Enhanced Hunter Education and Safety Program
Fiscal Year 2020 Notice of Funding Opportunity

Notice Overview

Federal Agency Name
U.S. Department of the Interior, Fish and Wildlife Service (Service), Wildlife and Sport Fish Restoration Program (WSFR)

Funding Opportunity Title
Enhanced Hunter Education and Safety Program (Section 10 Hunter Education Grant Program)

Catalog of Federal Domestic Assistance (CFDA) Number
15.626

Authorizing Legislation
Pittman-Robertson Wildlife Restoration Act (September 2, 1937), as amended, with special reference to amendment by Public Law 106-408 (November 1, 2000), 16 U.S.C. 669 et seq. with special reference to 669h–1.

Announcement Type
Notice of Funding Opportunity (NOFO) for Federal Fiscal Year (FY) 2020

Funding Opportunity Number
F20AS00010

Paperwork Reduction Act Statement
We are collecting this information in accordance with the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669-669k). Your response is required to obtain or retain a benefit. We will use the information you provide to evaluate your application for potential award of Federal funding through this program and, if awarded, to evaluate performance. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. We estimate that it will take you about 40 hours to complete an initial application, 3 hours to revise the terms of an award, and 8 hours to prepare and submit performance reports, including time to maintain records, and gather information. All burden estimates include the time to review instructions, search existing data resources, gather data needed and complete and review the submission. You may send comments on the burden estimate or any other aspect of this information collection to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

OMB Control Number
1018-0100 (expires: 7/31/2021)

Submission Deadline and Other Information
State applicants can continuously apply for funding up to the application deadline. The deadline for receipt is August 31, 2020, 11:59 p.m. PDT. The Service recommends that you submit your application early enough to address any unforeseen technical complications and verify that all documents have been received by your Regional WSFR Office before the deadline. The Service will not consider applications received after the deadline.

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I. Description of Funding Opportunity

References to "you" in this NOFO refer to the State, Commonwealth, or Territorial agency completing the application and any subrecipient, if applicable. References to "we," "our," or "us" in this NOFO refer to the Service.

The Federal Aid in Wildlife Restoration Act of 1937, 50 Stat. 917 as amended; 16 U.S.C. 669-669k, now known as the Pittman-Robertson Wildlife Restoration Act, was enacted on September 2, 1937, and began functioning July 1, 1938. The purpose of this Act is to provide funding for the selection, restoration, rehabilitation, and improvement of wildlife habitat, wildlife management research, and the distribution of information produced by the projects. The Act was amended on October 23, 1970, to include funding for hunter safety programs and the development or the operation and maintenance of firearm and archery ranges. Congress saw a need for additional funds to support hunter education and shooting range development, if States were to meet the challenges of the 21st century. The Congressional Resource Committee heard from sportsmen's organizations that States were not using their possible allotments to support these programs, or there was not a consistent level of effort to further the future of hunting. As a result, Congress passed the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 and as part of this Act created the Firearm and Bowhunter Education and Safety Program (Section 10 or EHE) to address these concerns. The passage of Section 10 set aside $7.5 million in 2001 and 2002 and $8 million thereafter to "enhance" existing hunter education or shooting range programs. The Pittman-Robertson Wildlife Restoration Act was also amended on May 10, 2019 with the passage of the Target Practice and Marksmanship Training Support Act, Pub. L. 116-17 (16 U.S.C. 669) to facilitate acquiring land for, expanding, or constructing public target ranges, including ranges on Federal land (See Attachment A for more information.)

Additional information about EHE is available at:
http://wsfrprograms.fws.gov/Subpages/GrantPrograms/HunterEd/HE.htm.

WSFR's mission is to work through partnerships to conserve and manage fish and wildlife and their habitats for the use and enjoyment of current and future generations. WSFR's vision is of healthy, diverse, and accessible fish and wildlife populations that offer recreation, economic activity, and other societal benefits, in addition to sustainable ecological functions. WSFR's guiding principle is that society benefits from conservation-based management of fish and wildlife and their habitats and opportunities to use and enjoy them. EHE aligns with WSFR's mission, vision, and guiding principle, and supports three of the Department of the Interior's priorities including:

1) Creating a conservation stewardship legacy second only to Teddy Roosevelt;

2) Utilizing our natural resources; and

3) Restoring trust with our local communities.

II. Award Information

EHE provides Federal grant funding to the 50 States, including Commonwealths and Territories (not the District of Columbia, hereafter, "State" or "States") to:

1. Enhance programs for hunter education, hunter development, and firearm and archery safety. Hunter development programs introduce individuals to and recruit them to take part in hunting, bow hunting, target shooting, or archery; and
2. Enhance interstate coordination of hunter education, and firearm and archery range programs; and
3. Enhance programs for education, safety, or development of bow hunters and archers; and
4. Enhance construction and development of firearm and archery ranges; and
5. Update safety features of firearm and archery ranges.

EHE funds supplement, but do not replace Section 4(c) Hunter Education funds, thereby enhancing a State's hunter education and safety program. The following are some examples of eligible activities:

1. Training participants in the safe and proficient use of hunting equipment, hunter responsibility, principles of wildlife management, wildlife identification, and firearms handling;
2. Constructing facilities, such as classrooms, shooting ranges, and other support facilities needed for instruction purposes;
3. Gathering information to help develop, implement, and evaluate hunter education and safety grants;
4. Providing training in trapper education as it relates to safety, responsibility, humane trapping methods, avoidance of non-target species, and development of trapping skills; and
5. Communicating information about WSFR grant funded hunter education and recreational shooting sports activities.

The final EHE apportionments are available on our website: https://wsfrprograms.fws.gov/Subpages/GrantPrograms/HunterEd/HE_Funding.html. The EHE apportionment is determined based on the following:

1. It is a formula-based apportionment;
2. It is based on State population compared to the total United States population using the most recent census figures;
3. No State may receive more than three percent or less than one percent of the total funds apportioned; and

4. The Commonwealths of Puerto Rico and the Northern Mariana Islands and the territories of American Samoa, Guam, and the U.S. Virgin Islands, receive up to one-sixth of one percent of the total apportionment.

States may be paid up to 75 percent of project costs through the program. After the Service obligates a State's current fiscal year Section 4(c) Hunter Education and Safety apportionment on eligible hunter education activities, a State may request the Service to obligate its Section 10 Hunter Education funds on any eligible Wildlife Restoration (WR) or hunter education activities. Prior to the Service obligating the full current fiscal year Section 4(c) apportionment, a State may only request the Service to obligate Section 10 funds on eligible hunter education activities. Section 10 Hunter Education funds are one-year funds and any funds not obligated in the current year's apportionment are reapportioned to those States where the Service has fully obligated the States' Section 4(c) funds on eligible hunter education and safety activities. The funds are reapportioned in the following year under section 3(a) of the Wildlife Restoration Act as additional regular Wildlife Restoration funds. Alternatively, a State may allocate up to 10 percent of its apportioned WR funds to supplement Enhanced Hunter Education (EHE) funds for acquiring land for, expanding, or constructing public target ranges. The allocated WR funds, in addition to Basic and EHE funds allocated for the same activities, will be available for 5 years with up to 90 percent Federal cost share for those specific activities (see Attachment A). Only State fish and wildlife agencies may apply for and receive grants under this program.

Ineligible activities include law enforcement, public relations activities to promote the fish and wildlife agency, activities conducted for the primary purpose of producing income, and activities, projects, or programs that promote or encourage opposition to the regulated taking of fish, hunting, or the trapping of wildlife. See Title 50 of the Code of Federal Regulations (CFR) Part 80.54.

III. Basic Eligibility Requirements

Eligible Applicants

Participation is limited to States (but not the District of Columbia) with lead management responsibility for fish and wildlife resources in the United States of America. States must pass laws (assent legislation) for the conservation of fish and wildlife. The law(s) must require that revenue from hunting and fishing licenses be only used for the administration of the State fish and wildlife agency. If you are uncertain of your eligibility, please contact your Regional WSFR Office (see Section VII, Agency Contacts).

Federal law mandates that all entities applying for Federal financial assistance must have a valid Dun & Bradstreet Data Universal Number System (DUNS) number and have a current registration in the System for Award Management (SAM). See 2 CFR 25 for more information.

DUNS Registration

Request a DUNS number online at Dun & Bradstreet Registration. For technical difficulties, contact Dun & Bradstreet by email at: govt@dnb.com, or call the Government Customer Resource Center at voice phone: 866-705-5711 or TTY line: 877-807-1679 (hearing impaired customers only). Obtaining a DUNS number is free for all entities doing business with the

Federal government. Once assigned a DUNS number, entities are responsible for maintaining up-to-date information with Dun & Bradstreet.

Be aware that starting in December 2020, the DUNS number will no longer be the official identifier for doing business with the U.S. Government. Over the next 18 months, the General Securities Administration (GSA) will start a new, non-proprietary Unique Entity Identifier (UEI) to be requested in, and assigned by SAM (SAM.gov). Visit the GSA Unique Entity Identifier Update web page for the latest information on this transition. This transition will not change the applicability of existing requirements for either obtaining an entity identifier or completing the full SAM.gov registration. Entities currently exempt from obtaining an entity identifier and/or completing full SAM.gov registration will continue to be exempt from those.

