



## Implementing the Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act

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**Summary:** This guidance supports State fish and wildlife agencies and their subrecipients, and the U.S. Fish and Wildlife Service (Service), Wildlife and Sport Fish Restoration Program (WSFR) staff, in implementing the Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act (Modernizing PR Act).

**Audience:** WSFR staff, State fish and wildlife agency grant recipients and their subrecipients.

**Program:** This guidance applies to financial assistance grants funded under the Wildlife Restoration Act (September 2, 1937), as amended, 16 U.S.C. 669 et seq. (WR Act).

**Background:** The President signed the Modernizing PR Act (Public Law 116-94) into law on December 20, 2019 as part of the larger Further Consolidated Appropriations Act, 2020. This law amended the WR Act by:

- Adding an additional purpose to the WR Act to include providing financial and technical assistance to the States for the promotion of hunting and recreational shooting;
- Defining *hunter recruitment and recreational shooter recruitment* and *fiscal year*;
- Adding *hunter recruitment and recreational shooter recruitment* as eligible activities using funds at 16 U.S.C. 669c(c) and 669h-1;
- Removing the clause at 16 U.S.C. 669g(a) that excluded “public relations” from funding under the Act;
- Allowing Basic Hunter Education funds to be used for operation and maintenance of public target ranges without the requirement to be part of a State’s hunter safety program; and
- Establishing an additional Multistate Conservation Grant Program (MSCGP) and making available up to \$5M from the existing trust fund for competitive grants that promote a national hunting and shooting sport recruitment program.

The WSFR must update the regulations at 50 CFR 80 and several existing Service Manual chapters to align with the amendments to the WR Act. The Modernizing PR Act does not include additional funding, but the amendments allow additional activities that were effective upon passage of the law. Where 50 CFR 80 and existing Service Manual chapters do not accommodate or conflict with the

amended WR Act, the WR Act prevails. To assist WSFR and State fish and wildlife agencies and their subrecipients in implementing the amended WR Act, we provide this information and guidance. States should direct any questions on eligibility of specific planned activities to their Regional WSFR Office.

**Authorities:** Wildlife Restoration Act (September 2, 1937), as amended, [16 U.S.C. 669 et seq.](#)

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, [2 CFR 200](#)

Financial Assistance: Wildlife Restoration, Sport Fish Restoration, Hunter Education and Safety<sup>1</sup>, [50 CFR 80](#), August 27, 2019 (except those parts of the regulation that need to be updated to align with Public Law 116-94)

**Terms:** The following terms are applicable to this guidance.

*Allowable* refers to those costs that meet the general criteria to be charged to a Federal financial assistance award and comply with the basic considerations under 2 CFR 200.402-411, as well as the general principles for selected items of cost under 2 CFR 200.420-476.

*Eligible* refers to those activities or actions that may be funded under a Federal financial assistance program in order to accomplish a public purpose authorized by Congress under Federal statute (e.g., eligible activities for Wildlife Restoration grants as provided for in the WR Act (16 U.S.C. 669), or the implementing regulations at 50 CFR 80 (excepting any identified as not in alignment with the Modernizing PR Act amendments to 16 U.S.C. 669).

*Funding sources\** refers to:

- Traditional WR – Federal funds apportioned under 16 U.S.C. 669c(b) of the WR Act. The source of these funds is the remaining excise taxes collected on firearms, ammunition, pistols, revolvers, handguns, bows, and certain archery equipment after all other deductions are removed from the Wildlife Restoration Trust Fund.
- Basic Hunter Education (BHE) – Federal funds apportioned under 16 U.S.C. 669c(c) of the WR Act. The source of these funds is one-half of the excise taxes collected on pistols, revolvers, handguns, bows, and certain archery equipment.
- Enhanced Hunter Education (EHE) – Federal funds apportioned under 16 U.S.C. 669h-1 of the WR Act. The source of these funds is the \$8 million taken from the total excise taxes collected on firearms, ammunition, pistols, revolvers, handguns, bows, and certain archery equipment.
- Traditional Multistate Conservation Grant Program (T-MSCGP) – Federal funds, authorized for not more than \$3 million annually, under 16 U.S.C. 669h-2(a)(1)(A) of the WR Act. The source of these funds is the total excise taxes collected on firearms, ammunition, pistols, revolvers, handguns, bows, and certain archery equipment. This program also receives not more than \$3 million annually from the Sport Fish Restoration Act, under 16 U.S.C. 777m(a)(1).
- Hunter Recruitment and Recreational Shooter Recruitment Multistate Conservation Grant Program (R3-MSCGP) – Federal funds, authorized for not more than \$5 million annually, under 16 U.S.C. 669h-2(a)(1)(B) of the WR Act. The source of these funds is the total excise taxes collected on certain archery equipment.

\* See Exhibit 1 for specific subaccount numbers and additional information on funding sources.

