

United States Senate

WASHINGTON, DC 20510-4305

July 10, 2023

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

Dear Secretary Cardona,

In the wake of the Uvalde, Texas, and Buffalo, New York, tragedies, we drafted and passed bipartisan, common-sense legislation—called the Bipartisan Safer Communities Act (“BSCA”)—to protect America’s children, keep our schools safe, and reduce the threat of violence across our country. The legislation was carefully negotiated and drafted to protect and preserve law-abiding citizens’ Second Amendment rights. We were alarmed to learn recently that the Department of Education (the “Department”) has misinterpreted the BCSA to require the defunding of certain longstanding educational and enrichment programs—specifically, archery and hunter education classes—for thousands of children, who rely on these programs to develop life skills, learn firearm safety, and build self-esteem.

The Department mistakenly believes that the BSCA precludes funding these enrichment programs.¹ Such an interpretation contradicts congressional intent and the text of the BSCA.² Indeed, the BSCA provides a billion dollars for activities under section 4108 of the Elementary and Secondary Education Act of 1965—or “activities to support safe and healthy students.” Such activities include programs that integrate health and safety practices into school or athletic programs, support a healthy, active lifestyle, and enhance students’ effective learning skills.³ Critical educational programs like archery and hunter education fall well within this scope and promote student safety and health. We added that provision to ensure education funds would continue to support school enrichment programs and opportunities for students while other parts of the bill would specifically fund school resource officers and school hardening measures.⁴ Using the BSCA as a pretext to

¹ Schools have reached out letting us know that your Department has begun to withhold funds to programs which offer archery and hunter’s safety, by interpreting §13401 of the BSCA, which amended the Elementary and Secondary Education Act of 1965, to mean that they are to withhold funds from going toward any program which falls within the definition of a “dangerous weapon” when that section was only meant to withhold funding from training School Resource Officers (SROs) with “dangerous weapons,” not enrichment programs for students.

² *Bipartisan Safer Communities Act*, Pub. L. No. 117-159, 136 Stat. 1313 (2022).

³ 20 U.S.C. § 7118(5)(C).

⁴ Compare BSCA Page 136 Stat. 1342 (amending the Elementary and Secondary Education Act of 1965 to provide funding to schools for programs and activities which support and encourage student health, safety, and achievement)

shift critical educational and enrichment resources away from archery and hunter education classes was never the intent of the law. The purpose of the Department is to meet students' needs where they are and support the expansion of learning opportunities, not take them away.

The Department's decision to cancel critical funding has come at a significant cost to our students, and would actually contradict the BSCA's goal of promoting student mental health. The National Archery in the Schools Program ("NASP") is one example of a program that supports safe and healthy students. Archery is an inclusive extracurricular activity that empowers students from all backgrounds to learn a sport and compete.⁵ Since 2002, more than 21 million students have participated in NASP's archery program.⁶ Every year, over 1.3 million students across nearly 9,000 schools in 49 states participate in NASP's archery program.⁷ NASP has awarded \$3.4 million in scholarships to over 2,000 students, giving students an opportunity to attend college when it may not have been possible before.⁸ The NASP program helps students do better in school and leads to better classroom engagement and mental well-being.⁹ Tommy Floyd, President of NASP, describes the benefits of the archery program:

NASP appeals to almost every student and is often pursued by students that have experienced physical, developmental, or other challenges. NASP appeals equally to both genders as our male and female students compete side-by-side. For over two decades now, we have continued to hear a familiar story from parents, grandparents, and guardians as well as urban and rural educators who discover NASP. They tell us about the many positive attributes they see developing in their students such as confidence, humility, ability to handle pressure, sportsmanship, dealing with success (and failure), and becoming a part of a team; all these essential life skills are imparted through participation in the shooting sports.¹⁰

Archery gives students a chance to be a part of a team, to compete, to learn, and to make friends, irrespective of the students' background, gender, or physical capabilities. An Ohio student who was diagnosed with Autism found success through his participation in NASP. An Arkansas student who does not have a right

with BSCA Page 136 Stat. 1339 (STOP School Violence Act §501 et. seq. (34 U.S.C. 10551-10556)) (providing funding to states, local governments, and Indian tribes for training school personnel and educating students in preventing violence, developing anonymous reporting systems, operating threat assessment and intervention teams, as well as specialized training for school officers in responding to mental health crises).

⁵ *The Magic of NASP*®, NASPSCHOOLS.ORG, <https://www.naspschools.org/magic-of-nasp/> (June 6, 2023).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Tommy Floyd, President of National Archery in the Schools Program (2023).

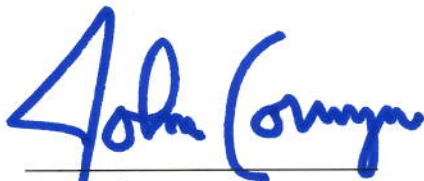
hand was able to join his school's NASP team, and is able to compete alongside the other students. There are thousands of stories of students who have found success through the opportunities NASP has given them, and it is our hope that the Department rethink its latest policy that deprives these students of these educational and recreational pathways to success, critical life skills, friendship, and improved mental health.¹¹

The Department has also misread the BSCA to preclude critical education funding for hunter education safety programs and classes. Hunter safety classes and programs play an important role in teaching safety, wildlife management, landowner relations, and personal responsibility to students. More than 600,000 students are trained and certified annually, particularly in rural communities where hunting skills, land management lessons, and safety classes help prepare students for a career.¹² Additionally, research shows that, due to the increased participation in hunter safety courses, the instance of hunting related injuries have significantly decreased over the last 50 years.¹³

Archery and hunter safety education programs are important to millions of students and families across the country. The results speak for themselves. Neither the BSCA's text nor the intent of the law would limit educational programming for millions of students—and especially not programming that would otherwise support and fortify student mental health and safety. When the Department exceeds its scope under the law, it will frustrate and disincentive further legislation. We hope that the Department will honor the text and the spirit of the BSCA and reconsider its decision to preclude funding for these critical programs. We look forward to your response.

Thank you for your assistance in this matter.

Sincerely,



John Cornyn
United States Senator



Thom Tillis
United States Senator

¹¹ *Why NASP*®, NASPSCHOOLS.ORG, <https://www.naspschools.org/why-nasp-categories/why-nasp-archery/> (June 6, 2023).

¹² *International Hunter Education Association, U.S.A.*, ihea-usa.org, <https://www.ihea-usa.org/about-ihea/> (June 6, 2023).

¹³ *Id.*