



USAID Policy Guidance on Exemptions to Assistance Reporting Under the Federal Funding Accountability and Transparency Act of 2006 (FFATA)

A Mandatory Reference for ADS Chapter 303

Partial Revision Date: 04/17/2020
Responsible Office: M/OAA
File Name: 303maz_041720

USAID Policy Guidance on Exemptions to Assistance Reporting Under the Federal Funding Accountability and Transparency Act of 2006 (FFATA)

Requirements

This mandatory reference outlines the three Federal Funding Accountability and Transparency Act (FFATA) requirements, as well as applicable exemptions. The three main requirements relating to FFATA as it relates to applicants and recipients of USAID assistance are as follows:

1. **Unique Entity Identifier/DUNS Number (2 CFR 25)** - Prospective recipients and first tier subrecipients must obtain a Dun and Bradstreet Data Universal Numbering System number (referred to in 2 CFR Part 25 as a “unique entity identifier”) to be eligible to receive federal assistance, such as grants and cooperative agreements.
2. **SAM Registration (2 CFR 25)** - Applicants must register in the System for Award Management (SAM) prior to submitting an application for award for USAID’s consideration. Recipients must maintain an active SAM registration while they have an active award. Subrecipients are not required to register in SAM.
3. **Reporting Subaward and Executive Compensation Information (2 CFR 170)** - Recipients must report certain information to the [USASpending.gov Web site](https://www.usaspending.gov). Recipients must report their first tier subawards of \$25,000 or more. In addition, recipients must report the compensation they and their first-tier subrecipients pay to each organization’s top five executives when the total federal funding authorized to date under its award is \$25,000 or more and all of the following apply (in the recipient’s or subrecipient’s preceding fiscal year):
 - The recipient or first-tier subrecipient received 80 percent or more of its annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance;
 - The recipient or first-tier subrecipient received \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance within the recipient’s or subrecipient’s previous year; and
 - The public does not have access to information about the compensation of the executives of the recipient or first-tier subrecipient through periodic reports.

Applicability and Exemptions

The requirements of [2 CFR 25](#) and [2 CFR 170](#) do not apply to certain categories of awards. In addition, certain awards can be exempted from the requirements of [2 CFR 25](#) and [2 CFR 170](#).

Table 1

Exemption/ Applicability	DUNS Number (2 CFR Part 25)	SAM (2 CFR Part 25)	Executive and Subaward Reporting (2 CFR Part 170)
1. Individuals	The requirement for a DUNS number <u>does not apply</u> to individuals who apply for or receive federal financial assistance.	The requirement for SAM registration <u>does not apply</u> to individuals who apply for or receive federal financial assistance.	The requirement for subawards and executive compensation reporting <u>does not apply</u> to individuals who apply for or receive federal financial assistance.
2. A recipient's gross income in the previous tax year is <\$300,000	Not exempt from the requirement for a DUNS number.	Not exempt from the requirement for SAM registration.	The requirement for subaward and executive compensation reporting <u>does not apply</u> to recipients whose gross income in the previous tax year is <\$300,000.
3. Awards or first tier subawards less than \$25,000	Not exempt from the requirement for a DUNS number.	Not exempt from the requirement for SAM registration.	The requirement for subaward and executive compensation reporting <u>does not apply</u> to awards or first tier subawards less than \$25,000. The award term is not included.
4. Awards less than \$25,000 to a foreign entity and performed outside the U.S.	A foreign entity recipient <u>is exempt</u> from the requirement for a DUNS number for a particular award performed outside the U.S., when USAID deems compliance impracticable. Subrecipients are likewise not required to obtain a DUNS number. The agency must use a generic DUNS number for reports.	A foreign entity recipient <u>is exempt</u> from linking its SAM registration to a particular award performed outside the U.S., when USAID deems compliance impracticable. Subrecipients are not required to register in SAM.	Such recipients and subrecipients are also exempt from the executive compensation reporting requirement. Recipients are exempt from the subaward reporting requirement.