<sup>1</sup>Note: The former title of 50 CFR 80, “Administrative Requirements, Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Acts” has not yet been updated on e-CFR or the WSFR Wiki.

*Public relations* refers to those activities dedicated to maintaining the image of the non-Federal entity (recipient or subrecipient) or maintaining or promoting understanding and favorable relations with the community, public at large, or any segment of the public (2 CFR 200.421(c)). This could include communicating with the public about specific activities or accomplishments resulting from WSFR projects, or communication and liaison necessary to keep the public informed on matters of public concern such as notices of funding opportunities. See Section C for additional information.

*R3* means, for the purposes of this guidance document, *hunter recruitment and recreational shooter recruitment* as defined in the Modernizing PR Act where it refers to any activity or project to recruit hunters and recreational shooters, including retention and reactivation (see Questions 14 and 16). States, or their stakeholders, may have a broader definition of R3 that constitutes their R3 programs or projects, but this guidance document uses the term “R3” to specifically refer to hunter recruitment and recreational shooter recruitment at 16 U.S.C. 669(a)(3), and those activities or projects that are eligible for BHE or EHE funding.

## **Guidance:**

### **A. GENERAL**

**1. What purpose does the Modernizing PR Act add to the WR Act?** The Modernizing PR Act specifically added one purpose to the WR Act, to “provide financial and technical assistance to the States for the promotion of hunting and recreational shooting.” As a result, the purposes of the WR Act are to provide Federal financial assistance for wildlife-restoration projects, hunter/recreational shooter education projects, and projects for the promotion of hunting and recreational shooting.

**2. What is meant by the term “technical assistance” as part of the new purpose of the WR Act, as amended by the Modernizing PR Act?** Technical assistance is not specifically defined in 16 U.S.C. 669 or 50 CFR 80. Technical assistance can be considered the process by which an entity provides non-monetary support (i.e., expert advice) to another entity as part of the process of identifying specific needs or problems, and potential solutions or remedies to those needs or problems. This added purpose of the WR Act makes it clear that the Service can now provide “financial and technical assistance to the States for the promotion of hunting and recreational shooting.”

**3. Did the Modernizing PR Act create any new or increased funding sources (excise taxes) under the WR Act?** No. The Modernizing PR Act broadened the activities eligible for funding and added a new program (R3-MSCGP) but did not establish any new or additional funding sources under the WR Act. The Wildlife Restoration Trust Fund continues to be funded from excise taxes on firearms, ammunition, pistols, revolvers, handguns, and archery equipment (see IRS Code at 26 U.S.C. §§ 4161(b) and 4181).

**4. Under the Modernizing PR Act the phrase “... any activity or project to recruit or retain hunters and recreational shooters...” is part of the definition for R3. Does this mean that ANY (all) activities or projects to recruit or retain hunters and recreational shooters are eligible, and their associated costs allowable, for funding?** No; see Question 5 for the distinction between eligible

and allowable. To be eligible under the Modernizing PR Act, the project statement and grant application must clearly link eligible activities or projects to the primary purposes of recruiting, retaining, and/or reactivating hunters or recreational shooters. However, to be eligible AND allowable, activities/projects also must follow all current laws, regulations, and guidance; cost principles under 2 CFR 200; and any other rules or standards fixed by the Secretary of the Interior, except for those identified as not yet in alignment with the amendments to 16 U.S.C. 669 enacted in 2019.

**5. What is the difference between eligible and allowable as it relates to the Modernizing PR Act, i.e., would all eligible activities or projects be allowable costs under a WSFR grant?** Both terms, eligible and allowable, must be considered for activities and items of costs proposed for funding as part of a Federal financial assistance award. The term **eligibility** refers to the broader types of general activities authorized under the WR Act or the implementing regulations at 50 CFR 80, and not the specific, individual items of cost that comprise the overall activity.

The term **allowability** speaks to the individual items of cost that may be charged for the fulfillment of eligible activities in an approved WSFR grant. These costs must meet the regulations and standards that govern Federal financial assistance, the Department of the Interior, and the Service, including the principles established by the Office of Management and Budget at 2 CFR 200. Three of the primary factors that affect whether costs are allowable are: being necessary and reasonable for the performance of the Federal award; conforming to limitations or exclusions set forth in the cost principles; and being adequately documented (2 CFR 200.403).

It is possible that eligible activities in grants funded under the WR Act (and in compliance with 50 CFR 80) could have specific, individual items of cost associated with the activity that are unallowable for funding under 2 CFR 200. For example, a State fish and wildlife agency has a public target range program (eligible activity) as part of its R3 program. As part of the approved grant, the agency charges the acquisition of a new truck and its use for staff travel throughout the State to project sites (allowable cost) to the grant. However, the agency may *not* charge staff's personal use of the truck to the grant, even if allowed by State laws/policies, as personal use of goods or services are unallowable costs under 2 CFR 200.445.

