sablan, CNMI		X	
Mr. McClintock, CA				Mr. Huffman, CA		X	
Mr. Gosar, AZ	X			Mr. Gallego, AZ			
Mr. Graves, LA	X			Mr. Neguse, CO		X	
Mrs. Radewagen, AS	X			Mr. Levin, CA		X	
Mr. LaMalfa, CA	X			Ms. Porter, CA		X	
Mr. Webster, FL				Ms. Leger Fernandez, NM		X	
Ms. González-Colón, PR	X			Ms. Stansbury, NM		X	
Mr. Fulcher, ID	X			Mrs. Petiola, AK	X		
Mr. Stauber, MN	X			Ms. Ocasio-Cortez, NY		X	
Mr. Curtis, UT	X			Mr. Mullin, CA			
Mr. Tiffany, WI	X			Ms. Hoyle, OR		X	
Mr. Carl, AL				Ms. Kamlager-Dove, CA		X	
Mr. Rosendale, MT	X			Mr. Magaziner, RI		X	
Mrs. Boebert, CO				Ms. Velázquez, NY			
Mr. Bentz, OR	X			Mr. Case, HI			
Ms. Kiggans, VA	X			Mrs. Dingell, MI		X	
Mr. Moynihan, Guam	X			Ms. Lee, NV		X	
Mr. Hunt, TX	X						
Mr. Collins, GA	X						
Ms. Luna, FL							
Mr. Duarte, CA	X						
Ms. Hageman, WY	X						
				TOTAL:	21	15	

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on May 10, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill as the “Protecting Access for Hunters and Anglers Act of 2023”.

Section 2. Protecting access for hunters and anglers on federal land and water

Section 2 prohibits the Secretaries of the Interior and Agriculture from banning the use of lead ammunition or tackle on federal land or water that is under their jurisdiction and made available for hunting or fishing activities. In addition, the Secretaries may not issue regulations relating to the level of lead in ammunition or tackle to be used on Federal land or water.

The bill allows the Secretaries to exempt a particular unit of federal land or water if the relevant Secretary determines a decline in wildlife population at that specific unit is primarily caused by the use of lead in ammunition or tackle, and the prohibition is consistent with state law, or state fish and wildlife policy or regulations governing that unit.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND
CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 615, Protecting Access for Hunters and Anglers Act of 2023			
As ordered reported by the House Committee on Natural Resources on June 21, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

H.R. 615 would prohibit the Departments of Agriculture and the Interior from banning the use of lead hunting ammunition and fishing tackle or limiting the amount of lead in those items on property under their jurisdiction. That prohibition would not apply at a specific location if the agency determines that lead ammunition or tackle is the primary cause of a decline in wildlife in that location.

The U.S. Fish and Wildlife Service (part of the Department of the Interior) has adopted regulations that, beginning in 2026, will limit the use of lead ammunition for hunting in some refuges. Based on the costs of similar activities, CBO estimates that it would cost less than \$500,000 over the 2023–2028 period to implement H.R. 615, including rescinding the current rule and reverting to prior regulations. Such spending would be subject to the availability of appropriated funds.

Under current law, ammunition sales are taxed at a rate of 11 percent of the sales price and those revenues are deposited into the Federal Aid to Wildlife Restoration Fund. Those funds are available to be spent without further appropriation for wildlife restoration, conservation, and hunter education and safety. CBO estimates that enacting the bill could affect those revenues and consequent spending but the directions of those changes are uncertain. To the extent the change increases sales of ammunition overall, revenues would increase. But to the extent hunters substitute less expensive lead ammunition for more expensive alternatives, revenues would decline.

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

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to prohibit the Secretary of the Interior and the Secretary of Agriculture from prohibiting the use of lead ammunition

or tackle on certain Federal land or water under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 615 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 615 makes no changes in existing law.

