

## 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:

### Commercial Organizations

#### **General**

[43 CFR Part 12](#), Subpart A, Administrative and Audit Requirements and Cost Principles for Assistance Programs

#### **Cost Principles**

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

#### **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 and related subawards and contracts over the simplified acquisition threshold and all employees working on this award and related subawards and 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, and their subrecipients and 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 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.

## Foreign Public Entities and Organizations

A foreign public entity is: (a) A foreign government or foreign governmental entity; (b) A public international organization covered under the International Organizations Immunities Act (22 USC 288-288f); (c) an entity owned in whole or in part or controlled by a foreign government; or (d) Any other entity consisting wholly or partially of one or more foreign governments or foreign governmental entities.

A foreign organization is a public or private organization located in a country other than the United States and its territories that is subject to the laws of the country in which it is located, irrespective of the citizenship of project staff or place of performance. Foreign organizations include, but are not limited to: private nongovernmental organizations, charitable organizations that are nonprofit and tax exempt under the laws of their country of domicile and operation, universities, colleges, educational institutions, private foundations, and hospitals.

For foreign public entities and organizations, the notice of award document will detail all administrative and cost-related requirements and restrictions. Foreign individuals are not covered by this section and must refer to the Individuals section below.

### **Other Requirements**

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

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

[2 CFR Part 1400](#), Government-wide Debarment and Suspension (Non-procurement): Applies to all foreign entities *except*: foreign governments, foreign governmental entities, public international organizations, any entity owned in whole or in part or controlled by a foreign government and any entity made up of one or more foreign governments or foreign governmental entities.

[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)

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[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients who are individuals 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

### **General**

[43 CFR Part 12](#), Subpart A, Administrative and Audit Requirements and Cost Principles for Assistance Programs

### **Administrative Guidelines**

[2 CFR Part 215](#), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations

[43 CFR Part 12](#), Subpart F, Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, other Non-Profits

### **Cost Principles**

*Publicly financed institutions of higher education:* [2 CFR Part 220](#), Cost Principles for Educational Institutions

*Non-profits listed in Attachment C of OMB Circular A-122:* [48 CFR 1, Subpart 31.2](#), Contracts with Commercial Organizations

*All other non-profits:* [2 CFR Part 230](#), Cost Principles for Non-Profit Organizations

*Hospitals:* [45 CFR part 74, Appendix E](#), Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals

### **Audit Requirements**

*Non-profits:* [OMB Circular A-133](#), Audits of States, Local Governments, and Non-Profit Organizations

### **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)

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[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 and related subawards and contracts over the simplified acquisition threshold and all employees working on this award and related subawards and 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, and their subrecipients and 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 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.

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

### **General**

[43 CFR Part 12](#), Subpart A, Administrative and Audit Requirements and Cost Principles for Assistance Programs

### **Administrative Guidelines**

[OMB Circular A-102](#), Grants and Cooperative Agreements with State and Local Governments

[43 CFR Part 12](#), Subpart C, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

### **Cost Principles**

[2 CFR Part 225](#), Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)

### **Audit Requirements**

[OMB Circular A-133](#), Audits of States, Local Governments, and Non-Profit Organizations

### **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 (applicable to private entity sub-recipients)

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

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