**6. Is there a requirement that a State has to spend a certain percentage of their BHE or EHE apportionment on R3 activities?** No. The Modernizing PR Act does not require States to spend any specific amount of their BHE and EHE apportioned funds under the WR Act on R3 activities, that is a State determination. Regarding funding spent for R3 projects or activities, WSFR will continue to assist States by providing technical assistance and collaborating on project design and approach to ensure that proposed activities are eligible for funding, substantial in character and design, and meet Federal compliance requirements.

**7. Which funding sources may be used for the new eligible activities under the Modernizing PR Act?** Eligible R3 activities, as defined by the Modernizing PR Act, may be funded with BHE, EHE, a combination of both BHE and EHE, or the R3-MSCGP. Allowable costs for eligible public relations activities/projects may be funded with Traditional WR, BHE, or EHE. Exhibit 1 provides a brief description, and the authorized uses, of each of the funding sources (and their respective subaccounts) under the WR Act.

**8. Can Traditional WR funds be used to fund R3 activities?** Yes, but only activities related to R3 that also are eligible under 50 CFR 80.50(a) may be funded with Traditional WR funds. Certain activities may be eligible for funding with Traditional WR, not because they meet the definition of R3, but because they are eligible as an activity listed under 50 CFR 80.50(a). Some examples include land acquisition for the purpose of providing public access for hunting and wildlife-oriented recreation; human dimensions activities focusing on the problems associated with restoring and managing wildlife for the benefit of the public; and promoting State Wildlife Management Areas (WMAs), which provide public access for hunting or other wildlife-oriented recreation. In contrast, an example of an R3 activity that could not be funded under Traditional WR would be a State's National Archery in the Schools Program (i.e., NASP). A State fish and wildlife agency is encouraged to consult their WSFR Regional Office with any questions they may have regarding which sources of funding may be used for specific R3 activities.

**9. Did the Modernizing PR Act change any cost-sharing or matching requirements for grants awarded under the WR Act?** No. Cost-sharing or matching requirements are unchanged for Traditional WR, BHE, or EHE-funded projects, and there are no match requirements for grants awarded under the Multistate Conservation Grant Program (100% Federal). Match requirements under the Target Practice and Marksmanship Training Support Act remain unchanged (see Exhibit 1).

**10. Were there any changes from the Modernizing PR Act to the funding of operation and maintenance activities on public target ranges?** Yes. The Modernizing PR Act amended the language for BHE in 16 U.S.C. 669g(b) to remove the requirement that operation and maintenance of public target ranges could only be funded when part of a State's hunter safety program. State fish and wildlife agencies may now fund operation and maintenance of public target ranges with either BHE or EHE funds, irrespective of being tied to a hunter safety program.

Although not a change due to the Modernizing PR Act, the WR Act allows for the use of Traditional WR funds for operation and maintenance of wildlife areas and resources. If a State agency constructs or acquires a public target range using BHE or EHE funds, or with funds from another source, Traditional WR funds may be used to fund operation and maintenance (not construction) of those public target ranges on land managed or controlled by the State agency as this is necessary to carry out the activities authorized by the WR Act (see 16 U.S.C. 669g(a) and 50 CFR 80.50(a)(7)).

**11. May a State fish and wildlife agency fund education activities or projects with a general outdoor or conservation focus, without a direct link to hunting or recreational shooting, as part of its eligible R3 program?** No. The Service, in its legal review of the Modernizing PR Act, has determined that activities or projects must directly support R3 activities in order to be eligible for funding. If there is no direct tie to R3 then those activities or projects are considered ineligible for funding, as they do not fulfill the purpose of the WR Act, as amended by the Modernizing PR Act. Determining if various outdoor and conservation education activities or projects (e.g., ATV use/safety, Camping 101, Safety in the Woods, Boating Safety for Hunters, Snowmobiles for Hunters 101) are eligible for grant funding will depend on the project statement and whether the State fish and wildlife agency has directly tied the project or activity to an eligible R3 purpose.

**12. Does a State fish and wildlife agency have to allocate costs charged to grants that include both eligible and ineligible R3 activities or projects?** Yes. The State fish and wildlife agency is still required, per 2 CFR 200.405, to allocate costs charged to a grant in accordance with the relative

benefits provided to the grant. If an overall activity or project has certain aspects that directly support R3 in the approved grant, then such costs may be charged to an R3 funding source. If the activity or project has other aspects that do not speak directly to R3 in the approved grant, then such costs must not be charged to an R3 funding source.

**13. Did the Modernizing PR Act have any impact related to eligible activities to increase participation in sport fishing and boating under the Sport Fish Restoration Act?** No. Prior to the Modernizing PR Act, activities to increase participation (recruit, retain, and reactivate) in sport fishing and boating were already eligible for funding under the Sport Fish Restoration Act – Outreach and Communications subprogram.