Entity Registration in SAM
Register in SAM online at the SAM website. Once registered in SAM, entities must renew and revalidate their SAM registration at least every 12 months from the date previously registered. Entities are strongly urged to revalidate their registration as often as needed to ensure that their information is up to date and in synch with changes that may have been made to DUNS and IRS information.

Note: The official U.S. Government website address for SAM is https://sam.gov/. There is no cost to register in or access SAM. There are third-party vendors who charge a fee in exchange for registering entities in SAM; please be aware that you can register to do business with the U.S. Government for free directly in SAM at https://sam.gov/.

Excluded Entities
Applicant entities or their key project personnel identified in the SAM exclusions database as ineligible, prohibited/restricted or excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits will not be considered for Federal funding, as applicable to the funding requested under this Federal program. We conduct a review of the SAM Exclusions database for all applicant entities and their key project personnel prior to award.

Prohibition Regarding Internal Confidentiality Agreements
If you require your employees or your contractors to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts your employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement official of a Federal department or agency authorized to receive such information, you are ineligible to compete for or receive a EHE award. See Pub. L. 113- 235, Title VII, Division E, Section 743 for more information.

Cost Sharing or Matching
States may be paid up to 75 percent of project costs through the program. You must provide at least 25 percent of the project costs from a non-Federal source. The non-Federal share may come from license fees. Matching and cost-share requirements are discussed in 50 CFR 80.84, 50 CFR 80.85, and 2 CFR 200.306. For eligible activities described in the Target Practice and Marksmanship Training Support Act, States may be paid up to 90 percent of project costs (see

Attachment A.) According to 50 CFR 80.84, the Regional Director must waive the first $200,000 of match required by each program or subprogram that provides funds for a project in a grant awarded to the Commonwealth of the Northern Mariana Islands and the territories of American Samoa, Guam, and the U.S. Virgin Islands.

You may meet your required non-Federal cost share or match through contributions from a third-party. A third-party is any individual or organization other than the State applicant, such as a partner, that is not receiving grant funds. Match must be necessary and reasonable for accomplishing the proposed project objective(s). As the primary State recipient, you are responsible for the full amount of the non-Federal match proposed, including any amount provided by one or more third parties as listed on the Standard Form 424, Application for Federal Assistance.

You may attribute some or all your allowable indirect costs as voluntary committed cost-sharing or matching; however, you may only charge to the Federal award the indirect costs calculated against the allowable direct costs charged to the Federal award.

IV. Application Requirements

You can download the application package for EHE on Grants.gov here: Application Forms, searching by CFDA 15.626. If you have trouble accessing the online forms, you can contact one of the Regional WSFR Offices (see VII. Agency Contacts).

Applications must be formatted to fit on 8.5" X 11" paper, with 1" margins at the top, bottom, and both sides, and page numbers at the bottom of the page. Fonts must be no less than 12 point Arial, Times New Roman, or another commonly used font.

To be considered for funding under this funding opportunity, an application must contain:

Application for Federal Assistance
Submit a completed, signed and dated Application for Federal Assistance form (Standard Form 424). Note that the proper forms are part of the Grants.gov application package for this NOFO. Do not include other Federal sources of funding, requested or approved, in the total entered in the "Federal" funding box on the Application for Federal Assistance form. Enter only the amount requested under this program in the "Federal" funding box. Include any other Federal sources of funding in the total funding entered in the "Other" box.

Request to Acquire, Improve, or Furnish
When you request our approval to acquire real property with Federal funds under the award, with matching funds under the award, or as an in-kind match contribution, the Standard Form SF-429-B, *Request to Acquire, Improve, or Furnish,* must be completed. As an alternative, the applicant or recipient may use an alternate standardized data collection format if we approve or direct its use. The applicant or recipient must submit the SF 429-B whenever it requests our approval of a specific acquisition of real property, regardless of whether the request occurs at the time of application, during the period of performance, or as a pre-award cost.

Project Statement

Applicants applying for awards on a project-by- project basis are required to provide a project statement containing the elements required by 50 CFR 80.82 and listed below. In general, the project statement must provide sufficient information so reviewers may verify that the proposed activities are eligible for funding and substantial in character and design (see 50 CFR 80.56). Any images should be appended rather than included within the narrative project statement.

Project statements submitted in response to this NOFO must use standard objectives consistent with TRACS Grant Performance System requirements. Please see the WSFR Standard Project Statement Wiki for general examples and guidance. We encourage you to work with your Regional WSFR Office if you have questions about formatting your objectives for entry in the TRACS Grant Performance System.

Need
Explain why the project is necessary and how it fulfills the purpose of EHE.

Purpose
State the ultimate purpose for the proposed project and link the purpose to the demonstrated need.

Objectives
Identify specific, measurable, attainable, relevant, and time-bound (SMART) objectives to be accomplished during the project period, and base them on the need. Please use WSFR's Standard Objectives when designing your project. We encourage you to work with your Regional WSFR Office if you have questions about formatting your objectives for entry in the TRACS Grant Performance System. Also, please see the WSFR Standard Project Statement Wiki for more details and examples.

Results or benefits expected
Describe the expected results or benefits from accomplishing the objectives.

Approach

a. Describe the methods, designs, and/or procedures to be used to achieve the objectives, key personnel and cooperators, and provide a description of the activities in sufficient detail so we are able to evaluate compliance with NEPA, section 7 of the ESA, and section 106 of NHPA. If proposed actions require permits, provide information on the progress of obtaining permits. If permits have been issued or compliance has been completed by another Federal agency, provide copies in the application package. Use a planned approach, appropriate procedures, and accepted principles of fish and wildlife conservation and management, research, or education;

b. Identify the project officer, or principal investigator for research projects, including their name, work address, and work telephone number. To prevent unnecessary transmission of Personally Identifiable Information, do not include Social Security numbers, the names of family members, or any other personal or sensitive information including marital status, religion, or physical characteristics on the description of key personnel qualifications; and

c. Geographic location – Describe the location(s) where activities would occur. Maps or other geographic aids are encouraged and may be attached. Please include geographic coordinates in degrees, minutes, and seconds, if relevant and available.

Relationship with other grants

Describe any relationship between the proposed project and other related work funded by Federal grants that is planned, anticipated, or underway.

Timeline of activities

Describe significant milestones in completing the project and any accomplishments to date.

For CMS States

A project statement may not be required for applicants who are applying for awards under a comprehensive management system (CMS). Applicants considering submitting an application under a CMS should contact their WSFR Regional Office for details (see Section VII., Agency Contacts). CMS applications must submit the information required in 50 CFR 80.81, provide adequate description of activities to allow WSFR staff to evaluate the 25 items in 2 CFR 200.407 requiring prior written approval, and provide a description of the activities in sufficient detail so WSFR staff are able to evaluate compliance with NEPA, ESA, and NHPA.

Budget Form

Complete the Budget Information for Non-Construction Programs (SF-424A) form, or the Budget Information for Construction Programs (SF-424C) form, *or* submit a budget table that provides a similar or greater level of budget detail. You may use the SF-424A if your project does not include construction or land acquisition, and the SF-424C if the project includes construction or land acquisition. The SF-424A and SF-424C budget forms, should you choose to use them, are published along with this NOFO at Grants.gov. When developing your budget, keep in mind that financial assistance awards and subawards are subject to the Federal Cost Principles in 2 CFR 200, as applicable to the recipient organization type. If the project budget includes multiple Federal funding sources, you must show the funds requested from this Federal program *separately* from any other requested or secured Federal sources of funding on the budget form. For example, enter the funds requested from this Federal program in the first row of the Budget Summary section of the form and then enter funding related to other Federal programs in the subsequent row(s). Be sure to enter each Federal program's CFDA number in the corresponding fields on the form. The CFDA number for this Federal program is 15.626.

Budget Narrative

In a separate narrative titled "Budget Narrative," explain and justify all requested budget items/costs. Detail how the SF 424 Budget Object Class Category totals were determined and demonstrate a clear connection between costs and the proposed project activities. The justification for each budget category should be a brief general description of the costs that makeup that category, yet provide enough detail to demonstrate that the applicant has a financial plan for implementation of the proposed objectives. For example, under personnel costs include the total number of staff and the various job titles (classifications) anticipated to be charging to the project. Describe any item that under the applicable Federal cost principles in 2 CFR 200.407 that requires the Service's approval and estimate its cost (e.g., pre-award costs, capital improvements and expenditures, real property acquisitions, equipment purchases, etc.). In addition to your Budget Narrative, address the following:

Match and other partner contributions

Identify the cash and third-party in-kind contributions that a partner, or other entity contribute to the project and describe how the contributions directly and substantively benefit completion of the project. For third-party in-kind contributions, include the source, the amount, and the valuation methodology used to arrive at the total.

Program Income

Program income is gross income received by the grantee or subrecipient and earned only as a result of the grant during the grant period. Estimate the amount of program income that the project is likely to generate. If necessary, indicate the method or combination of methods (deduction, addition, or matching) of applying your expected program income. The Regional Director's approval is required for the additive or matching method. Indicate whether the agency wants to treat income that it earns after the grant period as either license revenue or additional funding for purposes consistent with the grant terms and conditions or program regulations.

