

## U.S. Fish and Wildlife Service Financial Assistance Award Terms and Conditions

Acceptance of a financial assistance award (i.e., grant or cooperative agreement) from the U.S. Fish and Wildlife Service (Service), Department of the Interior (Interior) carries with it the responsibility to be aware of and comply with the terms and conditions of 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 submitted to and approved by the Service. Awards from the Service are subject to the terms and conditions incorporated into the award either by direct citation or by reference to the following: Federal regulations; program legislation or regulation; and special award terms and conditions. The terms and conditions of Service awards flow down to subrecipients and contractors, unless a particular award term or condition specifically indicates otherwise. The Federal regulations applicable to Service grant and cooperative agreement award recipients, and their subrecipients and contractors, are:

### For-Profit Entities

For for-profit entities, the regulations and requirements listed under the “Administrative Requirements”, “Cost Principles”, and “Indirect Costs Identification and Assignment/Rate Determination Procedures” sections below apply only when they are specifically incorporated by reference in the Service award. The regulations and requirements listed under the “Other Requirements” section below always apply.

#### **Administrative Requirements**

[2 CFR Part 200, Subparts A through D](#)

#### **Cost Principles**

[48 CFR 1, Subpart 31.2—Contracts with Commercial Organizations](#)

#### **Indirect Costs Identification and Assignment/Rate Determination Procedures**

Contact the National Interior Business Center (IBC), Indirect Cost Services by telephone at (916) 566-7111 or by e-mail at: [ics@ibc.doi.gov](mailto:ics@ibc.doi.gov). Visit the IBC’s Indirect Cost Services website at [http://www.doi.gov/ibc/services/Indirect\\_Cost\\_Services/index.cfm](http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm) for more information.

#### **Other Requirements**

[2 CFR Part 25](#), Universal Identifier and Central Contractor Registration

[2 CFR Part 170](#), Reporting Subawards and Executive Compensation

[2 CFR Part 175](#), Award Term for Trafficking in Persons

[2 CFR Part 1400](#), Government-wide Debarment and Suspension (Non-procurement)

[2 CFR Part 1401](#), Requirements for Drug-Free Workplace (Financial Assistance)

[43 CFR 18](#), New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A](#), Certification Regarding Lobbying.

[41 USC §4712](#), Pilot Program for Enhancement of Recipient and Subrecipient Employee Whistleblower Protection: This requirement applies to all awards issued after July 1, 2013 and shall be in effect until January 1, 2017.

- (a) This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies in the pilot program on award recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239).
- (b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. 4712.
- (c) The recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award.

[41 USC §6306](#), Prohibition on Members of Congress Making Contracts with Federal Government: No member of or delegate to the United States Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.

## Foreign Entities

Foreign entities include foreign public entities (see definition in 2 CFR 200.46) and foreign organizations (see definition in 2 CFR 200.47). For foreign entities, the regulations and requirements listed under the "Administrative Requirements", "Cost Principles", and "Indirect Costs Identification and Assignment/Rate Determination Procedures" sections below apply only when they are specifically incorporated by reference in the Service award. The regulations and requirements listed under the "Other Requirements" section below always apply.

### **Administrative Requirements**

*Institutions of Higher Education (IHEs):* [2 CFR Part 200, Subparts A through D](#), including the requirements specific to IHEs.

*Non-profit organizations:* [2 CFR Part 200, Subparts A through D](#), including the requirements specific to non-profit organizations.

*Public entities:* [2 CFR Part 200, Subparts A through D](#), including the requirements specific to states, with the following exceptions:

- The state payment procedures in 200.305(a) do not apply. Foreign public entities must follow the payment procedures in 200.305(b).
- The requirements in 200.321 "Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms" do not apply.
- The requirements in 200.322 "Procurement of recovered materials" do not apply.

*All other entities:* [2 CFR Part 200, Subparts A through D](#)

### **Cost Principles**

*For-profit entities:* [48 CFR 1, Subpart 31.2](#)

*Hospitals:* [45 CFR Part 75, Appendix E](#)

*Public entities:* [2 CFR Part 200, Subpart E](#), including the requirements specific to states.

*All other entities:* [2 CFR Part 200, Subpart E](#)

### **Indirect Costs Identification and Assignment/Rate Determination Procedures**

*For-profit entities:* Contact the National Interior Business Center (IBC), Indirect Cost Services by telephone at (916) 566-7111 or by e-mail at: [ics@ibc.doi.gov](mailto:ics@ibc.doi.gov). Visit the IBC's Indirect Cost Services website at [http://www.doi.gov/ibc/services/Indirect\\_Cost\\_Services/index.cfm](http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm) for more information.

*Hospitals:* [45 CFR Part 75, Appendix E—Principles for Determining Cost Applicable to Research and Development Under Grants and Contracts with Hospitals](#). The U.S. Department of Health and Human Services (HHS) is the cognizant agency for indirect costs for foreign hospitals. Visit HHS' Cost Allocation Services website at <https://rates.psc.gov/> for more information.

*IHEs:* [Appendix III to Part 200—Indirect \(F&A\) Costs Identification and Assignment, and Rate Determination for IHEs](#). HHS is the cognizant agency for indirect costs for foreign IHEs. Visit HHS' Cost Allocation Services website at <https://rates.psc.gov/> for more information.

*Non-profit organizations:* [Appendix IV to Part 200—Indirect \(F&A\) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations](#).

*Public entities:* [Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals](#).

