

# United States Senate

WASHINGTON, DC 20510

September 5, 2023

The Honorable Miguel A. Cardona  
Secretary, Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Secretary Cardona,

Following the tragedies in Uvalde, Texas, and Buffalo, New York, members of the United States Senate quickly began drafting the *Bipartisan Safer Communities Act* (BSCA).<sup>1</sup> This pivotal piece of legislation provided resources for local, state, and federal agencies to respond to communities in crisis, provide mental health services, and build proactive safety responses to avoid future tragedies. The legislation was also carefully negotiated and drafted to protect and preserve law-abiding citizens' Second Amendment rights.

Unfortunately, and contrary to Congressional intent, the Department of Education (“the Department”) has misinterpreted the language to exclude certain educational activities from receiving federal resources.

Specifically, section 13401 of BSCA amended section 8526 of the *Elementary and Secondary Education Act of 1965* (“ESEA”) to add a new prohibited use of federal funds provided under ESEA. The intent of section 13401 of BSCA was to preclude these funds from being used to purchase dangerous weapons for school staff or to train school staff in the use of dangerous weapons, with the recognition that ESEA funds should support student achievement, educational enrichment programs, and student well-being. Other federal funds appropriated in the BSCA were intended to support evidence-based school safety and protective measures.

In implementing section 13401, the Department issued guidance<sup>2</sup> that contradicts Congressional intent. The Department's interpretation has sparked concerns from district and state leaders that ESEA funds may no longer be used to support archery, hunter safety education, or other extracurricular programs. We understand the Department has encouraged local and state education agencies to seek alternative sources of funding for archery and hunting educational enrichment programs. This is concerning because of the important role these enrichment programs can play in students' lives. Archery is an inclusive extracurricular activity that empowers students from all backgrounds to learn a sport and compete.<sup>3</sup> Hunter safety classes and programs play an important role in teaching safety, wildlife management, landowner relations, and personal responsibility to students. Over 600,000 students are trained and certified annually,

<sup>1</sup> *Bipartisan Safer Communities Act*, Pub. L. No. 117-159, 136 Stat. 1313 (2022).

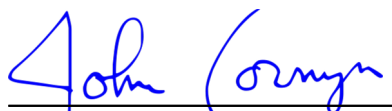
<sup>2</sup> Department of Education, “*Bipartisan Safer Communities Act, Stronger Connections Grant Program, Frequently Asked Questions, April 2023*”. <https://oese.ed.gov/files/2023/04/23-0083.BSCA-FAQs.pdf>

<sup>3</sup> *The Magic of NASP*®, NASPSCHOOLS.ORG, <https://www.naspschools.org/magic-of-nasp/> (June 6, 2023).

and research indicates due to the increased participation in hunters safety courses, the instance of hunting related injuries have significantly decreased over the last 50 years.<sup>4</sup>

We ask that the Department interpret the language as Congress intended and no longer ask educational entities to seek other funding sources for educational enrichment programs that align with the intent of ESEA- supporting student achievement and student well-being. It is our hope that the Department will rethink its latest guidance that threatens students' access to these programs, which support pathways to professional success, community safety, and personal well-being.

Respectfully,



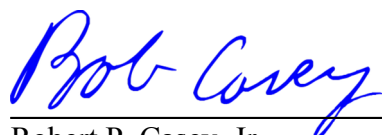
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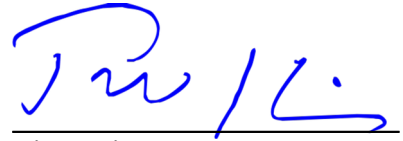
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<sup>4</sup> *Id.*



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Susan M. Collins  
United States Senator



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Tim Kaine  
United States Senator



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Roger F. Wicker  
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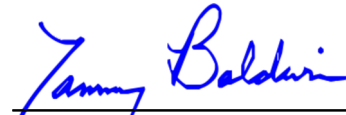
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Mitt Romney  
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Tammy Baldwin  
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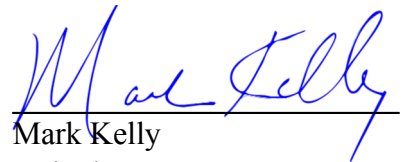
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