Exemption/ Applicability	DUNS Number (2 CFR Part 25)	SAM (2 CFR Part 25)	Executive and Subaward Reporting (2 CFR Part 170)
5. Safety Concerns: Protecting information about a recipient or subrecipient from disclosure to avoid compromising classified information or national security or jeopardizing the personal safety of the entity's clients.	A recipient (or first-tier recipients, or both) <u>are exempt</u> from the DUNS number requirement for a particular award based upon USAID's determination. The agency must use a generic DUNS number for reports.	Recipients <u>are exempt</u> from linking SAM registration to a particular award based upon USAID's determination. Subrecipients are not required to register in SAM based upon USAID determination.	Recipients and subrecipients may be exempt from the executive compensation reporting requirement based on USAID determination. Recipients may be exempt from the subaward reporting requirement based on USAID determination.

If a recipient or subrecipient is exempted from the DUNS number requirement or from linking its SAM registration to a particular award, then, as a consequence, the recipient or subrecipient is also exempt from the FFATA subaward and executive compensation reporting requirement.

Exemption Guidance

a. Exemption Process

Under assistance, USAID can exempt recipients and subrecipients (as applicable) for a particular award from its DUNS number, a link to its SAM registration, or to report subawards or executive compensation in www.USASpending.gov when the Agreement Officer (AO) or Agreement Officer's Representative (AOR) determines that a recipient or subrecipient meets one of the exemptions outlined in Table 1 above. If the exemption is based on a safety concern or security concern, the Assistant Administrator (AA) or Mission Director (MD) must approve the exemption. The cognizant AOR is responsible for completing the exemption template in the Appendix.

Below are details on the main scenarios where USAID may seek to invoke an exemption and applicable procedures:

1. USAID exempts a prime award and subawards. When the prime award is eligible for an exemption, the AO/AOR must enter the prime award in the Global Acquisition and Assistance System (GLAAS) and Phoenix using the recipient's DUNS number. They should also check the box that indicates that an exemption applies. M/OAA/SSG (Systems Support and GLAAS division) will then record the award using a generic DUNS number. When a generic DUNS number is used, the recipient will not be required to report exempted subrecipient data in www.FSRS.gov.
2. USAID exempts some/all of the subrecipients under an award. In some instances, even if an exemption does not apply to the recipient, USAID may exempt some or all of the subrecipients of the recipient under a particular award. M/OAA/SSG will report the prime award in www.USASpending.gov using the recipient's DUNS number. The recipient will not be required to report exempted subrecipient data in www.FSRS.gov.
3. USAID exempts subrecipients on a case-by-case basis. Where the recipient is not exempted, and the AO/AOR does not yet have enough information to make a determination that all of the subawards should be exempted, the recipient may request that the AOR exempt subawards on a case-by-case basis.

The AO/AOR must use the FFATA Exemption Template in the Appendix (see page 10) when either:

- The exemption is for an award less than \$25,000 to a foreign entity, is performed outside the U.S. and USAID deems it impracticable to comply with the requirement; or
- The exemption protects information about a recipient or subrecipient from disclosure, to avoid compromising classified information or national security or jeopardizing the personal safety of the entity's clients.

The AO/AOR must document the basis for the exemption, cite specific examples or events upon which the exemption is based, and indicate the specific class of entities (for example, recipient principals, employees, beneficiaries, etc.) to whom the exemption applies. For an exemption based on safety concerns, the AO/AOR must obtain AA approval for USAID/Washington (USAID/W) awards and the Mission Director for Missions awards. Independent Offices without an AA must obtain approval from the Independent Office or Operating Unit Head. The AO/AOR must include a copy of the exemption in the award file.

