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Subject: Implementing the PR Modernization Act

WSFR Regional Managers,

We want to share with you our understanding of several elements of the recent legislation titled *Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act* (Modernizing PR Act), which was enacted on Dec. 20, 2019, as an amendment of the *Wildlife Restoration Act*. It was included in the much larger Public Law 116-94, *Further Consolidated Appropriations Act, 2020*, in Division P, Title V– *Pittman-Robertson Fund*, Sec. 501.

The Modernizing PR Act makes several changes in the Wildlife Restoration Act (16 U.S.C. 669 et seq.). We will develop guidance over the next year in coordination with the Joint Task Force to implement these changes. During this transition year, please rely on: **(a)** the information in this email, **(b)** the *Wildlife Restoration Act* as amended by the Modernizing PR Act in the most recent version of 16 U.S.C. 669 et seq., and **(c)** the regulations in 50 CFR 80 and 2 CFR 200 to guide your decisions. We are proposing the establishment of a Hunter and Recreational-Shooter R3 Consistency Team to ensure that the Modernizing PR Act is interpreted and implemented consistently. We will discuss this with you on upcoming conference calls.

The Modernizing PR Act makes **hunter recruitment and recreational-shooter recruitment (as defined at 16 U.S.C. 669(a)(3)) an eligible activity** with funds from both the Basic Hunter Education subaccount (5221) and the Enhanced Hunter Education subaccount (5230). The Modernizing PR Act did not make hunter recruitment and recreational-shooter recruitment eligible for funding under the traditional Wildlife Restoration subaccount (5222). However, some activities, that have historically supported "R3," such as public access and human-dimensions work, continue to be eligible under the traditional Wildlife Restoration subaccount (5222). The definition of *hunter recruitment and recreational-shooter recruitment* includes both recruitment and retention activities. Reactivation has components of both, so reactivation is also considered eligible.

Another change made by the Modernizing PR Act was the removal of the prohibition of **public relations**. Legal counsel has interpreted this change to be a result of the newly eligible activities of hunter recruitment and recreational shooter recruitment because they will require outreach and communications. We expect most public relations activities will fall under Basic or Enhanced Hunter Education, hunter and recreational-shooter recruitment, and R3 activities. However, public relations activities not covered under the definition of *hunter recruitment and recreational-shooter recruitment* are now eligible for all programs and subprograms under the Wildlife Restoration Act. This includes the traditional Wildlife Restoration subaccount (5222) as long as the public relations activities comply with 50 CFR 80.50(a). Public relations activities are also eligible in conjunction with hunter and recreational-shooter recruitment activities made eligible by 16 U.S.C. 669c(c)(4) or 669h-1(a)(1)(A)(v). Public relations must also be necessary and reasonable for the performance of the award and meet all other criteria for allowability with special attention to 2 CFR 200.421.

An additional change is that operation and maintenance of public target ranges using Basic Hunter Education funds is no longer tied to a hunter-safety program.

Additionally, some have asked how we should handle the exception at 16 U.S.C. 669h-1(a)(1)(B) that **allows Enhanced Hunter Education funds to be used for "any use authorized in the chapter"** IF the entire Basic Hunter Education apportionment is used for Basic Hunter Education activities. This exception is not new, but how we will handle it will be new due to changes made by the Modernizing PR Act. For those States interested in invoking this exception, we are exploring a self-certification process for States to certify that they obligated all of their funds in the Basic Hunter Education subaccount (5221) for activities specific to Basic Hunter Education in 50 CFR 80.50(b). We will work out the details in the coming months.

We plan to track activities and accomplishments of hunter recruitment and recreational-shooter recruitment through TRACS, post enhancement. TRACS metrics on hunter recruitment and recreational-shooter recruitment have yet to be developed. We welcome your input on the next steps in that process.

In summary:

- For traditional Wildlife Restoration funding, continue to use 50 CFR 80 as your guide to determine eligible activities. The only additional eligible activities for traditional Wildlife Restoration due to the Modernizing PR Act are public relations activities not covered under the definition of *hunter recruitment and recreational-shooter recruitment*.
- For Basic and Enhanced Hunter Education, see 50 CFR 80 and 16 U.S.C. 669a(3), 669c(c), 669g, and 669h-1.
- For all awards, continue to use the Cost Principles in 2 CFR 200, subpart E to address allowability of costs.
- Focus on 16 U.S.C. 669(a)(3) to better understand the definition of hunter recruitment and recreational shooter recruitment, and how these activities will fit into Basic and Enhanced Hunter Education grants.
- For proposed public relations related grant activities which do not clearly fall under the definition of *hunter recruitment and recreational-shooter recruitment* or are proposed for traditional Wildlife Restoration funding (5222), we will use a National Consistency Team to review eligibility and make a recommendation to the Regional Manager.
- Please keep track of questions on implementing the Modernizing PR Act for further discussion.

We look forward to working with you and your staff as we implement these changes and develop guidance.

Paul