## **B. R3 (HUNTER RECRUITMENT AND RECREATIONAL SHOOTING RECRUITMENT)**

**14. Did the Modernizing PR Act further define hunter recruitment and recreational shooter recruitment beyond “any activity or project to recruit or retain hunters and recreational shooters?”** To help further define R3 activities or projects and give some examples for the types of activities that may be considered for R3 funding, the definition of the term at 16 U.S.C. 669a(3) was supplemented with a list of potential, eligible R3 purposes:

“(A) outreach and communications as a means—

- (i) to improve communications with hunters, recreational shooters, and the general public with respect to hunting and recreational shooting opportunities;
  - (ii) to reduce barriers to participation in these activities;
  - (iii) to advance the adoption of sound hunting and recreational shooting practices;
  - (iv) to promote conservation and the responsible use of the wildlife resources of the United States; and
  - (v) to further safety in hunting and recreational shooting;
- (B) providing education, mentoring, and field demonstrations;
- (C) enhancing access for hunting and recreational shooting, including through range construction; and
- (D) providing education to the public about the role of hunting and recreational shooting in funding wildlife conservation;”

**15. What are some examples of eligible activities/projects that may fall under the definition of R3 in the Modernizing PR Act?** Activities/projects are eligible if they are directly tied to the overall purpose and have objective(s) to recruit, retain, or reactivate hunters or recreational shooters. The following are some examples of activities/projects that could be eligible for funding as R3 (also see the advisories published by WSFR’s WR/HE Advisory Team for further clarification on some of these, or other, examples). The list is not all inclusive and is not intended to limit the ability of an agency to be innovative in approaches for R3.

- Informing and educating the public about hunting or recreational shooting programs or opportunities.
- Adding staff and infrastructure to improve access and increase participation at public target ranges.
- Translating or clarifying hunting and recreational shooting regulations in order to better inform and promote safe hunters and recreational shooters.
- Promoting accomplishments of WSFR-funded R3 activities.
- Offering guided and mentored hunts or guide services to hunters or recreational shooters (e.g., “Learn to Hunt” type programs).

- Create targeted, audience-specific marketing materials (“calls to action”) to recruit hunters or recreational shooters (e.g., celebrity endorsements in commercials or ads).
- Create technological tools (e.g., mobile applications) to better inform hunters and recreational shooters.
- Discrete components or modules of a State Electronic Data System, including automated licensing systems, if directly tied to eligible R3 activities as opposed to law enforcement or revenue generating activities whose primary purpose is producing income.

**16. The Modernizing PR Act only specifies recruitment and retention, not reactivation. Are reactivation activities eligible?** Yes. The Service, in its legal review of the Modernizing PR Act, has determined that the definition does not limit the eligibility of reactivation activities; all three parts of “R3” are eligible. The definition itself includes “retain” as part of activities to recruit, and “reactivation” includes components of both recruitment and retention. Any eligible “hunter recruitment and recreational shooter recruitment” activities can include recruitment, retention, and/or reactivation.

**17. May a State fish and wildlife agency fund activities or projects that include using implements other than firearms and bows as part of an eligible R3 award?** Yes. In addition to firearms and bows, an eligible R3 activity or project can involve any other legal method of harvest or recreational shooting implement. State fish and wildlife agencies are encouraged to develop a well written project statement that describes how the implement directly supports R3.

**18. May a State fish and wildlife agency fund trapping or other forms of hunting activities as part of its eligible R3 program?** Yes. Trapping or other forms of hunting activities could be eligible if they directly relate back to eligible R3 purposes and objectives. A State fish and wildlife agency is encouraged to consult their WSFR Regional Office with any questions they may have regarding specific trapping activities or projects.

**19. What information should be included in a project statement(s) when applying for a grant with eligible R3 activities or projects?** While the Modernizing PR Act made R3 activities eligible for funding, it did not establish new criteria for how a State fish and wildlife agency must apply for grant funding. State fish and wildlife agencies must follow the requirements at 50 CFR 80.82 (CMS States follow 50 CFR 80.81) and the annual WR Notice of Funding Opportunity to craft a well written project statement. There are 13 required elements (information) that must be included in a project statement. While each element is equally important, WSFR relies heavily upon six of the elements (detailed below) in order to determine that a proposed project qualifies as substantial in character and design and may be approved for funding. A State fish and wildlife agency is encouraged to consult its WSFR Regional Office with any questions it may have regarding project statements.

**A. Need:** This section explains why the project is necessary and how it fulfills the purpose for which the WR Act, as amended by the Modernizing PR Act, was established by Congress. It identifies a particular R3 issue, problem, or opportunity facing the State and links it back to one of the purposes of the WR Act. For R3 activities or projects, one of the purposes in the WR Act is to provide financial and technical assistance to the States for the promotion of hunting and recreational shooting.

**B. Purpose:** This section states the desired outcome of the proposed project in rather general or abstract terms and must be based on the need. In the case of R3, the purpose of the project should be directly tied to the recruitment, retention, and/or reactivation of hunters or recreational shooters.