Equipment

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000 (see 2 CFR 200.33). Grantees and subrecipients must follow the requirements at 2 CFR 200 when acquiring equipment under an award, with emphasis on 200.313, 200.317 through 200.326, and 200.439.

Useful life

Propose a useful life for each capital improvement that costs at least $25,000 to build, acquire, or install (see 50 CFR 80.2), and reference the method used to determine the useful life of a capital improvement with a value greater than $100,000 (see 50 CFR 80.82(c)(5)).

Multipurpose Projects

A grant-funded project or facility is multipurpose if it carries out the purposes of: (a) a single grant program under the Acts; and (b) another grant program under the Acts, a grant program not under the Acts, or an activity unrelated to grants. You must allocate costs in multipurpose

projects based on the uses or benefits for each purpose that will result from the completed project or facility, and must also describe the method used to allocate costs.

Required Indirect Cost Statement

You must include one of the following statements and attach any required documentation identified in the applicable statement: "We are:

a. A U.S. State agency receiving more than $35 million in direct Federal funding each year with an indirect cost rate of [insert rate]. We submit our indirect cost rate proposals to our cognizant agency. A copy of our most recently approved rate agreement/certification is attached, or on file with the Regional WSFR Office.

b. A U.S. State agency receiving less than $35 million in direct Federal funding with an indirect cost rate of [insert rate]. We are required to prepare and retain for audit an indirect cost rate proposal and related documentation to support those costs.

c. A U.S. State agency that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. In the event an award is made, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award is made.

d. A U.S. State agency that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. However, in the event an award is made, we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat *de minimis* indirect cost rate of 10 percent of modified total direct costs as defined in 2 CFR 200.68. We understand that the 10 percent *de minimis* rate will apply for the life of the award, including any future extensions for time, and that the rate cannot be changed even if we do establish an approved rate with our cognizant agency at any point during the award period

e. A U.S. State agency that will charge all costs directly."

Please take note of the following:

- Recipients without an approved indirect cost rate are prohibited from charging indirect costs to a Federal award. Accepting the 10 percent *de minimis* rate as a condition of award is an approved rate.
- Failure to establish an approved rate during the award period of performance renders all costs otherwise allocable as indirect costs unallowable under the award.
- Recipients may only charge the indirect costs calculated against the allowable direct costs charged to the Federal award.
- Recipients must have prior written approval from the Service to transfer unallowable indirect costs to amounts budgeted for direct costs or to satisfy cost-sharing or matching requirements under the award.

- Recipients are prohibited from shifting unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

For more information on indirect cost rates, see the Service's Indirect Costs and Negotiated Indirect Cost Rate Agreements guidance document. See also 2 CFR 1402.414 for the policies, procedures, and decision-making criteria for using an indirect cost rate that differs from the recipient's or a subrecipient's negotiated rate, or its approved rate for our awards.

Negotiating an Indirect Cost Rate Agreement with the Department of the Interior
Entities that do not have a Negotiated Indirect Cost Rate Agreement (NICRA) must first have an open, active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior is your cognizant agency, your indirect cost rate will be negotiated by the Interior Business Center (IBC). For more information, contact the IBC at:

Indirect Cost Services
Acquisition Services Directorate, Interior Business Center
U.S. Department of the Interior
650 Capitol Mall, Suite 7-400
Sacramento, CA 95814
Phone: 916-930-3803
Email: Through this email web form.
Internet address: Link to Indirect Cost Services Webpage.

Single Audit Reporting Statements
As required in 2 CFR 200, Subpart F, a non-Federal entity that expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year. All U.S. State applicants must provide a statement regarding whether your organization was or was not required to submit a Single Audit report for the State's most recently closed fiscal year and, if so, state if that report is available on the Federal Audit Clearinghouse Single Audit Database website and provide the Employer Identification Number (EIN) under which that report was submitted. Include these statements in the Budget Narrative in a section titled "Single Audit Reporting Statements."

Assurances
If not already on file with your Regional WSFR Office, include the appropriate signed and dated Assurances form. The form is available online and published with this NOFO at Grants.gov. Use the Assurances for Construction Programs (SF-424D) form for construction projects, or the Assurances for Non-Construction Programs (SF-424B) form for non-construction projects. Signing this form does not mean that all items on the form are applicable. The form contains language that states that some of the assurances may not be applicable to your organization and/or your project or program.

Assurances include that you will give us, the Comptroller General of the United States and other appropriate parties, through any authorized representative, access to and the right to examine all

records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

Certification and Disclosure of Lobbying Activities
Under 31 U.S.C. § 1352, an applicant or recipient must not use any federally appropriated funds (both annually appropriated and continuing appropriations) or matching funds under a grant or cooperative agreement award to pay any person for lobbying in connection with the award. Lobbying is defined as influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the award. Submission of an application also represents the applicant's certification of the statements in 43 CFR 18, Appendix A- Certification Regarding Lobbying. If you/your organization have/has made or agrees to make any payment using non-appropriated funds for lobbying in connection with this proposal AND the Federal share exceeds $100,000, complete and submit the SF-LLL, Disclosure of Lobbying Activities form available in the Grants.gov Workspace or WSFR's Financial Assistance Wiki Forms Page. See 43 CFR 18.100 for more information on when additional submission of this form is required.

Conflict of Interest Disclosures
You must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying us, in writing, of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients. A conflict that must be reported is if any employees of the applicant, recipient, subrecipient, or contractors, are related to, married to, or have a close personal relationship with any Federal employee in the grant program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award. You may not have a former Federal employee as a key project official, or in any other substantial role related to your award, whose participation puts them out of compliance with the legal authorities addressing post-Government employment restrictions. You must also notify us, in writing, of any outstanding, unresolved matters with the Government Accountability Office or Office of Inspector General when you submit a proposal and throughout the life of the award. Unresolved items are those items that that do not have a corrective action plan approved by us and remain open. See the United States Office of Government Ethics website more information on these restrictions. We will examine each conflict of interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, we will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies us may result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including termination of the award.

Application Checklist
Failure to provide complete information may cause delays, postponement, or rejection of the application.

- ☐ **SF-424, Application for Federal Assistance**: A complete, signed and dated SF-424, or SF-424-Mandatory form.
- ☐ **SF-429-B, Request to Acquire, Improve, or Furnish,** if applicable.
- ☐ **Budget Information or SF-424 form:** A complete SF-424 Budget Information form (424-A or SF 424-C as appropriate), or a budget spreadsheet providing a similar, or greater, level of budget detail.
- ☐ **Project Statement**
- ☐ **Budget Narrative**
- ☐ **Required Indirect Cost Statement**
- ☐ **NICRA**: A statement regarding the status of the agency's Negotiated Indirect Cost Rate Agreement, and if applicable, a copy of the organization's current NICRA.
- ☐ **Single Audit Reporting Statement**: Note whether your State was or was not required to submit a Single Audit report for your most recently closed fiscal year and, if so, state if that report is available on the Federal Audit Clearinghouse Single Audit Database website. You do not need to attach a copy of your Single Audit report.
- ☐ **SF-424 Assurances form:** Signed and dated SF-424B or SF-424D Assurances form if annual assurances are not already on file with the Regional WSFR Office.
- ☐ **SF-LLL form:** If applicable, completed SF-LLL Disclosure of Lobbying Activities form.
- ☐ **Conflict of Interest statement**, when applicable.

V. Submission Instructions

Submission deadline: Grant application packages are due to your Regional WSFR Office (see Section VII, Agency Contacts) on or before August 31, 2020, 11:59 p.m. PDT.

Intergovernmental Review

Before submitting an application, United States State and local government applicants should determine whether their application is subject to the State intergovernmental review process under Executive Order (E.O.) 12372 "Intergovernmental review of Federal Programs." E.O. 12372 was issued to foster intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The E.O. allows each State to designate an entity to perform this function. You may contact the State's designated entity for more information on the process the State requires to be followed when applying for assistance. States that do not have a designated entity have chosen not to participate in the review process.

Submission Instructions

For electronic submissions, download the Application Package linked to this Funding Opportunity on Grants.gov to begin the application process. Using the "Search Grants" tab, enter Funding Opportunity Number F20AS00010. Downloading and saving the Application

Package to your computer makes the required Government-wide standard forms fillable and printable. The project narrative and budget narrative must be attachments in the following formats: Microsoft Word, Adobe PDF, or Microsoft Excel. Completed applications must be submitted electronically through Grants.gov.

Go to the Grants.gov "Apply for Grants" page for an overview of the process to apply through Grants.gov. You must complete the Grants.gov registration process before submitting an application through Grants.gov. Registration can take between three to five business days, or as long as two weeks if all steps are not completed in a timely manner.

Important note on Grants.gov application attachment file names: Please do not assign application attachments file names longer than 20 characters, including spaces. Assigning file names longer than 20 characters may create issues in the automatic interface between Grants.gov and the Service's financial assistance management system.

Please note that we will be moving to a new a grant application software in the future, and your Region will provide additional information if needed.

