



FINANCIAL ASSISTANCE LETTER

This Financial Assistance Letter is issued under the authority of the Senior Procurement Executives of DOE and NNSA

Subject: Rescission of American Recovery and Reinvestment Act Reporting Requirements

References:

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| P.L. 113-76 | Consolidated Appropriations Act, 2014 (“FY14 Act”) |
| P.L. 111-5 | American Recovery and Reinvestment Act of 2009 (“Recovery Act” or “ARRA”) |
| 2 CFR Part 176 | AWARD TERMS FOR ASSISTANCE AGREEMENTS THAT INCLUDE FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5 |
| DOE Award Term | REPORTING AND REGISTRATION REQUIREMENTS UNDER SECTION 1512 OF THE RECOVERY ACT |
| 2 CFR Part 170 | RECORDING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION |
| DOE Award Term | REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION |

When is this Financial Assistance Letter (FAL) Effective?

This FAL is effective immediately upon issuance.

When does the FAL Expire?

This FAL remains in effect until superseded or canceled.

Who Is the Intended Audience For this FAL?

Department of Energy (DOE) and National Nuclear Security Administration (NNSA) Contracting Officers (COs) who are responsible for administering ARRA funded awards are the audience for this FAL.

What Type of Awards are Affected by this FAL?

All financial assistance awards funded in whole or in part with Recovery Act funds are affected by this FAL.

Who are the Points of Contact?

For questions contact Richard Bonnell of the Contract and Financial Assistance Policy Division, Office of Policy, Office of Acquisition and Project Management at (202) 287-1747 or richard.bonnell@hq.doe.gov.

What is the Purpose of this FAL?

The purpose of this FAL is to provide COs with: 1) notice of the recession of the reporting requirements for recipients of ARRA funds in accordance with the recently passed P.L. 113-76, Consolidated Appropriations Act, 2014; and 2) guidance on changing the ARRA reporting requirements for current ARRA funded awards.

DOE/NNSA COs should modify current ARRA awards to end ARRA specific reporting requirements effective February 1, 2014 and remove any exemptions to FFATA reporting.

What is the Relevant Background Information?

On January 17, 2014, the President signed into law the Consolidated Appropriations Act, 2014, Public Law 113-76. Section 627 of Division E of that Act: 1) “repealed effective February 1, 2014” the recipient-reporting requirements of the Recovery Act that were in section 1512(c) and (e)- (h) of the Recovery Act; and 2) amended section 1512(d) of the Recovery Act so that it now states that – “Starting February 1, 2014, each agency that made Recovery Act funds available to any recipient shall make available to the public detailed spending data as prescribed by the Office of Management and Budget and pursuant to the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282).” These statutory changes were effective on February 1, 2014.

Accordingly, the website www.FederalReporting.gov and the associated online reporting tool are no longer active or accepting ARRA Recipient reporting.

Consistent with repeal of the ARRA Section 1512 recipient-reporting requirements, DOE shall rescind effective February 1, 2014, any requirements for recipient reporting under Section 1512(c) and (e)-(h) of the ARRA. However, as the amended Section 1512(d) makes clear, requirements for reporting under FFATA will continue for all DOE awards as applicable. In this regard, please note that, when the Section 1512 reporting requirements were in effect, compliance with the Section 1512 requirements had satisfied the reporting requirements for FFATA. With the sunset of the Section 1512 reporting requirements, it will now be the case that all applicable Federal awards, including Federal financial assistance, must comply with the applicable FFATA reporting requirements as they are outlined in the OMB Memorandum of August 27, 2010. Please see the attached OMB Memorandum of August 27, 2010, on “Open Government Directive – Federal Spending Transparency and Subaward and Compensation Data

Reporting,” (“Compliance with Section 1512 of the Recovery Act includes the subaward reporting requirements under the Transparency Act.”), also available at www.fsr.gov. As a result of these statutory changes, there will be a single, consistent USA Spending.gov website to view federal award spending data pursuant to FFATA.

What is the Applicability of this FAL?

This FAL is applicable to all DOE elements, including the NNSA, which utilized ARRA funds on financial assistance awards and have ARRA specific reporting requirements (ARRA Awards).

What Guidance is Included in this FAL?