The following are examples of the types of awards that may require an exemption for safety/security concerns:

- A. Where disclosure of information through DUNS, SAM, or FFATA under a particular award or program in a specific country or countries is likely to expose those associated with the award or program to dangerous situations or bodily harm, including risk of assault, harassment, intimidation, jail, detainment, or any other material deprivation of essential human rights or dignity; or
- B. Where security risks could potentially have a chilling effect on potential recipients' willingness to work with at-risk or sensitive populations, beneficiaries, or other stakeholders or where publically identifying exactly where a program is performed and who the implementer and/or beneficiaries could endanger the organization, its employees or the beneficiaries.

USAID must apply the exemption at the prime award level when posting identifying information about the recipient will cause safety concerns to one of the following:

- Recipient's employees,
- Recipient's beneficiaries,
- Subrecipients' employees, or
- Subrecipients' beneficiaries.

When posting identifying information creates potential safety concerns for any or all subrecipients, but not the recipient itself, the exemption must apply only at the subaward level.

When the safety issues concern only some (but not all) subrecipients' employees or beneficiaries, and identification of the affected subrecipients cannot be determined at the time of award, the AO may make such determinations on a case-by-case basis.

Exemptions must not be approved any more broadly than as minimally necessary to alleviate the safety concerns for the individuals upon which the exemption is justified.

b. Solicitation and Award Statements

1. When the exemption for the recipient is approved prior to the issuance of an assistance solicitation, the solicitation must include the following statement:

"Applicants must provide all required information when submitting an application, including a DUNS number. However, based on safety and security concerns, recipient identifying information pertaining to this award will not be available to the public on www.USASpending.gov. Therefore, any recipients of an award resulting from this solicitation must not report at www.FSRS.gov any subawards or executive compensation (for both the recipient and all subrecipients, if any) pertaining to such award."

The AO must include the following statement in the Schedule in the resulting award:

"The recipient must not report at www.FSRS.gov any subawards or executive compensation (for both the recipient and any subrecipients) pertaining to this award."

2. When an exemption for some or all of the subrecipients, but not for the recipient, is approved prior to the issuance of an assistance solicitation (for example, when there are country or region specific issues or concerns), the solicitation must include the following statement:

"Applicants must provide all required information in when submitting an application, including a DUNS number. However, based on safety and security concerns, identifying information pertaining to all or some subrecipients, as identified in the award, will not be available to the public on www.USASpending.gov. Therefore, any recipients of an award resulting from this solicitation must not report at www.FSRS.gov any exempted subawards or any executive compensation for exempted subrecipients in the award identified as exempt."

The resulting award must contain the following statement in the Schedule:

"The recipient must not report at www.FSRS.gov exempted subawards or executive compensation for exempted subrecipients pertaining to this award. [FOR AWARDS UNDER WHICH SPECIFIC SUBRECIPIENTS ARE EXEMPTED, INCLUDE THE FOLLOWING SENTENCE: The exempted subrecipients are: ["All subrecipients under this award"], [list of exempt subrecipients], or ["To be determined by recipient."]].

3. When an exemption is not authorized by USAID prior to issuing a solicitation but is subsequently requested by a recipient, the AO/AOR must consider the validity of the request and process the request accordingly.

4. The AO/AOR must ensure that the award does not contain any Personally Identifiable Information (PII) (as defined in OMB Memoranda [M-13-13](#) and [M-10-23](#)) or other information that could jeopardize the personal safety of recipients or beneficiaries. See [ADS Chapter 579](#) for details on the process for preventing the release of sensitive information and PII on www.ForeignAssistance.gov.

c. **Exempting Information from www.USASpending.gov**

1. General

- A. The AO/AOR must ensure the award is generated in GLAAS using the recipient's DUNS number and Phoenix vendor information.

- B. The AO/AOR must select "Yes" for the following filed question in GLAAS:

"This award invokes the personal safety exemption, and I have requested a generic DUNS Number for the Partner and any Sub-Partners, as applicable."

- C. The AO must enter "SC" in the 'Safety/Security (Enter SC or leave blank)' field under the Recipient information in GLAAS.