For mail or email submissions, the required SF-424 Application for Federal Assistance and Assurances forms and any other required standard forms MUST be signed by your organization's authorized official. The Signature and Date fields on the standard forms downloaded from Grants.gov are pre-populated with the text "Completed by Grants.gov upon submission" or "Completed on submission to Grants.gov." Remove this text (manually or digitally) before signing the forms. The completed grant application package must be mailed or emailed to the appropriate Regional WSFR Office.

VI. Award Administration

Award Notices
Applicants submitting eligible and complete proposals will receive written notice in the form of a notice of award document. Notices of award are typically sent to recipients by e-mail. If e-mail notification is unsuccessful, the documents will be sent by courier mail. Award recipients are not required to sign or return the notice of award. The notice of award document will include instructions specific to each recipient on how to request payment. If applicable, the instructions will detail any additional information or forms required and where to submit payment requests.

Administrative and National Policy Requirements
All financial assistance awards are subject to Federal financial administration requirements. The Regional WSFR Offices will work with applicants to ensure that all financial arrangements comply with these requirements. Administration of EHE is governed by 50 CFR 80.

Applicants must provide satisfactory assurance of their present and ongoing ability to provide access to, and to produce to any Federal auditor or other proper party all records, books, papers, or documents related to this award and that they currently have a proper accounting system in accordance with the financial management guidelines for Federal

awardees. See 2 CFR 200.302 and 200.303. This includes in-place systems and inclusion and application of flow-down requirements to ensure that all subrecipients for which the applicant will be a pass-through entity (see 2 CFR 200.74) are similarly accountable and transparent in documenting that Federal or State expenditures under or pertinent to this award are reasonable, allowable, and allocable and that any assets are properly safeguarded, accounted for, and used for authorized purposes.

In accepting Federal funds, compliance with all applicable Federal laws, regulations, and policies including environmental laws such as the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), and applicable executive orders must be satisfied before we can approve a grant and make funding available.

The recipient and any subrecipients are responsible for complying with the *Federal Funding Accountability and Transparency Act* (FFATA) and its implementing regulations at 2 CFR 25, *Universal Identifier and System for Award Management* and 2 CFR 170, *Reporting Subaward and Executive Compensation Information*. See also the statutory requirements for whistleblower protections at 10 U.S.C 2324 and 2409 and 41 U.S.C. 4304, 4310 and 4712.

When acquiring real property, the recipient and subrecipient are responsible for complying with the requirements of 49 CFR 24 and 2 CFR 1402.329. If a person knowledgeable of the local real estate market determines that the property has a low value and the valuation is not complex, the acquisition may qualify for the use of a waiver valuation under 49 CFR 24.102. If it doesn't qualify for a waiver valuation, an appraiser must develop an opinion of market value in an appraisal that conforms to both the Uniform Appraisal Standards for Federal Land Acquisition, 6th edition, 2016 (Yellow Book), and the Uniform Standards of Professional Appraisal Practice (USPAP). The appraisal must be recommended by a qualified real property appraiser. Both the appraiser must be licensed or certified by the State or States where the real property is located. The review appraiser must also have a professional license or certification that is issued or accepted by the State where the property is located.

Domestic Recipient Payments

Prior to award, we will contact your organization to either enroll in the U.S. Treasury's Automated Standard Application for Payments (ASAP) system or, if eligible, obtain a waiver from the Department of the Interior.

Transmittal of Sensitive Data
You are responsible for ensuring any sensitive data sent to us is protected during its transmission and delivery. We strongly recommend that recipients use the most secure transmission and delivery method available. We recommend the following digital transmission methods: secure digital faxing; encrypted emails; or emailing a password-protected zipped or compressed file attachment in one email followed by the password in a second email. We strongly encourage you to use a courier mail service when sending sensitive data in paper copy. Recipients may also contact us and provide any sensitive data over the telephone.

Award Terms and Conditions
Acceptance of a financial assistance award from us carries with it the responsibility to be aware of and comply with the terms and conditions applicable to the award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. Awards are based on the application approved by us and are subject to the terms and conditions incorporated into the notice of award either by direct citation or by reference to the following: Federal regulations; program legislation or regulation; and special award terms and conditions. The Federal regulations applicable to Service awards are available online here. If you do not have access to the Internet and require a full text copy of the award terms and conditions, contact the Service point of contact identified in the Agency Contacts section below. See the Service's "Financial Assistance Award Terms and Conditions" for the administrative and national policy requirements applicable to Service awards. The "Department of the Interior (DOI) Award Provisions" attached to this Funding Opportunity also apply to Service awards (Attachment B).

All financial assistance awards are subject to Federal financial administration requirements. Applicants must provide satisfactory assurance of their present and ongoing ability to provide access to and to produce to any Federal auditor or other proper party all records, books, papers, or documents related to this award and that they currently have a proper accounting system in accordance with the financial management guidelines for Federal awardees. *See* 2 CFR 200.302 *and* 200.303. This includes in-place systems and inclusion and application of flow-down requirements to ensure that all subrecipients for which the applicant will be a pass-through entity (*see* 2 CFR 200.74) are similarly accountable and transparent in documenting that Federal or State expenditures under or pertinent to this award are reasonable, allowable, and allocable and that any assets are properly safeguarded, accounted for, and used for authorized purposes.

If you have had questioned costs or any other Office of the Inspector General, or other single-audit equivalent, "audit findings" (see 2 CFR 200.516) under your WSFR grant within the last five (5) years, then special considerations ("specific conditions") may apply if you receive an award under this NOFO. See 2 CFR 200.205 and 207. Those conditions may include, but not be limited to, limitation on advance payment, a requirement to provide evidence of acceptable performance or documentation before further disbursement, and additional detailed financial reporting and/or heightened project monitoring. See 2 CFR 200.207(b).

Similarly, if you receive an award under this NOFO and a subsequent audit results in audit findings with respect to this award, then we may apply specific conditions during the term of this award. See 2 CFR 200.338 and 200.207(b).

The regulations at 2 CFR 200.315 and 2 CFR 1402.315 apply to information produced or otherwise resulting from a financial assistance award from the Department of the Interior. This includes data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual. The Federal Government has the right to:

(1) Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and

(2) Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes.

There was recently a Final Rule published for 50 CFR 80 that impacts some of the terms included in this NOFO. If you have questions, see Section VII for your Regional WSFR Office contact.

Financial and Performance Reports
Interim financial and performance reports may be required no more frequently than quarterly, and no less frequently than annually. A final financial report and a final performance report will be required and are due within 90 calendar days of the end date of the award. We will specify in the notice of award document the reporting and reporting frequency applicable to the award.

You must use the Standard Form 425, Federal Financial Report for financial reporting, available on the Internet at: Post-Award Reporting Forms.

Performance reports must contain: 1) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work; 2) a description of reasons why established goals were not met, if appropriate; and 3) any other pertinent information relevant to the project results.

Electronic submission of performance information using Wildlife TRACS may be required, as detailed in the terms and conditions of the award.

Significant Developments:
Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, you are required to notify us in writing as soon as the following types of conditions become known (2 CFR 200.328(d)):

- Problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation.

- Favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

Other Mandatory Disclosures
You and your subrecipients must disclose, in a timely manner and in writing, to us or pass-through entities all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting this award. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338, Remedies for noncompliance, including suspension or debarment (See 2 CFR 200.113, 2 CFR Part 180, and 31 U.S.C. 3321).

VII. Agency Contacts

We administer EHE, and you may learn about the national level program by contacting:

Christina Milloy
U.S. Fish and Wildlife Service
Wildlife and Sport Fish Restoration Program
703-862-5761, christina_milloy@fws.gov

For specific information and application details, contact your Regional WSFR Office. Note that the Department is moving to Unified Regional Boundaries. Please continue to seek guidance based on the list below unless notified otherwise when final guidance is available. You can find information on the Unified Region's on the Department's website:

Region 1 - American Samoa, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Idaho, Oregon, and Washington: r1fa_grants@fws.gov, 503-231-6128

Region 2 - Arizona, New Mexico, Oklahoma, and Texas: fw2fa@fws.gov, 505-248-7450

Region 3 - Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin: R3fedaid@fws.gov, 612-713-5130

Region 4 - Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, the Commonwealth of Puerto Rico, South Carolina, Tennessee, and the U.S. Virgin Islands: fws-r4federalassistance@fws.gov, 404-679-4159

Region 5 - Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia: fw5fareports@fws.gov, 413-253-8508

Region 6 - Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: fw6_fagrants@fws.gov, 303-236-5420

Region 7 - Alaska: AK_FA@fws.gov, 907-786-3631

Region 8 - California and Nevada: R8fa_grants@fws.gov, 916-978-6182

Attachment A: Interim Guidance for Applying Public Law 116-17, the Target Practice and Marksmanship Training Support Act, to the Pittman-Robertson Wildlife Restoration Act

Purpose and Terms

A. Why do we need Interim Guidance? The Target Practice and Marksmanship Training Support Act (Pub. L. 116-17, May 10, 2019) amends the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669) to define a public target range and offers States alternatives for funding specific activities related to public target ranges under the Basic Hunter Education subprogram (BHE), the Enhanced Hunter Education Program (EHE), and the Wildlife Restoration Program (WR). The Wildlife & Sport Fish Restoration Program (WSFR) staff will begin the process of updating the regulations at 50 CFR 80 to accommodate these changes, but until this is accomplished, we offer this Interim Guidance so that States may begin engaging in activities for acquiring land for, expanding, or constructing public target ranges using the new allowable approaches, as described in this guidance.