GLENN THOMPSON, PENNSYLVANIA
CHAIRMAN

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COMMITTEE CORRESPONDENCE

U.S. House of Representatives Committee on Agriculture Room 1301, Longworth House Office Building Washington, DC 20515-6001 (202) 225-2171

September 15, 2023

The Honorable Bruce Westerman, Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

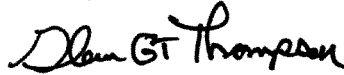
Dear Mr. Chairman:

This letter confirms our mutual understanding regarding H.R. 615, the "Protecting Access for Hunters and Anglers Act of 2023". Thank you for collaborating with the Committee on Agriculture on the matters within our jurisdiction.

The Committee on Agriculture will forego any further consideration of this bill. However, by foregoing consideration at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. The Committee on Agriculture also reserves the right to seek appointment of an appropriate number of conferees should it become necessary and ask that you support such a request.

We would appreciate a response to this letter confirming this understanding with respect to H.R. 615 and request a copy of our letters on this matter be published in the Congressional Record during Floor consideration.

Sincerely,



Glenn "GT" Thompson
Chairman

Cc: The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Kevin McCarthy, Speaker of the House
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

DAVID SCOTT, GEORGIA
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RAÚL M. GRIJALVA OF ARIZONA
RANKING DEMOCRAT

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STAFF DIRECTOR

LORA SNYDER
DEMOCRAT STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 18, 2023

The Honorable Glenn "GT" Thompson
Chairman
Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 615, the "Protecting Access for Hunters and Anglers Act of 2023," which was ordered reported by the Committee on Natural Resources on June 21, 2023.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Agriculture and appreciate your willingness to forgo any further consideration of the bill. I acknowledge that the Committee on Agriculture will not formally consider H.R. 615 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Agriculture to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Kevin McCarthy, Speaker of the House
The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

DISSENTING VIEWS

H.R. 615 would bar the Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and the U.S. Forest Service (USFS) from prohibiting or regulating the use of lead ammunition or tackle on federal land or water made available for hunting or fishing under such departments' jurisdiction. The bill makes exceptions for cases in which the applicable department determines that a decline in wildlife population at the specific unit of federal land or water is primarily caused by the use of lead in ammunition or tackle, based on the field data from such unit, and if such regulation complies with state laws or the state approves the rules.

This bill would undermine federal land managers' ability to regulate lead pollution that poses a risk to wildlife and humans on the land they manage. This contamination can pose a significant threat to wildlife and the threatened or endangered species occupying those lands. Weakening such safeguards also conflicts with the National Refuge System Administration Act, which mandates that any activities in a refuge be compatible with the aims of the refuge. It is also unclear how this legislation would affect state laws and local regulations, such as the State of Maine's ban on lead ammunition and tackle, enacted after loons were found particularly susceptible to lead poisoning.

Lead exposure from tackle and ammunition left in the environment poses a significant health risk to wildlife, reducing species growth and survival rates. However, lead's abundance, low cost, and malleability make it attractive for fishing weights and ammunition. Lead fishing tackle and spent ammunition has been found in over 130 species, leading to lead poisoning of wildlife—which has devastated species like the common loon, California condor, and the bald eagle.

Alternative forms of ammunition and tackle made of steel, copper, tin, and bismuth are easily accessible and just as effective as lead-based materials. The cost of transitioning away from lead-based ammunition has not been a barrier to participation in other areas where lead bans are in place, for example in Denmark 20 years after a lead ammunition ban was emplaced more hunters were registered than ever before.¹ Additionally, a study released in 2013 included an analysis of 35 calibers of bullet and 51 cartridge

