

In Reply Refer to
FWS/AMBS/FA/002971

Memorandum

To: Regional Directors, Regions 1-7

From: Director /s/ K. Adams 5/25/01

Subject: **Interim Guidance - Section 10 Hunter Education Enhancement**

This memorandum provides interim guidance for the obligation and expenditure of Hunter Education funds in accordance with Section 10 of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 (Public Law 106-408, 11/1/2000). This guidance is effective immediately. The Service will make changes in the appropriate FWS Manual Chapter reflecting this policy within 1-year of the date of this memorandum.

This issue became germane with the passage of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 (Public Law 106-408, 11/1/2000), and specifically, Section 10, Firearm and Bow Hunter Education and Safety Program Grants.

This interim guidance is intended to make consistent use of these funds throughout all Service Regions and the Washington Office. The following is the policy of the Service with regard to these funds:

1. The Service will apportion these Section 10 funds using the same formula as other Wildlife Restoration Hunter Education funds [Section 4(c)].
2. Until a State has fully obligated their Section 4(c) apportionment, they can only use their Section 10 apportionment to enhance hunter education related programs as described in 3a and 3b.
- 3a. The purposes described in Section 10(A) are: (i) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs; (ii) the enhancement of interstate coordination and development of hunter education and shooting range programs; (iii) the enhancement of bow hunter and archery education, safety, and development programs; and (iv) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges.

- 3b. Section 10 monies are intended to supplement, not replace, Section 4c funds, thereby enhancing hunter education. The Congressional Record states these funds can be used to "hire additional staff for hunter education programs; provide additional materials for hunter education courses; enhance and modernize materials as needed; investigate new technologies and delivery methods; develop and evaluate home study courses; create advanced hunter education courses; perform programmatic evaluations and monitoring of hunter education classes; improve and enhance training for hunter education instructors." All of these items are considered to enhance the Hunter Education program.
4. After a State obligates its current year Section 4(c) apportionment for Hunter Education purposes, a State may obligate its Section 10 funds for any eligible Wildlife Restoration or Hunter Education projects. Prior to obligating the full Section 4(c) apportionment a State may only obligate Section 10 funds for Hunter Education purposes.
5. Section 10 funds are 1-year funds and any funds not obligated in the current year's apportionment are reapportioned to those States that have fully obligated their Section 4(c) funds on Hunter Education projects. The funds are reapportioned in the following year under Section 3(a) of the Wildlife Restoration Act as additional regular P-R funds.
6. The Service will establish and track obligations and expenditures of Section 10 funds through a dedicated subactivity code in the Service's accounting systems.

This policy is consistent with what Congress intended when they passed this Act. It provides States with flexibility, while enhancing hunting and shooting activities and projects.

May 15, 2001
New Hunter Education Section 10 Funds Q&A's

1. Q. Section 10(a)(1)(A) of the Wildlife and Sport Fish Restoration Improvement Act of 2000 (Improvement Act) uses the term “enhancement of” associated with various hunter education activities. Does this mean that these funds are only available to fund new or expanded hunter education activities? (NOTE: Section 111. (a)(1) of the Improvement Act redesignates Section 4(b) of the Federal Aid in Wildlife Restoration Act to Section 4(c).)

A. The Act clearly envisioned that States could enhance the Hunter Education Program with the Section 10 funds. We encourage the States to enhance their Hunter Ed Program with these funds. However, once a State has obligated its current year Section 4(c) funds, they have the option of spending their Section 10 funds on other wildlife activities

2. Q. Can States obligate the new Hunter Education funds established by Section 10 for hunter education activities prior to obligating all of the current year hunter education funds made available under Section 4(c)?

A. Yes, provided the Section 10 funds are enhancing the State's Hunter Education program. The State can only use the Section 10 funds for enhancement of the State's Hunter Education program until all of the current year's Section 4(c) funds are obligated for Hunter Education purposes.