- D. The AO must complete the 'Project Title' and 'Description' fields of the GLAAS requisition.

- E. The AO must enter the sanitized project description from the template into the 'Project Description for USASpending.gov' field in GLAAS.

- F. In particular situations, it is possible that requiring a DUNS number and SAM registration for the prime, even if such information is not reported into www.USASpending.gov, may be determined to constitute a personal safety concern. In such cases, the AO or AOR may process an exemption to a prime recipient from obtaining a DUNS number and registering in SAM by using the Template in the Appendix (see page 10).

2. For a Prime Award Exemption:

- A. M/OAA/SSG must omit the name of the entity receiving the award, the location of the entity (including country), and the DUNS number from www.USASpending.gov and instead replace it with generic data by following these steps:

- Replace the actual "Unique Identifier" (that is, DUNS number) of the entity and its parent with a generic DUNS number

- Extracts data weekly and runs a report where both conditions are met - “Yes” selected in the field that indicates the award “invokes a personal security exemption” in GLAAS AND “CFR25.110” exists in the DUNS field of the FAADS Plus form.
- If both conditions are met, SSG redacts the recipient data when reporting to USASpending.
- If both requirements are not met, SSG reaches out to the AO and does NOT report applicable award until clarification is received from the AO.
- Award is added to the database “Security Table”. As a result, any subsequent modifications are automatically redacted.
- Copy of the Security Table is sent to the FA.gov Team at the end of each quarter.

B. The AO must not include the award term “Reporting Subawards and Executive Compensation” in the prime award.

3. For Subrecipient Exemptions (where the prime is not exempted):

A. M/OAA/SSG must report the recipient’s information in www.USASpending.gov using the recipient’s DUNS number.

B. The AO must include a statement in the prime award that the recipient must:

- Not require its exempted subrecipients to obtain DUNS numbers;
- Not report subrecipient awards or executive compensation at www.FSRS.gov for its exempted subrecipients; and
- Report the recipient’s total compensation and names of its own top five executives at www.FSRS.gov, as required in [2 CFR Part 170](#).

d. Application of Notwithstanding Authority

When the exemptions above are not applicable, there are some specific USAID programs with “notwithstanding authority” that may be used when program objectives may be jeopardized by the DUNS, SAM, or FFATA requirements. The AO/AOR should consult with the Office of the General Counsel (GC) or the cognizant Resident Legal Officer (RLO) for guidance on when the Agency can rely on notwithstanding authority.

APPENDIX

Exemption Template

Exemption from [check all that apply]: <input type="checkbox"/> SAM Registration <input type="checkbox"/> DUNS Number <input type="checkbox"/> Executive Compensation and Subaward Reporting

1. Name of Recipient:	2. Prime Award No.:	3. Total Estimated Amount of Prime Award:
5. Period of Award:		
The award does not contain any Personally Identifiable Information (PII) (as defined in OMB Memoranda M-13-13 and M-10-23) or information that could jeopardize the personal safety of recipients or beneficiaries. <input type="checkbox"/> Yes <input type="checkbox"/> No		

6. Exemption Approval:		
Agreement Officer		
_____ Name/Title	_____ Signature	_____ Date
Assistant Administrator/Mission Director/Unit Head (only required for safety exemption):		
_____ Name/Title	_____ Signature	_____ Date

7. Basis for Exemption:

- ☐ Awards less than \$25,000, to a foreign entity, performed outside the U.S. and compliance is impractical
- ☐ Safety concerns

Scope of the Exemption. This exemption affects:

- ☐ The Recipient and all First-Tier Subrecipients
- ☐ All of the Subrecipients
- ☐ Only the Subrecipients specified in the Rationale for Exemption below
- ☐ Other (specify): _____

Rationale for Exemption: *[Provide the basis for the exemption.]*

8. Description and Project Title Field Sanitized Language to Be Submitted in GLAAS:

Page 2 of 2

303maz_041720