**Other Requirements**

[2 CFR Part 25](#), Universal Identifier and Central Contractor Registration

[2 CFR Part 170](#), Reporting Subawards and Executive Compensation

[2 CFR Part 175](#), Award Term for Trafficking in Persons (Term is applicable to private entity subrecipients of foreign public entities)

[2 CFR Part 1401](#), Requirements for Drug-Free Workplace (Financial Assistance)

[43 CFR 18](#), New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A](#), Certification Regarding Lobbying.

[41 USC §6306](#), Prohibition on Members of Congress Making Contracts with Federal Government: No member of or delegate to the United States Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.

**Individuals**

An individual is any person applying for or receiving Federal funds under a grant or cooperative agreement award separate from any business or non-profit organization he/she may operate. For individuals, the notice of award document will detail all administrative and cost-related requirements and restrictions.

**Other Requirements**

[2 CFR Part 175](#), Award Term for Trafficking in Persons

[2 CFR Part 1400](#), Government-wide Debarment and Suspension (Non-procurement)

[2 CFR Part 1401](#), Requirements for Drug-Free Workplace (Financial Assistance)

[43 CFR 18](#), New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A](#), Certification Regarding Lobbying.

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[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to not engage in text messaging when driving a vehicle while conducting activities funded under this award.

**Institutions of Higher Education, Hospitals and other Non-Profit Organizations**

For domestic Institutions of Higher Education (IHEs), hospitals and non-profit organizations, the below terms and conditions always apply.

**Administrative Requirements**

[2 CFR Part 200, Subparts A through D](#)

**Cost Principles**

*Hospitals:* [45 CFR Part 75, Appendix E](#)

*IHEs* (see definition in [20 US.C. 1001](#)): [2 CFR Part 200, Subpart E](#)

*Non-profit organizations exempted from 2 CFR Part 200, Subpart E* (see [Appendix VIII to Part 200](#)): [48 CFR 1, Subpart 31.2—Contracts with Commercial Organizations](#)

*All other non-profit organizations*: [2 CFR Part 200, Subpart E](#)

### **Indirect Costs Identification and Assignment/Rate Determination Procedures**

*Hospitals*: [45 CFR Part 75, Appendix E—Principles for Determining Cost Applicable to Research and Development Under Grants and Contracts with Hospitals](#). The U.S. Department of Health and Human Services (HHS) is the cognizant agency for indirect costs for foreign hospitals. Visit HHS' Cost Allocation Services website at <https://rates.psc.gov/> for more information.

*IHEs*: [Appendix III to Part 200—Indirect \(F&A\) Costs Identification and Assignment, and Rate Determination for IHEs](#). The U.S. Department of Health and Human Services (HHS) is the cognizant agency for indirect costs for foreign IHEs. Visit HHS' Cost Allocation Services website at <https://rates.psc.gov/> for more information.

*Non-profit organizations exempted from 2 CFR Part 200, Subpart E*: Contact the National Interior Business Center (IBC), Indirect Cost Services by telephone at (916) 566-7111 or by e-mail at: [ics@ibc.doi.gov](mailto:ics@ibc.doi.gov). Visit the IBC's Indirect Cost Services website at [http://www.doi.gov/ibc/services/Indirect\\_Cost\\_Services/index.cfm](http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm) for more information.

*All other non-profit organizations*: [Appendix IV to Part 200—Indirect \(F&A\) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations](#)

### **Audit Requirements**

*Non-profit organizations*: [2 CFR Part 200, Subpart F](#)

### **Other Requirements**

[2 CFR Part 25](#), Universal Identifier and Central Contractor Registration

[2 CFR Part 170](#), Reporting Subawards and Executive Compensation

[2 CFR Part 175](#), Award Term for Trafficking in Persons

[2 CFR Part 1400](#), Government-wide Debarment and Suspension (Non-procurement)

[2 CFR Part 1401](#), Requirements for Drug-Free Workplace (Financial Assistance)

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- (b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. 4712.
- (c) The recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award.

[41 USC §6306](#), Prohibition on Members of Congress Making Contracts with Federal Government: No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.

## **State, Local and Federally-recognized Indian Tribal Governments**

For U.S. state, local and federally-recognized Indian tribal governments, the below terms and conditions always apply.

### **Administrative Requirements**

[2 CFR Part 200, Subparts A through D](#)

### **Cost Principles**

[2 CFR Part 200, Subpart E](#)

### **Central Service Cost Allocation Plans and Indirect Cost Proposals**

[Appendix V to Part 200—State/Local Government and Indian Tribe-Wide Central Service Cost Allocation Plans](#)

[Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals](#)

### **Audit Requirements**

[2 CFR Part 200, Subpart F](#)

### **Other Requirements**

[2 CFR Part 25](#), Universal Identifier and Central Contractor Registration

[2 CFR Part 170](#), Reporting Subawards and Executive Compensation

[2 CFR Part 175](#), Award Term for Trafficking in Persons (Term is applicable to private entity subrecipients)

[2 CFR Part 1400](#), Government-wide Debarment and Suspension (Non-procurement)

[2 CFR Part 1401](#), Requirements for Drug-Free Workplace (Financial Assistance)

[43 CFR 18](#), New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A](#), Certification Regarding Lobbying.

[41 USC §4712](#), Pilot Program for Enhancement of Recipient and Subrecipient Employee Whistleblower Protection: This requirement applies to all awards issued after July 1, 2013 and shall be in effect until January 1, 2017.

- (a) This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies in the pilot program on award recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239).
- (b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. 4712.
- (c) The recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award.

[41 USC §6306](#), Prohibition on Members of Congress Making Contracts with Federal Government: No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.