**C. Objective(s):** This section states the desired outputs of the proposed project in terms that are

specific and quantified and also must be based on the need. With the implementation of WSFR's Tracking and Reporting Actions for the Conservation of Species (TRACS) system, WSFR has adopted the use of TRACS standard objectives for its grant programs. These standard objectives may be found as part of the [TRACS Matrix](#). In the case of R3, eligible activities will most likely include, but not necessarily be limited to, standard objectives under the Outreach/Communication or Training/Education strategies found in the TRACS Matrix.

As part of entering project statement information into TRACS, the State fish and wildlife agency will select their grant objective(s) and then identify whether it pertains to R3 activities. This will allow TRACS to generate accurate and nationally consistent reports on WSFR-funded R3 grant accomplishments.

**D. Results and Benefits Expected:** This section describes the anticipated or expected results and benefits that may occur as a result of the project's successful implementation and completion of the planned R3 objectives.

**E. Approach:** This section describes the specific, detailed methods, actions, or activities that will be implemented to achieve the stated objectives. The approach section should be written at a level of detail to fully describe the actual work that is proposed for accomplishment. The level of detail should help to demonstrate that for R3 activities/projects, the State fish and wildlife agency is using sound design, appropriate procedures, and accepted practices/techniques (50 CFR 80.56(c)).

State fish and wildlife agencies are encouraged to utilize standards/practices that are accepted, tested, or used by the R3 community. In the case where a State fish and wildlife agency seeks to fund R3 activities or projects that are perhaps new, unconventional, or untested in their R3 effectiveness:

- State fish and wildlife agencies are encouraged to consider including an evaluation component as part of their approach to ensure the activity or project meets substantiality in character and design;
- Any evaluation component should be designed to determine whether the R3 activity is indeed effective at recruiting, retaining, and/or reactivating hunters and/or recreational shooters.
- Evaluation components may be included as an allowable cost for R3 grant funding.

**F. Budget Narrative:** This section provides for costs by project, budget category, and subaccount with additional narrative detail sufficient to show that the project is cost effective. The budget narrative should provide a brief general description of the costs that make up each budget category yet provide enough detail to demonstrate that the applicant has a financial plan for implementation of the proposed project/objectives. This section also allows for the State fish and wildlife agency to describe and list the estimated cost for any particular item of cost that requires the Service's prior approval (e.g., acquisition of general purpose equipment, participant support costs, etc.).

**20. May a State fish and wildlife agency use both BHE and EHE funds for an R3 activity in a single grant?** Yes. Federal funds apportioned under BHE and EHE may fund eligible R3 activities approved under a grant. For example, if a State implements a Learn to Hunt program as a form of R3 under one of its grants, it may choose to obligate Federal funds from BHE, EHE, or both to the approved grant.

States are reminded that BHE and EHE are separate subaccounts. Per Service Manual chapter 522 FW 17.5, if a grant includes funds from more than one subaccount, then States must certify and are



accountable for cost data at the subaccount level. However, when documenting cost sharing or matching requirements, the State may consider BHE and EHE as a single subaccount (see 522 FW 17.6).

**21. May a State fish and wildlife agency fund public target ranges as part of an R3 program?**

Yes. A State fish and wildlife agency may fund a public target range (as defined at 16 U.S.C. 669a(4)) as an eligible activity under its R3 program. The Modernizing PR Act clarified that public target range construction, operation, and maintenance can be part of the broader definition of R3 which is now eligible for funding under BHE and EHE.

However, a State fish and wildlife agency also may fund construction, operation, and maintenance of a public target range without a direct link to their R3 program. Operation and maintenance (not construction) of public target ranges is eligible for funding under Traditional WR, BHE, and EHE (see Question 10). Acquiring land for, constructing or expanding public target ranges are eligible activities using the 90/10/5 funding alternative created by the Target Practice and Marksmanship Training Support Act (see [Interim Guidance](#)). State fish and wildlife agencies are encouraged to consult their WSFR Regional office with any questions that they may have regarding funding sources for the construction and expansion of public target ranges, as well as operation and maintenance. (Also see: [Public Target Range Funding Reference](#).)

**22. May a State fish and wildlife agency enter into third-party agreements (contracts or subawards) in order to fulfill approved R3 grant objectives?** Yes. State fish and wildlife agencies may choose to fulfill their grant objectives directly or they may choose to enter into agreements with third-party entities to fulfill the grant objectives (see [Best Management Practices for Third-Party Agreements](#)). The Modernizing PR Act had no effect on this allowability.

State fish and wildlife agencies are reminded that subawarding or contracting out any work under a Federal grant must be described in the project statement and approved in the grant. State fish and wildlife agencies must make case-by-case determinations whether each agreement they make for the disbursement of Federal funds casts the party receiving the funds in the role of a subrecipient or a contractor. In the case of subawards, the terms and conditions of the grant flow down via subaward agreements to subrecipients unless specifically indicated otherwise by Federal regulations or the terms and conditions of the grant (2 CFR 200.101(b)(2)).

