

U.S. Fish and Wildlife Service

Financial Assistance Award Terms and Conditions

Effective Date: October 1, 2018

U.S. Fish and Wildlife Service (Service) grant and cooperative agreement awards are made based on the application submitted to and approved by the Service, and are subject to the terms and conditions incorporated into the Notice of Award either by direct citation or by reference to Federal regulations; program legislation or regulation; and special award terms and conditions. Recipients indicate their acceptance of an award by starting work, drawing down funds, or accepting the award via electronic means. Recipient acceptance of an award from the Service carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. The Federal regulations applicable to Service grant and cooperative agreement award recipients and their subrecipients and contractors are as follows:

For-Profit Entities

These regulations and requirements apply only if the Notice of Award from the Service explicitly states that they are applicable:

- Administrative Requirements: [2 CFR Part 200, Subparts A through D](#)
- Cost Principles: [48 CFR Part 1, Subpart 31.2, Contracts with Commercial Organizations](#)
- Indirect Cost Rate Approval: [Indirect Cost Identification and Assignment and Rate Determination by the Department of the Interior](#)

These regulations and requirements always apply:

- [2 CFR Part 25](#), Universal Identifier and System for Award Management
- [2 CFR Part 170](#), Reporting Subawards and Executive Compensation Information
- [2 CFR Part 175](#), Award Term for Trafficking in Persons
- [2 CFR Part 200, Appendix XII](#), Award Term and Condition for Recipient Integrity and Performance Matters. Applies to awards with a total Federal share of more than \$500,000.
- [2 CFR Part 1400](#), Nonprocurement Debarment and Suspension
- [2 CFR Part 1401](#), Requirements for Drug-Free Workplace
- [43 CFR Part 18](#), New Restrictions on Lobbying. Submission of an application to the Service also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A](#), Certification Regarding Lobbying.
- [41 USC §4712](#), Enhancement of Recipient and Subrecipient Employee Whistleblower Protection. Applies to all awards over the simplified acquisition threshold (currently \$250,000). 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 established at 41 USC 4712. 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 USC 4712. The recipient shall insert this clause 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.

- [Section 743 of Division E, Title VII of Pub. L. 113-235](#), Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements. Recipients must not require their employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. Recipients must notify their employees or contractors that existing internal confidentiality agreements covered by this condition are no longer in effect.
- [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 are foreign public entities as defined in [2 CFR 200.46](#) and foreign organizations as defined in [2 CFR 200.47](#). In addition to following all general requirements, foreign entities must follow any special considerations and requirements for different classes of recipients. Foreign public entities are to follow those for states. Foreign nonprofit organizations are to follow those for nonprofits. Foreign higher education institutions are to follow those for Institutions of Higher Education (IHEs). These regulations and requirements always apply:

- Administrative Requirements: [2 CFR Part 200, Subparts A through D](#). The state payment procedures in 200.305(b) do not apply to foreign public entities. Foreign public entities must follow the payment procedures in [2 CFR 200.305\(b\)](#). The requirements in [2 CFR 200.321](#) and [200.322](#) do not apply to foreign entities.
- Cost Principles: [2 CFR Part 200, Subpart E](#)
- Indirect Cost Rate Approval: [Indirect Cost Identification and Assignment and Rate Determination by the Department of the Interior](#)
- [2 CFR Part 25](#), Universal Identifier and System for Award Management, unless the entity meets at least one qualifying condition and is exempted by the Service prior to award as provided for in 2 CFR Part 25.
- [2 CFR Part 170](#), Reporting Subawards and Executive Compensation Information
- [2 CFR Part 175](#), Award Term for Trafficking in Persons. Applies to awards to foreign private entities. Also applies to awards to foreign public entities, if funding could be provided under the award to a private entity as a subrecipient. See the award term for definitions.
- [2 CFR Part 200, Appendix XII](#), Award Term and Condition for Recipient Integrity and Performance Matters. Applies to awards with a total Federal share of more than \$500,000, except those awards to foreign public entities.
- [2 CFR Part 1400](#), Nonprocurement Debarment and Suspension. This does not apply to foreign public 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.