The Interim Guidance is in effect until superseded by other guidance, superseded by a final rule, or rescinded.

B. What terms do I need to know? The following terms are applicable to this Interim Guidance:

(1) *90/10/5* is a shortcut reference for activities for acquiring land for, expanding, or constructing public target ranges that will benefit from a 90% Federal/10% non-Federal cost share and 5 year period of availability.

(2) *Account* and *Subaccount* means the fiscal management designation used in the Service's financial system to identify funds by allocation. When WSFR Headquarters apportions BHE, EHE, and WR funds (see Terms 6, 9, and 17), they are electronically transferred to an account or subaccount and are accessible to Regions through the Service's financial system. When a State determines how they wish to use those funds, they notify their Regional WSFR Office and WSFR fiscal staff will assign funds to the appropriate account or subaccount in the Service's financial system.

(3) *Acquire land* means taking ownership or control of a designated area of land or an interest in land by purchase, exchange, assignment, reversion, gift, eminent domain, or any other method consistent with State or Federal law. The purpose of the acquisition could be for new construction or to expand an existing facility. There is no requirement for the amount of acres acquired – the State must demonstrate in the grant application that the acquisition is sufficient for the purposes of the award.

(4) *Allocate* means to assign funds to a specific purpose.

(5) *Apportioned funds* are those that are awarded to a State based on formulas in the Wildlife Restoration Act. Wildlife Restoration (WR, see (17)) funds are apportioned using the formula at 16 U.S.C. 669c(b), Basic Hunter Education (BHE, see (6)) funds are apportioned using the

formula at 669c(c), and Enhanced Hunter Education (EHE, see (9)) are apportioned using the formula at 16 U.S.C. 669c(c) and according to the criteria at 16 U.S.C. 669h-1(a).

(6) *Basic Hunter Education* (BHE) means the subprogram authorized at 16 U.S.C. 669g(b), described at 50 CFR 80.50(b), and sometimes referred to by practitioners as "Section 4c Hunter Ed" to describe the section in the Wildlife Restoration Act the source of funding for BHE was added by Pub. L. 91-503 (October 23, 1970).

(7) *Constructing* (for the purposes of projects for acquiring land for, expanding, or constructing public target ranges) means building a public target range.

(8) *Cost share* means the portion of project costs not paid by Federal funds (unless otherwise authorized by Federal statute). (2 CFR 200.29; see also §200.306 Cost sharing or matching.)

(9) *Enhanced Hunter Education* (EHE) means the program authorized at 16 U.S.C. 669h-1, described at 50 CFR 80.50(c), and sometimes referred to by practitioners as "Section 10 Hunter Ed" to describe where in the Wildlife Restoration Act the section authorizing the program was added by Pub. L. 106-408 (November 1, 2000).

(10) *Expanding* means (for the purposes of projects for acquiring land for, expanding, or constructing public target ranges) physical improvements to an existing public target range that add to the utility of the range in a manner that ultimately increases range capacity to accommodate more participants. Physical improvements do not necessarily have to increase the size of the facility, but must result in an increase in usability that will accommodate more participants.

(11) *Maintenance* means keeping structures or equipment in a condition to serve the intended purpose. It includes cyclical or occasional actions to keep a facility fully functional during its useful life. It does not include operational actions (see B(13)) such as janitorial work. Examples of maintenance actions are: (1) Routine upkeep for bullet traps; (2) Replacing components of a facility, such as a roof, benches, or backstop that are expected to need replacing over the course of the useful life of the facility; and (3) Painting, adding gravel to a parking lot, adding road mix/sand to existing firing range surfaces, and replacing rotting boards.

(12) *Obligation* has two meanings depending on the context:

(a) When a grantee of Federal financial assistance commits funds by incurring costs for purposes of the grant, the definition at 2 CFR 200.71 applies.

(b) When the Service sets aside funds for disbursement immediately or at a later date in the formula-based programs under the Acts, the definition at 50 CFR 80.91 applies.

(13) *Operations* means activities done on a frequent cycle (daily, weekly, monthly – more often than cyclical maintenance) and are actions that support the availability of the facility and its

components for current public use. Operations may be physical or administrative.

(14) *Public target range* means a specific location that—

(a) Is identified by a governmental agency for recreational shooting;

(b) Is open to the public;

(c) May be supervised; and

(d) May accommodate archery or rifle, pistol, or shotgun shooting. (Pub. L. 116-17)

(15) *Safety margin* means an accounting technique used by WSFR to determine the age of funds using the "first in, first out" (FIFO) method. This allows WSFR to use the most liberal interpretation of assigning an age to any funds that become available from a prior year apportionment. Safety Margins are only established at the end of the Federal Fiscal Year (FFY). The safety margin determines if de-obligated (unspent) funds have another year of funding availability to be obligated to future grants. For these grant programs, de-obligated grant funds must "pass through the safety margin" to be recovered and returned to the State grant program account. De-obligated grant funds that do not pass through the safety margin will revert to the Service to be used in accordance with grant program rules. Grant funds obligated and de-obligated during the same FFY are returned to the State grant program account and do not pass through the safety margin. WSFR Training has developed a safety margin training video to assist in understanding the safety margin process.

(16) *State* means the definition found at 50 CFR 80.2.

(17) *Wildlife Restoration Program* (WR) means the program authorized by the Wildlife Restoration Act (Pub. L. 75-415, September 2, 1937) for activities described at 50 CFR 80.50(a).

THE TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT (Pub. L. 116-17) AND THE WILDLIFE RESTORATION ACT (16 U.S.C. 669)

C. What changes does Pub. L. 116-17 make to the Wildlife Restoration Act (16 U.S.C. 669)?
Pub. L. 116-17 amends the Wildlife Restoration Act and makes the following changes:

(1) Defines a public target range (see Terms, B(14) and E);

(2) Applies to specific activities of "acquiring land for, expanding, or constructing public target ranges;"

(3) Allows a State to choose to allocate up to 10% of its WR annual apportionment to a designated Hunter Education account for activities at (2);

(4) For activities at (2):

(a) A State may apply up to a 90% Federal/10% non-Federal costs share, and

(b) Associated funds will be available for up to 5 FFYs.

(5) For ease of presentation in this document, we will refer to activities for acquiring land for, expanding, or constructing public target ranges that can use the 90% Federal/10% non-Federal cost share and funds available for 5 FFYs as "90/10/5" activities.

There is no requirement for a State to commit any funds for 90/10/5 activities, but if it chooses to do so, it may use the beneficial cost share and period of funding availability on those activities.

Table 1 describes the three funding sources available for 90/10/5 activities and how these activities compare to other eligible activities.

TABLE 1. FUNDING AMOUNTS, COST SHARE, AND FUNDING AVAILABILITY UNDER WR, BHE, AND EHE

Program/ Subprogram	**Amount of apportioned funds that can be used for 90/10/5 activities**	**Cost share for 90/10/5 activities**	**Period of availability of funds for 90/10/5 activities**	**Amount of apportioned funds that can be used for traditional eligible activities** (see 50 CFR 80 citations below)	**Cost share for traditional eligible activities**	**Period of availability of funds for traditional eligible activities**
	NEW	***NEW***	***NEW***			
Wildlife Restoration (WR)	Up to 10% of annual apportioned funds	Up to 90% Federal share; minimum 10% non-Federal share	5 FFYs	Up to 100% for purposes at 50 CFR 80.50(a)	75% Federal/25% non-Federal share	2 FFYs

TABLE 1. FUNDING AMOUNTS, COST SHARE, AND FUNDING AVAILABILITY UNDER WR, BHE, AND EHE						
		NEW	***NEW***			
Basic Hunter Education (BHE) ("Section 4")	Up to 100% of annual apportioned funds*	Up to 90% Federal share; minimum 10% non-Federal share	5 FFYs	Up to 100% for purposes at 50 CFR 80.50(b)**	75% Federal/ 25% non-Federal share	2 FFYs
		NEW	***NEW***			
Enhanced Hunter Education (EHE) ("Section 10")	Up to 100% of annual apportioned funds*	Up to 90% Federal share; minimum 10% non-Federal share	5 FFYs	Up to 100% for purposes at 50 CFR 80.50(c)**	75% Federal/ 25% non-Federal share	1 FFY

*It is currently eligible for a State to use BHE and EHE funds for acquiring land for, expanding, or constructing public target ranges.
**See 50 CFR 80.60 for additional funding options for BHE and EHE.

D. Does Pub. L. 116-17 add to or change the purpose under the Pittman-Robertson Wildlife Restoration Act? No. Even though 16 U.S.C. 669 currently includes a "Statement of Purpose," it was added by Pub. L. 106-553 and is applicable only to the Wildlife Conservation and Restoration Program (WCRP) and not to WR. Pub. L. 116-17 describes the purpose of the Target Practice and Marksmanship Training Support Act to "facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management." However, the purpose statement for Pub. L. 116-17 does not of itself amend the Wildlife Restoration Act. Therefore, there continues to be no stated "purpose" associated with the Wildlife Restoration Act.