**23. May a State fish and wildlife agency fund activities to publish, print, translate, and disseminate State hunting laws, regulations, and orders as part of its R3 program?** Yes. As defined in the Modernizing PR Act, R3 includes outreach and communications as a means to reduce barriers to participation in R3 activities or to advance the adoption of sound hunting and recreational shooting practices. WSFR considers educating and informing hunters and recreational shooters about State hunting/shooting laws, regulations, and orders as eligible activities. As an R3 activity this is considered a process by which a State fish and wildlife agency removes barriers to the public's understanding of existing regulations and seeks to help create more informed, educated, and safe/responsible hunters or recreational shooters.

WSFR considers the process of formally developing, adopting, implementing, and enforcing State hunting laws, regulations, and orders to be law enforcement. As such these activities continue to be ineligible for funding under the WR Act. State fish and wildlife agencies are encouraged to consult

their WSFR Regional office with any questions that they may have regarding the R3 eligibility of publishing, printing, and disseminating State hunting laws, regulations, and orders.

**24. May a State fish and wildlife agency fund an R3 activity/project that involves species other than wild birds or mammals?** Yes. R3 activities/projects funded with BHE or EHE are not limited to only species of wild birds or mammals, unlike species management activities/projects funded with Traditional WR. A State fish and wildlife agency may fund an R3 activity/project, with the direct intent of increasing participation in hunting or recreational shooting using R3 eligible implements/methods (see Question 17), that involves species other than wild birds and mammals. These activities are eligible as long as the target species is under the control and management authority of the State fish and wildlife agency, and irrespective of whether a hunting license is or is not required to legally take the species.

**25. May a State fish and wildlife agency apply the 90/10/5 funding alternative, created by the Target Practice and Marksmanship Training Support Act for acquiring land for, constructing, and expanding public target ranges, to other R3 activities?** No. The 90/10/5 alternative is specifically authorized for use only in acquiring land for, constructing, or expanding a public target range. If a State, as part of its R3 program, seeks to acquire land for, construct, or expand a public target range, then the State could use traditional BHE or EHE funds, or any of the funding sources allowed for the 90/10/5 alternative, for those activities. All other eligible R3 activities must be funded with either BHE, EHE, or both.

### **C. PUBLIC RELATIONS AND ADVERTISING**

**26. May public relations costs related to eligible activities be allowable for funding under the WR Act?** Yes. The Modernizing PR Act removed public relations as a prohibited activity for funding under the WR Act; however, only certain public relations costs are allowable. Under 2 CFR 200.421(d), public relations costs are specifically listed as allowable costs for communications with the public and press which pertain to specific activities or accomplishments resulting from performance of the grant or are necessary to keep the public informed of matters of public concern. A State fish and wildlife agency must develop a well-written project statement that describes how proposed public relations activities are necessary and reasonable to fulfill the objectives of the grant. Public relations activities designed solely to promote a State fish and wildlife agency, without any direct link back to the fulfillment of grant objectives, remain unallowable. Because of the complexities surrounding public relations costs, we encourage State fish and wildlife agencies to consult their WSFR Regional Office with any questions they may have regarding questions on eligibility.

**27. What are some examples of eligible public relations activities?** For activities to be eligible, they must benefit the overall objective(s) of the approved grant. The following are examples of some public relations activities or projects that could be eligible for funding:

- Communicating and publicizing current and previously-funded Traditional WR, BHE, EHE activities and accomplishments.
- Developing, designing, and managing sections of the State fish and wildlife agency's website that are directly related to activities funded under the WR Act (e.g., research, monitoring, inventory, land acquisition, R3 and hunter or shooter education, or wildlife species or habitat accomplishments).

- Producing press releases and media relations that promote a State fish and wildlife agency's efforts funded under the WR Act in order to inform and educate hunters, recreational shooters, and the general public about the role of hunting and recreational shooting in funding wildlife conservation.

**28. Are advertising costs allowable in a WR grant and can you provide some examples of eligible activities?** Under 2 CFR 200.421(b), only certain advertising costs are allowable and may be charged to a WR grant. Both advertising and public relations are forms of communication with a target audience and may be treated as direct or indirect costs. Advertising, a component of marketing, refers to the costs of advertising media (e.g., television, radio, electronic transmittals, newspaper, social media, and radio) and associated administrative costs, and is focused around announcements (messaging or imagery) targeting programs, products, or activities offered by a State fish and wildlife agency. In contrast, public relations are activities dedicated to maintaining the image of a State fish and wildlife agency (or subrecipient) or maintaining or promoting favorable relations with the community or public. (See Questions 26-27 for information on allowable versus unallowable public relations costs.)