¹Kanstrup, N. 2015. Practical and social barriers to switching from lead to non-toxic gunshot—a perspective from the EU. In *Proceedings of the Oxford Lead Symposium. Lead ammunition: Understanding and minimising the risks to human and environmental health*, eds. R.J. Delahay and C.J. Spray, 98–103. Oxford: Edward Grey Institute, The University of Oxford. [https://pure.au.dk/portal/da/persons/niels-kanstrup/c0a7ebef-aa1c-4db0-946a-63a5390e0806/publications/practical-and-social-barriers-to-switching-from-lead-to-nontoxic-gunshot/3c7853e8-8424-4381-878e-db040a70ef80\).html](https://pure.au.dk/portal/da/persons/niels-kanstrup/c0a7ebef-aa1c-4db0-946a-63a5390e0806/publications/practical-and-social-barriers-to-switching-from-lead-to-nontoxic-gunshot/3c7853e8-8424-4381-878e-db040a70ef80).html).

sizes. It found no significant difference in lead-free and lead-core ammunition retail pricing in most of the popular calibers.²

A 2005 report estimates the average angler will spend less than 1% more on fishing costs if they switch to non-lead materials, compared to current fishing related expenditures.³ Similarly, a 2008 technical review on the implications of a lead tackle ban cites an average additional cost between \$5–25 to transition to non-lead tackle.⁴ While alternative materials may have different physical characteristics and greater costs than lead, it is important to consider the costs to wildlife, human, and ecosystem health that comes with the continued use of lead.

Ammunition regulations, including those mandating non-toxic ammunition, have proven to be practical in managing lead exposure. For example, lead shot was outlawed for waterfowl shooting in 1991, making non-lead shots more affordable and significantly improving the blood and bone lead levels in various waterfowl species.⁵ In addition, 35 states have tightened lead ammunition limitations beyond the federal waterfowl regulation of 1991.⁶ The National Park Service and the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) have also implemented regulations prohibiting lead ammunition and investing in non-toxic ammunition. Some states have enacted legislation to ban the use of lead fishing sinkers. New Hampshire began enforcing a ban on lead sinkers in 2000, and Maine, Vermont, Massachusetts, and New York followed soon after.

H.R. 615 preempts land managers from limiting pollutants on federal lands, some of which are managed with the explicit mission of promoting the conservation of wildlife species. While this bill makes exceptions for instances where lead is linked to a decline in a wildlife population, the decline must be documented in the specific unit of the National Wildlife Refuge System. This would require significant funds, even if there is robust scientific evidence that certain species are highly susceptible to lead poisoning. It would be cost-prohibitive, as land units typically lack the budget or staff capacity to commission or carry out such research. Expert testimony in this hearing stated, “the studies that this bill would require just cannot be done. It would be impossible given the parameters of those studies.” Given these hurdles, *a likely outcome of this bill is a loss of access to areas for hunters and anglers* that could otherwise be available for hunting and fishing.

Finally, this bill appears to be an attempt by some in Congress to support the powerful gun lobby, which is not how we should be deciding on the future of our National Wildlife Refuge System. In the legislative hearing on this bill, some Members of the Committee made it clear their intention with the bill is to further gun ownership, asserting that lead bans will price people out of owning guns. At least to some, the purpose of this bill apparently is really

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3758820/>.

³ <https://www.pca.state.mn.us/sites/default/files/leadfree-canada2005.pdf>.

⁴ Sources and implications of lead ammunition and fishing tackle on natural resources. Technical Review 08–01. June 2008. <https://wildlife.org/wp-content/uploads/2014/05/Lead08-1.pdf>.

⁵ V.G. Thomas. 2009. The policy and legislative dimensions of nontoxic shot and bullet use in North America.

⁶ V.G. Thomas. 2014. Availability and Use of Nonlead Rifle Cartridges and Nontoxic Shot for Hunting in California, with Reference to Regulations used in Various Jurisdictions & Survey of California Ammunition Retailers to Assess Availability of Nonlead Ammunition.

to prevent the government from mandating ammunition, on the view that “you cannot control guns, you cannot mandate guns, but what you can mandate is the ammo and that’s what this lead bill is after.” We should not undermine state and local laws or federal land managers’ ability to regulate the discharge of deadly pollutants in public lands and waterways just to accommodate the gun lobby.

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