3. Q. When will a State know how much it will receive for its Section 10 apportionment?

A. The preliminary apportionments issued in October of each year will identify the full amount being apportioned under Section 10 for the year. This will enable States to begin planning for its use as early as possible.

4. Q. When will a State know how much they should obligate from their Section 4(c) funds before they can use any of their Section 10 funds for other Wildlife Restoration activities?

A. Only at the time a State receives their final apportionment each January will they know exactly how much they have to obligate before Section 10 funds can be obligated for wildlife restoration activities.

5. Q. Do the Section 10 funds remain available to States for more than one year?

A. No. The Section 10 funds are available to the State for obligation only in the Federal fiscal year in which we have apportioned them.

6. Q. What happens to Section 10 funds unobligated or deobligated in the year apportioned?

A. If the funds are from the current year, then we treat them as current year funds and they are available for obligation as Section 10 funds by the State.

7. Q. What happens to unobligated or deobligated Section 10 funds at the end of the fiscal year, or prior year deobligated Sec 10 funds?

A. The Service reapportions them as a separate apportionment the following year, to those States that obligated all of their Section 4(c) Hunter Education apportionment on eligible Hunter Education projects as additional regular P-R funds, subject to the same guidance as all P-R funds.

This means that each year there will be four apportionments to States under the P-R program: 1) Regular P-R; 2) Section 4(c) Hunter Education; 3) Section 10 Hunter Education; and, After FY 2001; and 4) reapportioned unobligated/deobligated Section 10 funds, as additional regular P-R funds, going only to States that have spent all of the Section 4(c) apportionment on eligible Hunter Education projects. Initially, this fourth apportionment will be done manually, so it may not be available until the final apportionment.

8. Q. What is the source of the funds made available under Section 10?

A. The Improvement Act makes \$7,500,000 available for enhancing Hunter Education activities from the amount of funds normally apportioned for wildlife restoration activities for FY 2001 and FY 2002. The amount increases to \$8,000,000 in FY 2003 and each fiscal year thereafter.

9. Q. How does Federal Aid plan to track the use of the Section 10 funds?

A. The Fish and Wildlife Service established a new subactivity code and associated element codes for use when obligating Section 10 funds. This will allow Federal Aid to monitor the status of how much of current year funds are used and determine how much remains unobligated at year end.

10. Q. Can States use both Section 4(c) and Section 10 funds in the same grant?

A. Yes. Since we established a separate subactivity code for the Section 10 funds the State may choose to use funds from both sources in the same grant. However, the grant documents must identify how much the State is requesting from each funding source similar to the way it is done for the various Sport Fish Restoration subactivities.

11. Q. If a State chooses to use funds made available from Section 4(c) and Section 10 in the same grant will they have to draw funds down separately against each funding source?

A. Yes. When the State uses the SMARTLINK system to request funds, they must identify how much they are requesting against each funding subactivity/element.

12. Q. Can a State use a combination of Section 10 and Section 4(c) to meet their 4(c) fiscal apportionment threshold, allowing eligible use of Section 10 funds for wildlife activities?

A. No, only Section 4(c) funds are used to meet that threshold. There is no language in either the Act or the Committee report that suggests States may use Section 10 funds for other than expanded hunter education activities until the State meets this threshold.

13. Q. What happens if a State obligates all of its Section 4c funds, then uses Section 10 funds for wildlife conservation projects, but fails to actually spend some amount of the Section 4(c) funds by the time they complete the 2-fiscal year cycle? Would the State be required to restore the Section 10 funds that were used on a wildlife project(s)?

A. By encouraging States to obligate all of their Section 10 funds on eligible Hunter Education projects this situation should not occur. However, the Service has a tracking system in place that will detect this situation. The Service will look at the individual circumstances and make an appropriate decision at that time.

14. Q. What is a strategy a State could employ to avoid loss of Section 10 funds.

A. Obligate all Section 10 funds on enhanced Hunter Education projects in the year they are apportioned.

Faxed to Regional Offices on 5/25/01 with interim policy
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