The only allowable advertising costs that may be charged to a WR grant are those costs solely for:

- The recruitment of personnel required by the State fish and wildlife agency (or its subrecipient) for the performance of the grant;
- The procurement of goods and services for, and the disposal of surplus materials acquired in, the performance of the grant;
- Program outreach or other purposes necessary to meet the requirements of the grant.

A wide variety of advertising/marketing activities may be eligible for funding under WR grants and will depend on each individual project statement and whether the State fish and wildlife agency can directly tie the purpose, objectives, and approach to eligible activities. Some R3 examples include:

- Advertising to hire personnel for, or to support or announce, a State fish and wildlife agency's R3 program.
- Advertising or posting bids for procuring goods or services for a State fish and wildlife agency's R3 program.
- Conducting market research to determine the best target audience(s) for an R3 campaign.
- Digital advertising campaigns to educate and inform target audience groups (e.g., new firearm owners or lapsed hunting license buyers) to recruit, retain, or reactivate hunters or recreational shooters (but not to promote buying a license, which would be ineligible). Educational or targeted ads that provide information on locations where licenses are sold or link to a state's licensing system as an effort to reduce barriers to participation in hunting and/or recreational shooting activities.
- Properly allocated costs for the advertisement of an approved R3 event/activity to a target audience or the general public (e.g., Becoming an Outdoors Woman, National Hunting and Fishing Day, Waterfowl Hunting 101, etc.).
- Advertising a State fish and wildlife agency's WMAs or public target ranges as part of the agency's R3 program to publicize access for recreational shooting.

## **D. MULTISTATE CONSERVATION GRANT PROGRAM (MSCGP)**

**29. What changes did the Modernizing PR Act make to the MSCGP?** In addition to the existing \$3 million annually dedicated to the Traditional MSCGP (T-MSCGP) the Modernizing PR Act makes available to the Secretary of the Interior, from the existing Wildlife Restoration Account, not more than \$5 million annually, to be used exclusively for competitively awarding R3 grants that promote a national hunting and shooting sport recruitment program, including related communication and outreach activities. These additional grants will be cited as the “R3 Multistate Conservation Grant Program” (R3-MSCGP). The funds come from the authority at 26 U.S.C. 4161 of the IRS code of 1986 ((b) Bows and arrows, etc.).

**30. Who may receive Federal funding for projects under the new R3-MSCGP?** Eligible recipients are the same entities that may apply for Federal funding under the T-MSCGP: a State or a group of States; the Service, State, or a group of States for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and nongovernmental organizations (NGOs). Projects are eligible for funding if they benefit at least: a) 26 States; b) a majority of the States in a region of the Service; or c) a regional association of State fish and wildlife agencies.

**31. Did the Modernizing PR Act change the criteria for activities that may not be funded with MSCGP funds?** Yes. The Modernizing PR Act expanded the restriction that “a grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife” to include “or to recreational shooting activities.” Applicants are required to submit a fishing/hunting/recreational shooting activities certification as part of their grant application package (see MSCGP Notice of Funding Opportunity (NOFO) for additional information).

**32. How will eligible grantees receive notification about applying for funding under the new R3-MSCGP?** WSFR will administer the new R3-MSCGP in a similar fashion as the T-MSCGP. WSFR publishes a single, annual NOFO for the MSCGP. The NOFO will provide information concerning grant application requirements including submission information and deadlines for applications for both T-MSCGP and R3-MSCGP. More information may be obtained by visiting the AFWA website.

**33. Who determines which R3-MSCGP grant applications will be approved for funding?** The Secretary of the Interior may make grants for both MSCGPs only for projects identified on a priority list of wildlife restoration projects. AFWA reviews submitted applications and submits a priority list of applications to the Assistant Director for WSFR. The Assistant Director then recommends the priority list to the Service Director, for approval.

**34. Does the Modernizing PR Act require the Service to review and evaluate the effects of funds made available for the R3-MSCGP?** Yes. The Modernizing PR Act requires the Service to submit a report describing the results of the review and evaluation of funds made available for the R3-MSCGP on funds available for wildlife conservation. These reviews and reports are required no later than 10 years (by December 20, 2029) after the date of enactment of the Modernizing PR Act. Such reports must be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives.

## Exhibit 1: Funding Sources under the Wildlife Restoration Act

### Traditional Wildlife Restoration (Traditional WR)



16 U.S.C. 669c(b)

**Source of Funds:** Remaining excise taxes collected on firearms, ammunition, pistols, revolvers, handguns, bows, quivers, broadheads, arrows, & points after all other deductions.

**Authorized Uses:** Apportioned funds may be used for the following:

(1) *Traditional WR (Subaccount 5222)*

- Wildlife restoration activities described at 50 CFR 80.50(a).

(2) *Public Target Range – WR (Subaccount 5252)*

- States may allocate not more than 10% of their current FY Traditional WR apportionment to be combined with funds under *Subaccount 5241* for acquiring land for, expanding, or construction of public target ranges (see 16 U.S.C. 669h-1(a)(3)).