- [Section 743 of Division E, Title VII of Pub. L. 113-235](#), Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements. Recipients must not require their employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. Recipients must notify their employees or contractors that existing internal confidentiality agreements covered by this condition are no longer in effect.
- [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. These regulations and requirements always apply:

- [2 CFR Part 175](#), Award Term for Trafficking in Persons
- [2 CFR Part 1400](#), Nonprocurement Debarment and Suspension
- [2 CFR Part 1401](#), Requirements for Drug-Free Workplace
- [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 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 not text message when driving a vehicle while conducting activities funded under this award.

Institutions of Higher Education and Non-Profit Organizations

These regulations and requirements always apply as specified below:

- Administrative Requirements: [2 CFR Part 200, Subparts A through D](#)
- Cost Principles: [2 CFR Part 200, Subpart E](#), except for non-profits identified in [2 CFR 200, Appendix VIII](#) as exempt from these and therefore subject to the cost principles in [48 CFR 1, Subpart 31.2 Contracts with Commercial Organizations](#).
- Indirect Cost Proposals for IHEs: [2 CFR Part 200, Appendix III](#)
- Indirect Cost Proposals for Non-Profits: [2 CFR 200, Appendix IV](#)
- Audit Requirements for Non-Profits: [2 CFR Part 200, Subpart F](#)
- [2 CFR Part 25](#), Universal Identifier and System for Award Management

- [2 CFR Part 170](#), Reporting Subawards and Executive Compensation
- [2 CFR Part 175](#), Award Term for Trafficking in Persons
- [2 CFR Part 200, Appendix XII](#), Award Term and Condition for Recipient Integrity and Performance Matters. Applies to awards with a total Federal share of more than \$500,000.
- [2 CFR Part 1400](#), Nonprocurement Debarment and Suspension
- [2 CFR Part 1401](#), Requirements for Drug-Free Workplace
- [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](#), Enhancement of Recipient and Subrecipient Employee Whistleblower Protection. Applies to all awards over the simplified acquisition threshold (currently \$250,000). 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 established at 41 USC 4712. 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 USC 4712. The recipient shall insert this clause 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.
- [Section 743 of Division E, Title VII of Pub. L. 113-235](#), Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements. Recipients must not require their employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. Recipients must notify their employees or contractors that existing internal confidentiality agreements covered by this condition are no longer in effect.
- [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

These regulations and requirements 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: [2 CFR Part 200, Appendix V](#)
- Indirect Cost Proposals: [2 CFR Part 200, Appendix VII](#)
- Audit Requirements: [2 CFR Part 200, Subpart F](#)
- [2 CFR Part 25](#), Universal Identifier and System for Award Management
- [2 CFR Part 170](#), Reporting Subawards and Executive Compensation Information

- [2 CFR Part 175](#), Award Term for Trafficking in Persons. Applies if funding could be provided under the award to a private entity as a subrecipient. See the award term for definitions.
- [2 CFR Part 200, Appendix XII](#), Award Term and Condition for Recipient Integrity and Performance Matters. Applies to awards with a total Federal share of more than \$500,000.
- [2 CFR Part 1400](#), Nonprocurement Debarment and Suspension
- [2 CFR Part 1401](#), Requirements for Drug-Free Workplace
- [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](#), Enhancement of Recipient and Subrecipient Employee Whistleblower Protection. Applies to all awards over the simplified acquisition threshold (currently \$250,000). 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 established at 41 USC 4712. 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 USC 4712. The recipient shall insert this clause 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.
- [Section 743 of Division E, Title VII of Pub. L. 113-235](#), Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements. Recipients must not require their employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. Recipients must notify their employees or contractors that existing internal confidentiality agreements covered by this condition are no longer in effect.
- [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.