



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

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I. Requirements

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

1. **Unique Entity Identifier (UEI)/ System for Award Management (SAM) Registration (2 CFR 25)** – Applicants must register in the SAM in order to obtain a UEI, required for eligibility to receive Federal assistance, such as grants and cooperative agreements. Unless an exemption applies (see below), applicants must be registered in 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 (see Required As Applicable Standard Provision “UNIVERSAL IDENTIFIER AND SYSTEM FOR AWARD MANAGEMENT” in [ADS 303maa](#), [ADS 303mab](#), and [ADS 303mat](#)).
2. **Reporting Subaward and Executive Compensation Information (2 CFR 170)** - Recipients must report certain information to the USASpending.gov Web site. Recipients must report their first tier subawards of \$30,000 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 \$30,000 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.

See Required As Applicable Standard Provision “UNIVERSAL IDENTIFIER AND SYSTEM FOR AWARD MANAGEMENT” in [ADS 303maa](#), [ADS 303mab](#), and [ADS 303mat](#).

II. Applicability and Exemptions

The requirements of [2 CFR 25](#) and [2 CFR 170](#) do not apply to certain categories of awards. In addition, the Agency may exempt certain awards from the requirements of [2 CFR 25](#) and [2 CFR 170](#) http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl (see Exemption Guidelines below Table 1).

Table 1

Exemption/ Applicability	Unique Entity Identifier (UEI) (2 CFR Part 25)	SAM (2 CFR Part 25)	Executive and Subaward Reporting (2 CFR Part 170)
1. Individuals	The requirement for a UEI <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 UEI .	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 UEI .	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 \$30,000 . The award term is not included.
4. Awards less than \$25,000 to a foreign entity and performed outside the United States (Note: This threshold is not the same as the threshold in FAR 4.1102(a), which is subject to periodic cost of living adjustments that are not applicable to assistance.)	A foreign organization or foreign public entity applicant <u>may be exempt</u> from the requirement for a UEI for a particular award performed outside the United States , when the USAID Agreement Officer (AO) deems compliance impracticable. This exemption would apply only on a case-by-case basis and does not apply if subawards are anticipated. The agency must use a generic UEI for reports.	A foreign organization or foreign public entity applicant may be exempt from linking its SAM registration to a particular award performed outside the United States , when the USAID Agreement Officer (AO) deems compliance impracticable. Subrecipients are not required to register in SAM. This exemption is not applicable if subawards are anticipated .	Such recipients are also exempt from the executive compensation reporting requirement.

Exemption/ Applicability	Unique Entity Identifier (UEI) (2 CFR Part 25)	SAM (2 CFR Part 25)	Executive and Subaward Reporting (2 CFR Part 170)
<p>5. Safety and National Security/Foreign Policy 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.</p>	<p>A recipient (or first-tier recipients, or both) may be exempt from the UEI requirement for a particular award based upon the determination approved by the USAID Assistant Administrator or Mission Director. The agency must use a generic UEI for reports.</p>	<p>Recipients may be exempt from linking SAM registration to a particular award based upon USAID's determination. Subrecipients are not required to register in SAM based upon the determination approved by the USAID Assistant Administrator or Mission Director.</p>	<p>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 the determination approved by the USAID Assistant Administrator or Mission Director.</p>
<p>6. Exigent Circumstances – such as in the response to an emergency or to prevent imminent danger to life or serious damage to property.</p>	<p>An applicant may be exempt from UEI requirements for a particular award if the AO determines that there are exigent circumstances that prohibit the applicant from receiving a UEI prior to award. The AO must require the recipient to obtain a UEI within 30 days of award.</p>	<p>An applicant may be exempt from SAM registration requirements for a particular award if the AO determines that there are exigent circumstances that prohibit the applicant from completing SAM registration prior to award. The AO must require the recipient to complete SAM registration within 30 days of award.</p>	<p>The exigent circumstances exemption does not exempt a recipient from the 2 CFR 170 reporting requirements.</p>

If a recipient/applicant is exempted from the UEI 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.

III. Exemption Guidance

a. Process for Exemptions 1-5

Under assistance, USAID can exempt recipients and subrecipients (as applicable) for a particular award from its UEI, 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 **may meet** one of the exemptions outlined in Table 1 above. If the exemption is based on a safety or security concern, the Assistant Administrator (AA) or Mission Director (MD) must approve the exemption. **If the exemption is based on other than safety or security concerns, the AO must approve the**

exemption; this authority is not redelegable. 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 **UEI**. 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 **UEI**. When a generic **UEI** 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 **UEI**. 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 **12**) when 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 **or security** 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. **If the exemption is based on concerns other than safety or security, the AO must approve the exemption.** 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 **UEI**, 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 publicly 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 **or security** concerns to one of the following:

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

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

When the safety/security 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 **is** minimally necessary to alleviate the safety/**security** concerns for the individuals upon which the exemption is justified.

b. Process for Exemption 6 – Exigent Circumstances

If the AO determines that there are exigent circumstances for a particular award that prohibit an applicant from obtaining a UEI prior to award and exempts that applicant from the requirement, then the AO or AOR may process an exemption from obtaining a UEI and registering in SAM BEFORE AWARD by using the Template in the Appendix (see page 12). **Unless another exemption applies, the recipient must still obtain a UEI within 30 days of award and provide it to the AO.** The recipient must comply with subaward reporting requirements (per 2 CFR 170), providing its UEI to the AO is necessary to ensure that the prime award is available for reporting at <http://www.fsrs.gov>.