E. What definition for "public target range" does Pub. L. 116-17 add to the Act?
For the purposes of the Pittman-Robertson Wildlife Restoration Act, "public target range" means a specific location that—

(1) Is identified by a governmental agency for recreational shooting;

(2) Is open to the public;

(3) May be supervised; and

(4) May accommodate archery or rifle, pistol, or shotgun shooting.

Notes: 1. Approval of a Federal award satisfies condition (1). 2. Public access is described in the WSFR Best Practices for Third-Party Agreements. 3. The term "archery" includes the use of crossbows. 4. Most of the definitions at 16 U.S.C. 669a are not applicable to WR. They were added by Pub. L. 106-553 (114 Stat. 2762A-118, December 21, 2000) and apply only to WCRP (see D). The addition of the term "public target range" at 16 U.S.C. 669a is the second term that is applicable to the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects. The other applicable definition is "wildlife-restoration project." However, Pub. L. 106-553 also inserted into the definition of "wildlife restoration project" "…includes the wildlife conservation and restoration program and…" This clause in the definition is also not applicable to the Federal Aid in Wildlife Restoration Act.

ADMINISTRATION

F. How will WSFR administratively manage amendments to the Wildlife Restoration Act that now allow a 90% Federal/10% non-Federal cost share and 5-year funding availability period for projects for acquiring land for, expanding, or constructing public target ranges? WSFR is working to establish three new subaccounts that will incorporate activities for acquiring land for, expanding, or constructing public target ranges with a cost share up to 90% Federal/10% non-Federal that will be available for expenditure and obligation for up to 5 years. One subaccount will be under BHE (subaccount 5251), one subaccount will be under EHE (subaccount 5241), and one subaccount will be for up to 10% of apportioned WR funds allocated to EHE for eligible purposes (WR/EHE subaccount 5252, see "Wildlife Restoration (4(b)) Funds and Pubic Target Range Activities"). (see Appendix, Account/Subaccount Funding for Public Target Range Activities).

According to Service Manual chapter 522 FW 17.6, BHE and EHE are considered the same subaccount for purposes of match. This interpretation (for match only) is extended to all subaccounts associated with 90/10/5 activities.

G. How is the 5-year funding availability period determined for funds used to acquire land for, expand, or construct public target ranges? Beginning October 1, 2019, the 5-year funding availability period begins on October 1 of the year in which the funds are apportioned and ends on September 30 of the fifth year. For example, for funds apportioned in FY 2020, the period of availability for obligation will be October 1, 2019 – September 30, 2024. Funds apportioned in FY 2021 will be available for obligation October 1, 2020 – September 30, 2025, etc. However, a State must notify their Regional WSFR Office to allocate funds to the appropriate subaccount

the first FFY apportioned. No funds apportioned prior to FFY 2020 are eligible to use the 5-year funding availability period.

H. What happens to funds that a State allocates to a 5-year subaccount and either the funds remain unobligated at the end of the period of availability, or the funds are obligated and they cannot accomplish the project, or the project comes in under budget? It depends on the subaccount of the funds, the timing of their allocation or obligation to that subaccount, and safety margins. Nothing in Pub. L. 116-17 changes what happens to funds reverted from BHE, EHE, or WR.

If a State allocates BHE, EHE, or WR funds to one of the 5-year funding subaccounts, the funds are obligated, and the project either is not accomplished or funds are unspent…

(1) Within the first year of apportionment, the funds may be recovered back to the original account/subaccount for traditional eligible activities (see Table 1) or reassigned to a different 90/10/5 project.

(2) After the start of the second FFY of apportionment, the funds will go through the safety margins and one of the following will happen:

(a) Funds passing through the safety margin will recover to the assigned subaccount and be available for obligation to a subsequent award;

(b) Funds that exceed the safety margin for any FFY will revert and no longer be available for obligation. Funds reverting from EHE will revert to the WR account to be disbursed in the same manner as any other reverted EHE funds the following fiscal year. Funds reverting from BHE and allocated (up to 10% annually) WR will revert for carrying out the provisions of the Migratory Bird Conservation Act.

Funds that remain unobligated at the end of the 5 FFY period will revert.

I. When may a State begin using the advantages for cost share and funding availability as described in Pub. L. 116-17 and this guidance? WSFR will implement the new cost share and funding availability period benefits for acquiring land for, expanding, or constructing public target ranges starting with FFY 2020 apportionments (effective October 1, 2019). It is possible that the Service may not be able to complete the required changes to the Financial and Business Management System (FBMS) by October 1, 2019. If the system is not updated by October 1, 2019, FFY 2020 allocations requested by the State will be assigned by WSFR staff to the appropriate subaccount once the system allows the action. The State will not lose any benefits associated with the activities.

J. Why can't a State start using the cost share and funding availability benefits immediately? The new Pub. L. 116-17 makes the cost share and funding availability allowable under the Act, but WSFR must be able to implement the changes administratively. This requires WSFR staff to coordinate with staff that manage the Service's fiscal systems to establish three new subaccounts, set up safety margin procedures, and test the system to make sure it works. Then,

systems staff must schedule the updates into a future production release. WSFR must coordinate with other offices for much of this work and timing is uncertain based on workload, testing results, and timing of update releases. Administratively, FFY 2019 is almost over. To ensure a successful transition and allow all States to fully access the new benefits afforded under the law, we will implement the changes effective the beginning of FFY 2020.

K. May a State amend an existing award any time after October 1, 2019 in order to apply the 90% Federal/10% non-Federal cost share and 5-year funding availability period to prior year funds? No. States must not apply the 90/10/5 model to funds apportioned in any year prior to the effective date of October 1, 2019 (FFY 2020).

L. May a State use funds apportioned in FFY 2020 and after to supplement a project for acquiring land for, expanding, or constructing a public target range that began under an award using funds apportioned in FFY 2019 and earlier? Yes. If the project needs additional funding the State may supplement the project with funds apportioned FFY 2020 or after, using the 90/10/5 model for only those funds. A State must not amend a prior award and expect to apply the 90% Federal/10% non-Federal cost share and have funds available for 5 FFYs.

For example: A State applies for an award in FFY 2018 to purchase 20 acres of property and construct a public target range facility. (This is 90/10/5 eligible for FFY 2020 forward as "acquiring land for" and "constructing" a public target range.) Work began in FFY 2018 and funds allocated to the project from FFYs 2018 and 2019 were enough to allow the State to enter into a contract for the land purchase, but it will need funds from FFYs 2020 and 2021 to complete the purchase and construct the range. The State may use the FFY 2018 and 2019 awarded funds toward the land purchase and any funds allocated to any of the three 90/10/5 accounts in FFYs 2020 forward to pay for any additional costs associated with the project. An example scenario is in Table 2.

TABLE 2. EXAMPLE - 90/10/5 FUNDS SUPPLEMENTING A LONG-TERM PROJECT					
Project Costs:		FFY 2018	FFY 2019	FFY 2020	FFY 2021
		Federal funds awarded			
Land, 20 acres:	$ 350,000	$ 120,000	$ 120,000	$ 30,000	
Constructing range:	$ 750,000	$ 0		$ 420,000	$ 252,000
Total:	**$ 1.1 M**				
State share:		$ 40,000 (75/25)	$ 40,000 (75/25)	$ 50,000 (90/10)	$ 28,000 (90/10)
Balance:		$ 940,000	$ 780,000	$ 280,000	$ 0

M. How will the Service determine if activities are eligible for funding under the 90/10/5 option?
(1) States must clearly demonstrate in a grant application how the proposed activities would provide increased capacity for target practice and marksmanship training at public target ranges. The activities must be for acquiring land for (see B(3)), expanding (see B(10)), or constructing (see B(7)) public ranges, or activities that directly support acquiring land for, expanding, or constructing public target ranges (see V).

(2) When a State acquires land for a public target range it can be for new construction and/or to expand an existing public target range. A project for expanding or constructing a public target range does not have to include acquiring land.

(3) Eligibility of some activities for 90/10/5 funding depend on the purpose. To be eligible for 90/10/5 funding a State must specifically demonstrate that the activity directly results in acquiring land for, expanding, or constructing a public target range. For activities for acquiring land for and constructing a new public target range, they must lead to increased capacity for target practice and marksmanship training at public target ranges. For activities at an existing target range, a State must justify they support a physical improvement to the existing public target range that adds to the utility of the range in a manner that ultimately increases range capacity to accommodate more participants.

(4) Please note that the regulations at 2 CFR 200 and 50 CFR 80 continue to apply, with the exception of the specific changes for 90/10/5 projects. For example, States must continue to apply the requirements for cost sharing (match) at 2 CFR 200.306 – .308 and .403, and States must still hold title to real property per 50 CFR 80.130.