Within 60 days of the issuance of this FAL DOE Contracting Officers should (1) modify current ARRA Awards to end the ARRA reporting requirements in **Award Term— REPORTING AND REGISTRATION REQUIREMENTS UNDER SECTION 1512 OF THE RECOVERY ACT** (see **Attachment 5**); and (2) For ARRA Awards initially awarded on or after October 1, 2010, COs should ensure the FFATA reporting requirements are included in these awards as prescribed for financial assistance in **2 CFR 170 – Reporting Subaward and Executive Compensation Information**, by modifying current ARRA Awards to remove the FFATA reporting exemption in **Award Term— REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION** (see **Attachment 8**).

Financial Assistance Awardees that are recipients of ARRA funds are no longer required to submit the reporting requirements of the Recovery Act, however they are responsible for FFATA reporting (as outlined in OMB Memorandum of August 27, 2010) and any other reporting requirements listed in their awards for the remainder of the award. The FFATA Subaward Reporting System (FSRS) is the reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements.

The FFATA reporting should begin as soon as current ARRA awards are modified. There should be no historical FFATA reporting for modified ARRA awards. **For more information on the FFATA Subaward Reporting System (FSRS) visit <https://www.fsr.gov>.**

FAQ's

Is Recovery Act reporting currently required for awards funded with ARRA funds?

- No. Recipient reporting for Recovery Act awards as required in Section 1512 of the Recovery Act has been repealed by Congress as of February 1, 2014. Therefore, the January 2014 reporting cycle was the last time recipients were required to report on their Recovery Act awards per Section 1512 of the ARRA. The website www.FederalReporting.gov and the associated online reporting tool are no longer active or accepting ARRA Recipient reporting.

What will happen to current DOE ARRA awards that have not expired?

- ARRA awards which have not yet expired should be modified to remove the ARRA reporting requirements from the award Terms and Conditions and include the FFATA clause, if necessary, into the award. For more information on FFATA see the August 27, 2010 OMB Memorandum entitled “Open Government Directive – Federal Spending Transparency and Subaward and Compensation Data Reporting” and the FFATA Subaward Reporting System (FSRS) at <https://www.fsrs.gov>.

Are there still reporting requirements for current ARRA awards?

- Yes, ARRA Recipients should follow the Terms and Conditions of the award, including complying with all remaining reporting requirements of the award (progress, technical, financial, property, closeout, etc.) as well as any necessary FFATA reporting. For more information on FFATA reporting see the August 27, 2010 OMB Memorandum entitled “Open Government Directive – Federal Spending Transparency and Subaward and Compensation Data Reporting” and the FFATA Subaward Reporting System (FSRS) at <https://www.fsrs.gov>.

Are ARRA awards awarded prior to October 1, 2010 subject to the FFATA reporting requirements?

- No. However, awards made on or after October 1, 2010 funded in whole or in part with Recovery Act funds will no longer have FFATA reporting exemptions and are subject to FFATA reporting requirements according to the August 27, 2010 OMB Memorandum entitled “Open Government Directive – Federal Spending Transparency and Subaward and Compensation Data Reporting” and the FFATA Subaward Reporting System (FSRS) at <https://www.fsrs.gov>.

If ARRA awards are not completed and they are subject to FFATA reporting and there are no new subawards or modifications to existing subawards issued after February 1, 2014, are there any FFATA reports due?

- No, if there are no additional sub-awards or modifications to subawards issued by the Prime Recipient after February 1, 2014, no FFATA reporting is required to <https://www.fsrs.gov>. However, if an ARRA award made on or after October 1, 2010 is not complete and a new subaward is issued by the Prime Recipient or a modification is made to an existing subaward resulting in a total subaward equal to or over \$25,000, the award will be subject to the FFATA reporting requirements, as of the date the subaward is awarded or exceeds \$25,000. There should be no historical FFATA reporting.

For more information on FFATA reporting see the August 27, 2010 OMB Memorandum entitled “Open Government Directive – Federal Spending Transparency and Subaward and Compensation Data Reporting” and the FFATA Subaward Reporting System (FSRS) at <https://www.fsrs.gov>.

Are Federal agencies required to continue reporting all prime awards (financial assistance and contracts) to USASpending.gov, including all Recovery Act awards?

- Yes. Federal agencies are required to continue to report on all financial assistance awards through the FAADS+ submission, as required by OMB Memorandum M-09-19. USASpending.gov contract award data is updated automatically with FPDS-NG data on a nightly basis. However, the USASpending.gov reporting involves no action on the part of the Recipient/Contractor. Please see www.usaspending.gov for information.