**Lifespan of Funds:**

*Traditional WR:* 2 years.

*Public Target Range – WR:* 5 years.

**Match Requirements:**

*Traditional WR:* 75/25.

*Public Target Range – WR:* 90/10.

**Reverted Funds:** Returned to the Service to carry out the Migratory Bird Conservation Act.

### Basic Hunter Education & Safety Subprogram (BHE)



16 U.S.C. 669c(c)

**Source of Funds:** ½ of the excise taxes collected only on pistols, revolvers, handguns, bows, quivers, broadheads, arrows, & points.

**Authorized Uses:** Apportioned funds may be used for the following:

(1) *BHE (Subaccount 5221)*

- Hunter safety programs and O&M of public target ranges (see 16 U.S.C. 669g(b)(1) / 50 CFR 80.50(b)).
- Hunter recruitment and recreational shooter recruitment activities (see 16 U.S.C. 669c(c)(4)).

(2) *Traditional WR (Subaccount 5222)*

- Wildlife restoration activities described at 50 CFR 80.50(a).

(3) *Public Target Range – BHE (Subaccount 5251)*

- Acquiring land for, expanding, or constructing public target ranges (see 16 U.S.C. 669g(b)(2)).

**Lifespan of Funds:**

*BHE:* 2 years.

*Traditional WR:* 2 years.

*Public Target Range – BHE:* 5 years.

**Match Requirements:**

*BHE:* 75/25.

*Traditional WR:* 75/25.

*Public Target Range – BHE:* 90/10.

**Reverted Funds:** Returned to the Service to carry out the Migratory Bird Conservation Act.

### Enhanced Hunter Education & Safety Program (EHE)



16 U.S.C. 669h-1(a)(1)

**Source of Funds:** \$8 million from the total excise taxes collected on firearms, ammunition, pistols, revolvers, handguns, bows, quivers, broadheads, arrows, & points.

**Authorized Uses:** Apportioned funds may be used for the following:

(1) *EHE (Subaccount 5231)*

- Activities listed at 16 U.S.C. 669h-1(a)(1)(A) / 50 CFR 80.50(c), to include hunter recruitment and recreational shooter recruitment activities.

(2) *Public Target Range – EHE (Subaccount 5241)*

- Acquiring land for, expanding, or constructing public target ranges (see 16 U.S.C. 669h-1(b-c)).

**Lifespan of Funds:**

*EHE:* 1 year.

*Public Target Range – EHE:* 5 years.

**Match Requirements:**

*EHE:* 75/25.

*Public Target Range – EHE:* 90/10.

**Reverted Funds:** Reapportioned (as Traditional WR funds) the following year.

**Important Note:** If a State uses all of its BHE funds for activities listed at 16 U.S.C. 669g(b), then that State may use its EHE funds for any purpose authorized under the Wildlife Restoration Act.

## Exhibit 1: Funding Sources under the Wildlife Restoration Act

### Multistate Conservation Grant Program



#### Traditional Multistate Conservation Grant Program

16 U.S.C. 669h-2(a)(1)(A) / 16 U.S.C. 777m(a)(1)

**Source of Funds:** Not more than \$6 million annually. Up to \$3 million from the total excise taxes collected on firearms, ammunition, pistols, revolvers, handguns, bows, and certain archery equipment.

The program also receives up to an additional \$3 million from excise taxes collected and deposited into the Sport Fish Restoration & Boating Trust Fund.

**Authorized Uses:** \$3 million from the Wildlife Restoration Trust Fund (***Subaccount 5410***) shall be used for projects identified on a priority list of wildlife restoration projects that AFWA prepares through a committee comprised of the heads of State fish and wildlife agencies.

\$3 million from the Sport Fish Restoration & Boating Trust Fund (***Subaccount 9781***) shall be used for project identified on a priority list of sport fish restoration projects that AFWA prepares through a committee comprised of the heads of State fish and wildlife agencies.

**Lifespan of Funds:** 2 years.

**Match Requirements:** 100% Federal.

**Reverted Funds:** Unobligated funds are returned to the Service and are reapportioned to the States (as Traditional WR or Sport Fish Restoration funds) the following year.

#### R3 Multistate Conservation Grant Program

16 U.S.C. 669h-2(a)(1)(B)

**Source of Funds:** Not more than \$5 million annually from the total excise taxes collected from certain archery equipment.

**Authorized Uses:** Funds (***Subaccount 5430***) shall be used for hunter recruitment and recreational shooter recruitment grants that promote a national hunting and shooting sport recruitment program, including related communication and outreach activities, that are identified on a priority list that AFWA prepares through a committee comprised of the heads of State fish and wildlife agencies.

**Lifespan of Funds:** 2 years.

**Match Requirements:** 100% Federal.

**Reverted Funds:** Unobligated funds are returned to the Service and are reapportioned to the States (as Traditional WR funds) the following year.