

United States Senate

WASHINGTON, DC 20510

September 5, 2023

The Honorable Patty Murray
Chair
U.S. Senate Appropriations Committee
Washington, DC 20510

The Honorable Susan Collins
Vice Chair
U.S. Senate Appropriations Committee
Washington, DC 20510

The Honorable Tammy Baldwin
Chair
Subcommittee of Labor, HHS, Education
and Related Agencies
U.S. Senate Appropriations Committee
Washington, DC 20510

The Honorable Shelley Capito
Ranking Member
Subcommittee of Labor, HHS, Education
and Related Agencies
U.S. Senate Appropriations Committee
Washington, DC 20510

Dear Chair Murray, Ranking Member Collins, LHHS Chair Baldwin, and Ranking Member Capito:

As the Senate continues its consideration of the fiscal year (FY) 2024 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill, we ask the Committee to include the appropriations bill text detailed below to clarify that school districts may continue to use their *Elementary and Secondary Education Act of 1965* (ESEA) funding to provide educational enrichment programs and activities, including hunter, outdoor, archery, and culinary education.

In the wake of the Uvalde, Texas, and Buffalo, New York tragedies, Congress passed bipartisan, common-sense legislation—the *Bipartisan Safer Communities Act* (BSCA) to protect America’s children, keep our schools safe, increase mental health supports, and reduce the threat of violence across our country. The legislation was also carefully negotiated and drafted to protect and preserve law-abiding citizens’ Second Amendment rights.

Notably, section 13401 of the BSCA amended section 8526 of ESEA to prohibit federal funds provided under the ESEA from being used “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.” A “dangerous weapon” as defined in section 930(g)(2) of title 18 of the United States Code is “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 ½ inches in length.” The intent of section 13401 of BSCA was to preclude these funds from being used to purchase

dangerous weapons or train individuals 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 BSCA were intended to support evidence-based school safety and protective measures.

The Department of Education has interpreted section 13401 to mean that this language prohibits schools from using their ESEA funding to provide hunter safety education and archery classes and has issued guidance¹ to that effect. Additionally, the language could be used to prohibit schools from providing kitchen knives that are larger than 2 ½ inches long in culinary classes.

There are a number of such programs in our states and local communities that support student engagement and enrichment. The National Archery in Schools Program (“NASP”) is one example of a program that provides students from all backgrounds the opportunity to learn a new sport and compete. More than 1.3 million students across nearly 9,000 schools in 49 states participate in NASP’s archery programs. Additionally, many school districts and local partners, particularly in rural communities, use ESEA funds to support hunter education safety programs and classes. These courses can play an important role in teaching firearm safety, wildlife conservation, and personal responsibility. The intent of BSCA was not to preclude students from participating in these kinds of opportunities. As such, we request that the FY 2024 LHHS bill include the following bill text:

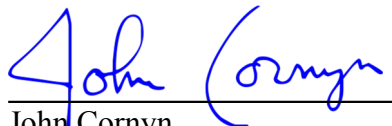
Sec. __ (a) Section 8526(7) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7906(7)) shall not prohibit the use of funds made available under this Act or any other Act for activities carried out under programs authorized by the Elementary and Secondary Education Act of 1965 that are otherwise permissible under such programs and that provide students with educational enrichment activities and instruction, such as archery, hunter safety education, outdoor education, or culinary arts.

(b) Subsection (a) shall be in effect until title VIII of the Elementary and Secondary Education Act of 1965 is reauthorized.

Thank you for your attention to this critical and bipartisan issue.

Sincerely,

¹ 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>



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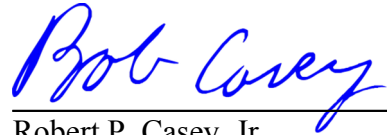
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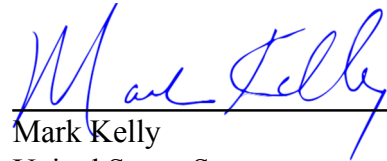
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