When M/OAA/SSG receives the approved Exemption Template, they will add the recipient in Phoenix with the generic UEI. Once the recipient is added in Phoenix, the AO will be able to use the generic UEI in GLAAS to make the award. When the generic UEI is used on an award over the reporting dollar threshold, M/OAA/SSG automatically 'tags' the recipient in Phoenix with PNS (Prevent New Spending). Any recipient with this 'tag' results in a GLAAS hard stop and prevents any subsequent funding. In addition, the recipient and associated award will be tracked via M/OAA/SSG's SAM dashboard, which is updated and distributed to all A&A staff monthly. However, once the recipient has their UEI and an active SAM profile, the AO must follow up with M/OAA/SSG to update the recipient information in Phoenix. After M/OAA/SSG updates the recipient information in Phoenix, the AO must execute an administrative amendment in GLAAS to update the recipient's UEI.

(Note: The DATA Act requires assistance reporting bi-monthly, however, USAID reports its data weekly. An award using the exigent circumstances exemption will be reported as scheduled but with the generic UEI. The prime recipient will not be able to report subaward information until after the prime award has been updated with the new UEI. M/OAA/SSG will then report the administrative amendment and submit a correction to USASpending.gov to update the base award with the new UEI.)

If a prime recipient makes the case that exigent circumstances exist in making a subaward to an entity that does not have a UEI, then the AO may, through the subaward approval process in 2 CFR 200.308(c)(6), authorize the prime recipient to proceed with the subaward before the latter obtains a UEI. The prime recipient must ensure that the subrecipient obtains a UEI within 30 days of award to allow the prime recipient to comply with the Transparency Act reporting requirements in the Standard Provision Reporting Subawards and Executive Compensation.

c. Solicitation and Award Statements

1. When the exemption **based on safety or security concerns** 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 **UEI**. 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 a **safety or security** 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 when submitting an application, including a **UEI**. 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 authorized based on exigent circumstances, the AO must include the following statement in the solicitation and any resulting award:

"Applicants must provide all required information when submitting an application, but due to exigent circumstances, they are not required to include a UEI. However, any applicant who receives an award resulting from this solicitation must register in SAM.gov within thirty (30) days after receiving the award and provide the UEI to the Agreement Officer. The recipient must comply with all reporting requirements."

4. If the AO and AOR anticipate that new, small, non-U.S. organizations may be interested in submitting applications for awards valued at less than \$25,000, then the AO may include the following statement in the solicitation:

"Applicants must provide all required information when submitting an application. However, an applicant may request an exemption from providing a UEI if the application is anticipated to be less than \$25,000 and the applicant includes the steps it took to try to register to obtain a UEI but was unsuccessful. The AO will review this information and determine whether to approve the exemption on the basis that compliance is deemed impractical. Applicants may request the AO to approve this exemption before submitting an application or as part of its application. The AO will make the decision on a case-by-case basis only."

5. 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.
6. 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.

d. Exempting Information for Safety/Security Reasons from www.USASpending.gov

1. General

- A. The AO/AOR must ensure the award is generated in GLAAS using the recipient's UEI and Phoenix vendor information.
- B. The AO/AOR must select "Yes" for the following field question in GLAAS:

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

- C.** The AO must enter "SC" in the "Enter SC for Safety/Security, EC for Exigent Circumstances, 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 **UEI** 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 **UEI** and registering in SAM by using the Template in the Appendix (see page **12**).

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 **UEI** from www.USASpending.gov and instead replace it with generic data by following these steps:

- Replace the actual "Unique **Entity** Identifier" (**UEI**) of the entity and its parent with a generic **UEI**.
- 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 **UEI** 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 **UEI**.

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

- Not require its exempted subrecipients to obtain **UEIs**;
- 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](#).

e. Exempting Information from www.USASpending.gov Using Other Exemption Authorities

1. Application of Notwithstanding Authority

When the exemptions in **2 CFR 25** are not applicable, there are some specific USAID programs with “notwithstanding authority” that may be used when program objectives may be jeopardized by the **UEI**, 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.

2. Awards for Less than \$25,000 to a Foreign Entity and Performed Outside the United States

For a particular award meeting these requirements, if the AO determines that requiring a foreign organization or foreign public entity applicant to register in SAM and obtain a UEI is impracticable, then the AO may exempt the entity from the requirement. This exemption would apply only on a case-by-case basis and does not apply if subawards are anticipated.

3. Awards Exempt from Requiring a UEI at the Time of Award Due to Exigent Circumstances

If the AO approves the use of this exemption, then the AO completes the Exemption Template by checking the appropriate spaces so M/OAA/SSG enters the award as described in III.b. above. The AO must:

- Follow up with the recipient to ensure it has registered in SAM and obtained a UEI within 30 days, as required in 2 CFR 25;
- Provide the UEI to M/OAA/SSG;
- Enter “EC” in the “Enter SC for Safety/Security, EC for Exigent Circumstances, or leave blank” field under the Recipient information in GLAAS; and
- Process an administrative unilateral modification to the award to formalize the UEI for GLAAS, Phoenix, and USASpending.gov.

APPENDIX

Exemption Template

Exemption from [check all that apply]:

- SAM Registration
- UEI**
- Executive Compensation and Subaward Reporting

1. Name of Recipient:	2. Prime Award No.:	3. Total Estimated Amount of Prime Award:
4. Period of Award:		
5. 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 <hr/> Name/Title Assistant Administrator/Mission Director/Unit Head (only required for safety/ security exemption):	<hr/> Signature	<hr/> Date
<hr/> Name/Title	<hr/> Signature	<hr/> Date

7. Basis for Exemption:

- Safety/security concerns
- Exigent circumstances

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:

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