N. Must a State submit grant application(s) for 90/10/5 activities separately from those that will continue to use the 75% Federal/25% non-Federal cost share? WSFR recommends that States, especially during the initial rollout, alert Regional WSFR office staff of their intentions early in the FFY and consider the advantages of submitting separate grant applications for 90/10/5 funding. Once a State notifies the Regional Office of its intentions for 90/10/5 funds, Regional WSFR offices will work with a State to determine the best approach for submitting an application(s) in such a way as to best facilitate awards processing and fiscal management.

BASIC HUNTER EDUCATION FUNDS (AKA Section 4(c)) AND ENHANCED HUNTER EDUCATION FUNDS (AKA Section 10) AND PUBLIC TARGET RANGE ACTIVITIES

O. What activities may a State use Basic Hunter Education funds for and what has changed? A State may use BHE funds for any eligible activity described at 50 CFR 80.50(b). These include constructing, operating, or maintaining existing or new public target ranges. The amendments under Pub. L. 116-17 do not add to the eligible activities under BHE, but allow a more advantageous cost share and extended period of availability for projects for acquiring land for, expanding, or constructing public target ranges.

P. What activities may a State use Enhanced Hunter Education funds for and what has changed? A State may use EHE funds for any eligible activity described at 50 CFR 80.50(c). These include enhanced construction and development of existing or new public target ranges. The amendments under Pub. L. 116-17 do not add to the eligible activities under EHE, but allow a more advantageous cost share and extended period of availability for projects for acquiring land for, expanding, or constructing public target ranges.

Q. How does Pub. L. 116-17 change the Federal/State cost shares in hunter education programs under the Wildlife Restoration Act? Pub. L. 116-17 will allow a State to use up to a 90% Federal/10% non-Federal cost share for projects for acquiring land for, expanding, or constructing public target ranges. These activities are eligible under the BHE Subprogram and the EHE Program, and will be identified administratively using the designated BHE (subaccount 5251), EHE (subaccount 5241), and WR/EHE (subaccount 5252) subaccounts.

NOTE: For all other activities under WR, BHE, or EHE that are not allocated to the designated subaccounts for 90/10/5 activities, the cost share remains at 75% Federal/25% non-Federal.

R. May a State apply the same cost share to operation and maintenance for public target ranges? No. The cost share for operation and maintenance activities (O&M) or anything other than acquiring land for, expanding, or constructing public target ranges will continue to use a 75% Federal/25% non-Federal cost share. Costs for all activities must be appropriately allocated to the appropriate subaccounts.

If a single project includes activities related to acquiring land, expanding, or constructing a public target range and also O&M, then O&M activities must apply the 75% Federal/25% non-Federal cost share. O&M activities must not be included for 90/10/5 funding.

S. How long is funding available for acquiring land for, expanding, or constructing public target ranges? Pub. L. 116-17 amends EHE to allow funds to be available for these purposes for up to 5 years. The provisions in the law that allow a State to allocate up to 10% of WR funds to be used for certain public target range activities (see W), also allows those funds to be available for up to 5 years. Pub. L. 116-17 does not specifically state a 5-year funding availability period for BHE funds. However, we can legally interpret the language in the “Exception” clause to allow “amounts provided for acquiring land for, constructing, or expanding a public target range” to be available for expenditure and obligation for 5 fiscal years, which would include BHE funds used for this purpose. Therefore, WSFR’s legal interpretation is that all three funding sources used to acquire land for, expand, or construct public target ranges will be available for 5 fiscal years. Funds used for any other eligible purpose under these programs remain available for obligation for the currently allowed periods

Funds must be allocated to the 90/10/5 subaccounts in the first year funds become available, by the deadlines prescribed by WSFR. The 5-year funding availability period begins the first day of the FFY in which funds are apportioned. It does not begin on the date funds are allocated to a 90/10/5 subaccount.

T. Must a project for expanding or constructing a public target range be on public land? No. Projects to expand or construct public target ranges may be on either publicly or privately owned land (see 50 CFR 80.132). A State fish and wildlife agency must hold title to an ownership interest in real property acquired under a grant to the extent possible under State law (see 50 CFR 80.130). If the project is not on property owned and controlled by the State fish and wildlife agency, the agency must enter into a legally binding agreement with the third party that addresses all applicable requirements and responsibilities. The agency must also address how they will monitor the facility to ensure compliance. Items to be considered in a legally binding agreement are described at: WSFR Best Practices for Third-Party Agreements.

U. Is all construction at public target ranges eligible for 90/10/5 funding? No. Only construction that meets the definition in this guidance (see B(7)) to build a new public target range, or construction associated with expanding an existing public target range (see B(10)), is eligible for 90/10/5 funding. Other construction at a public target range may still be eligible under BHE and EHE using 75% Federal/25% non-Federal funds, but not as 90/10/5 funding.

V. When acquiring land for, expanding, or constructing a public target range, to what supporting activities may a State apply the 90% Federal/10% non-Federal cost share and 5 year period of availability?

(1) There are many activities that support a project for acquiring land for, expanding, or constructing a public target range that are essential to the primary purpose. As long as these activities, as described here, directly support the acquisition, expansion, or construction of a public target range, they are eligible for the 90/10/5 advantage.

(a) Supplemental activities eligible for the 90/10/5 advantage may include preliminary activities in anticipation of acquiring land for, expanding, or constructing public target ranges. Examples are planning, compliance, appraisals, engineering, and other associated activities. A State, in the grant application, must clearly describe how the preliminary activities connect to the purpose of acquiring land for, expanding, or constructing a public target range in order to utilize the 90/10/5 advantage.

(b) Auxiliary activities and amenities that support the primary project and are necessary to the public's ability to fully utilize the public target range may include public rest rooms, storage facilities, protective bunkers or barriers, signs and markers, roads and parking, and installing utilities; or improvements necessary to prevent a facility from becoming inoperable or having a diminished capacity.

(c) Personnel costs directly associated with the 90/10/5 activities and supporting activities described in this guidance are eligible for 90/10/5 funding.

(2) Activities described at (1), when not associated with a project for acquiring land for, expanding, or constructing a public target range are not eligible for 90/10/5 funding. States must continue to use the 75% Federal/25% non-Federal cost share and funds are available as described in Table 1 and at 16 U.S.C. 669.

(3) Personnel costs not associated with acquiring land for, expanding, or constructing a public target range are not eligible to for 90/10/5 funding. For example:

(a) A target range coordinator may be paid using 90/10/5 funding only for the time spent working directly on an acquisition for a public target range or a project to expand or construct a public target range. The time a target range coordinator spends operating, maintaining and controlling the range, training participants, or supervising range activities must use the 75% Federal/25% non-Federal cost share.

(b) Costs for long-term monitoring of the expanded or constructed public target range is not eligible for 90/10/5 funding.

NOTE: States should consult with their Regional WSFR office to determine how to apply for funding this type of long-term project.

WILDLIFE RESTORATION (4(b)) FUNDS AND PUBLIC TARGET RANGE ACTIVITIES

For a summary of the process for allocating funds from WR for purposes of acquiring land for, expanding, or constructing public target ranges, see Figure 1.

W. May a State allocate any of its apportioned Wildlife Restoration (4(b)) funds for 90/10/5 public target range activities? Yes. The amended Pittman-Robertson Wildlife Restoration Act will allow a State to choose to allocate up to 10% of their annual WR apportioned funds, to be "combined with Enhanced Hunter Education funds" (underlined language is directly from Pub. L. 116-17) for 90/10/5 activities. The desired allocation, up to 10% of the WR apportioned funds, are transferred to a Hunter Education subaccount (WR/EHE, subaccount 5252) that supplements EHE funding for 90/10/5 projects. They are no longer WR funds once allocated to the WR/EHE subaccount. Some amount of EHE funds must be included with WR/EHE projects in order to meet the requirement to be "combined with EHE funds." The public law does not set a minimum amount required from either subaccount, and WSFR will not impose a minimum.

The ability for States to allocate up to 10% of their apportioned WR funds to an Enhance Hunter Education subaccount (which is separate from the EHE subaccount for the same purposes) for 90/10/5 projects increases funding options for a State wanting to dedicate additional funds to these specific public target range activities. If a State chooses this option, it may allocate any amount up to the 10% maximum. Once a State determines to allocate WR funds for any 90/10/5 activities, funds must be allocated to the designated Wildlife Restoration/Enhanced Hunter Education (WR/EHE) subaccount during the first fiscal year that funds are apportioned. Allocated WR funds must supplement EHE funds also allocated for 90/10/5 activities. Funds allocated to the WR/EHE subaccount must be used for 90/10/5 activities and cannot be used for any other eligible EHE activities that are not for acquiring land for, expanding, or constructing public target ranges.

Any apportioned WR funds that are not allocated to the Hunter Education subaccount for 90/10/5 activities may be used for any eligible WR purpose (see 50 CFR 80.50(a)) as the State typically would. Nothing has changed regarding eligible activities for the apportioned WR funds that are not allocated the WR/EHE subaccount.

X. May a State include any funds it transfers from BHE to WR in the baseline amount of apportioned funds used to determine the maximum 10% that may be allocated for 90/10/5 activities? No. A State

must not include any funds it transfers from BHE to WR when determining the 10% maximum allowable for allocation to the WR/EHE subaccount.

Y. Once a State allocates funds from Wildlife Restoration to the WR/EHE subaccount, can it use those funds for any eligible Enhanced Hunter Education purpose? No. A State must only use funds allocated from WR to the designated WR/EHE subaccount for acquiring land for, expanding, or constructing public target ranges. There are no exceptions.

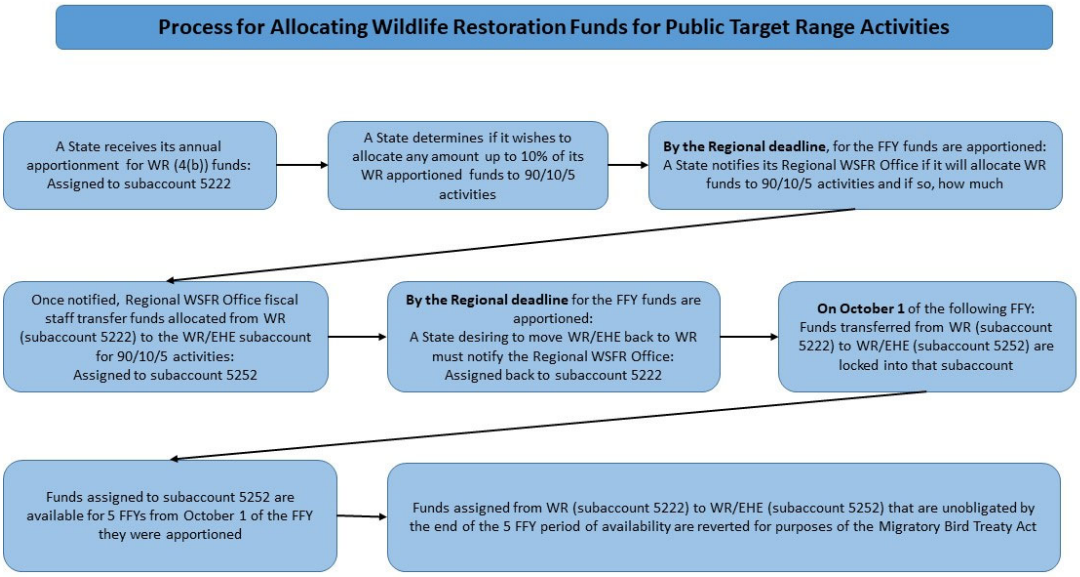
Z. How would a State identify how much, if any, Wildlife Restoration funds it intends to allocate to acquiring land for, expanding, or constructing public target ranges under the WR/EHE subaccount? A State must determine and notify the WSFR Regional Office during the first fiscal year of apportionment how much WR funds, within the 10% cap, it will allocate to the WR/EHE subaccount for acquiring land for, expanding, or constructing public target ranges. States should follow deadlines given by the Regional WSFR Office to ensure that the funds can be administratively assigned to the WR/EHE subaccount. A State may allocate funds during the first year without obligating funds to a specific project.

AA. If Wildlife Restoration funds are available to the State for two fiscal years, why can't a State allocate funds to the WR/EHE subaccount for acquiring land for, expanding, or constructing public target ranges during the second fiscal year? A State must allocate funds from the WR apportionment to the WR/EHE subaccount and obligate those funds during the first year the funds are apportioned in order to set that year's safety margin. Safety margins are set at the end of each FFY for funds apportioned that year. During the second year, apportioned funds are still available for WR projects, but we now consider it "old" money and a State cannot allocate it to the WR/EHE subaccount.

BB. Are funds allocated from the WR account to the WR/EHE subaccount included in the safety margin for WR at the end of the first fiscal year? No. Once up to 10% of a WR apportionment is allocated to the WR/EHE subaccount, it is totally removed from the WR account and is not consider when establishing the WR safety margin at the end of the first fiscal year. Funds allocated to the WR/EHE subaccount become part of the safety margin for the WR/EHE subaccount.

CC. When may a State change its mind and move funds allocated from WR to the WR/EHE subaccount for 90/10/5 activities back to WR? A State may only move funds that it has allocated from WR to the WR/EHE subaccount back to WR in the FFY in which the funds are apportioned. States should follow deadlines given by the Regional WSFR Office to ensure that the funds can be administratively assigned back to the WR subaccount. The amount of funds that a State moves back to WR cannot exceed the total originally allocated from WR to the WR/EHE subaccount. A State may allocate funds from WR to the WR/EHE fund, or from WR/EHE back to WR, more than once during the first year according to Regional Office guidance. After the first year, safety margins are set and funds must remain in the subaccounts to which a State has allocated them. Unused funds must then pass through safety margins to determine if they are available to the State or must revert.

FIGURE 1.



STATE/FEDERAL RELATIONSHIPS

DD. Does the language in Pub. L. 116-17 that encourages projects on Federal lands managed by the Forest Service (FS) and the Bureau of Land Management (BLM) mean that a State may use FS and BLM funds as match? No. In the "Findings" in Pub. L. 116-17, it is the sense of Congress that in recent years Federal lands have been closed to target practice and marksmanship training and that providing opportunities on both Federal and non-Federal land is desired. The purpose emphasizes Congressional intent to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the FS and BLM. However, the non-Federal cost share must still be from a non-Federal source.

EE. May a State pursue a public target range project with Federal land-management agencies other than the FS and BLM? Yes. The law does not limit projects to the FS and BLM. A State may work with other Federal land-management agencies on projects for expanding, or constructing public target ranges.

FF. What other requirements related to Federal agencies are included in the law? In addition, Congress expects the FS and BLM to further cooperate by assisting States and local governments with managing solid waste byproducts of target ranges (e.g., lead or brass) to ensure compliance with Federal law and for continued use of the land for target practice and marksmanship training. (Pub. L. 116-17, Sec. 5) States must cooperate with Federal agencies to ensure continuing compliance with Federal requirements.

September 27, 2019
U.S. Fish & Wildlife Service
Wildlife & Sport Fish Restoration Program

APPENDIX

Account/Subaccount Funding for Public Target Range Activities

Updated: 9/26/19



Subaccount 5231: Enhanced Hunter Education Program Funding[1]

- 1-year funds.
- 75% Federal / 25% non-Federal.
- Reverted funds are reapportioned (as WR funds) the following year to those States eligible to receive them.

*States may choose to allocate all or part of their EHE apportionment for activities for acquiring land for, expanding, or constructing public target ranges. (Subaccount **5241**)*



Subaccount 5241: Enhanced Hunter Education funds allocated for acquiring land for, expanding, or constructing public target ranges. **NEW*

- 5-year funds.
- 90% Federal / 10% non-Federal.
- Reverted funds are reapportioned (as WR funds) the following year to those States eligible to receive them.



States may choose to allocate their BHE apportionment on WR eligible activities. (50 CFR 80.60)



Subaccount 5222: Wildlife Restoration Program Funding

- 2-year funds.
- 75% Federal / 25% non-Federal.
- Reverted funds are returned to the USFWS to support the Migratory Bird Conservation Act.

*States may choose to allocate not more than 10% of their current year WR apportionment **to be combined with EHE funds** for acquiring land for, expanding, or constructing public target ranges. (Subaccount **5252**)*

Subaccount 5221: Basic Hunter Education Subprogram Funding

- 2-year funds.
- 75% Federal / 25% non-Federal.
- Reverted funds are returned to the USFWS to support the Migratory Bird Conservation Act.

*States may choose to allocate all or part of their BHE apportionment for acquiring land for, expanding, or constructing public target ranges. (Subaccount **5251**)*



Subaccount 5252: Wildlife Restoration funds allocated for acquiring land for, expanding, or constructing public target ranges. **NEW*

- 5-year funds.
- 90% Federal / 10% non-Federal.
- Reverted funds are returned to the USFWS to support the Migratory Bird Conservation Act.

Subaccount 5251: Basic Hunter Education funds allocated for acquiring land for, expanding, or constructing public target ranges. **NEW*

- 5-year funds.
- 90% Federal / 10% non-Federal.
- Reverted funds are returned to the USFWS to support the Migratory Bird Conservation Act

Account 5250: WR and Basic Hunter Education funds for 90/10/5 Activities[2] **NEW*

[1] If the current year's apportionment of Basic Hunter Education funding (**5221** and **5251**) is fully obligated for activities listed at 50 CFR 80.50(b), then the State may use its current year's apportionment of Enhanced Hunter Education funds (**5231**) for eligible activities related to Wildlife Restoration, Basic Hunter Education, or Enhanced Hunter Education. (see 50 CFR 80.60)

[2] Account to be used for managing funds allocated to subaccounts 5252 and/or 5251 in the event that those subaccount funds are reverted.

Attachment B: Department of Interior Award Provisions

I. Conflicts of Interest

(a) Applicability.

(1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under, or with respect to, Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

(b) Requirements.

(1) Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

(2) In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

(3) No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

(c) Notification.

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of lnterest.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(d) Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR 18 and 31 U.S.C. 1352.

(e) Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(f) Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR 180).

II. Data Availability

(a) Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

(b) Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(c) Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third party evaluation and reproduction of the following:

(1) The scientific data relied upon;

(2) The analysis relied upon; and

(3) The methodology, including models, used to gather and analyze data.