

Comment -1



Hada N.
Flowers/VIR/CO/GSA/GOV

07/27/2010 05:34 PM

To Cherria P. Day/CONTRACTOR/VB/CO/GSA/GOV@GSA

cc

bcc

Subject Information Collections - 3090-00XX (3 pertaining to grants) -
Fw: Today's Fed. Reg.

Hi Cherria,

Please add the below to the comment folder.

Thanks,

Hada

202.208.7282

----- Forwarded by Hada N. Flowers/VIR/CO/GSA/GOV on 07/27/2010 05:32 PM -----



Janice E.
Miller/MEB/CO/GSA/GOV

07/23/2010 01:16 PM

To Hada N. Flowers/VIR/CO/GSA/GOV@GSA

cc

Subject Fw: Today's Fed. Reg.

Here's the first response:

Regards,

Jan Miller
Program Analyst
Office of Technology Strategy,
Office of Governmentwide Policy
U.S. General Services Administration
jan.miller@gsa.gov
Telephone: 202-208-4154

----- Forwarded by Janice E. Miller/MEB/CO/GSA/GOV on 07/23/2010 01:16 PM -----



"Ashworth, Jerry"
<jashworth@thompson.com>

07/23/2010 01:14 PM

To <jan.miller@gsa.gov>

cc

Subject Today's Fed. Reg.

Ms. Miller,

I was curious about these three notices in today's Federal Register. I have been following the progress of the FFATA and CCR requirements, and have been waiting for OMB to issue its FFATA requirements since May. What do these notices really do? Why are they "emergency" new information collect requirements? Any help would be appreciated.

Thanks,

Jerry Ashworth
Editor
Federal Grants Management Handbook
Thompson Publishing Group
Washington, D.C.

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-00XX; Docket No. 2010-0002; Sequence 20]

Information Collection; Central Contractor Registration
Requirements for Prime Grant Recipients

AGENCY: Office of Technology Strategy/Office of Governmentwide Policy,
General Services Administration (GSA).

ACTION: Notice of request for public comments regarding a new OMB
information clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an emergency new information collection requirement regarding Central Contractor Registration Requirements for Prime Grant Recipients.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Central Contractor Registration Requirements for Prime Grant Recipients, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before September 21, 2010.

ADDRESSES: Submit comments identified by Information Collection 3090-00XX, Central Contractor Registration Requirements for Prime Grant Recipients by any of the following methods:

Regulations.gov: <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting "Information Collection 3090-XXXX, Central Contractor Registration Requirements for Prime Grant Recipients" under the heading "Enter Keyword or ID" and selecting "Search". Select the link "Submit a Comment" that corresponds with "Information Collection 3090-XXXX, Central Contractor Registration Requirements for Prime Grant Recipients". Follow the instructions provided at the "Submit a

Comment" screen. Please include your name, company name (if any), and "Information Collection 3090-XXXX, Central Contractor Registration Requirements for Prime Grant Recipients" on your attached document.
Fax: 202-501-4067.

Mail: General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405. ATTN: Hada Flowers/IC 3090-XXXX.

Instructions: Please submit comments only and cite Information Collection 3090-XXXX, Central Contractor Registration Requirements for Prime Grant Recipients, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Miller, Program Analyst, Office of Technology Strategy/Office of Governmentwide Policy, at jan.miller@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection requires information necessary for prime awardee registration into the FFATA Subaward Reporting System (FSRS) and review of its entity-related information. This will allow for prime awardee reporting of subaward and executive compensation data pursuant to the Federal Funding Accountability and Transparency Act (FFATA, or Transparency Act). This information collection requires that all prime grant awardees, subject to reporting under the Transparency Act register and maintain their registration in CCR.

B. Annual Reporting Burden

Respondents: 23,358.

Responses Per Respondent: 1.

Hours per Response: 1.

Total Burden Hours: 23,358.

Obtaining Copies Of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 3090-XXXX, Central Contractor Registration Requirements for Prime Grant Recipients, in all correspondence.

Dated: July 20, 2010.

Daryle M. Seckar,

Acting Chief Information Officer.

[FR Doc. 2010-18138 Filed 7-22-10; 8:45 am]

BILLING CODE 6820-WY-P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-00XX; Docket No. 2010-0002; Sequence 18]

Information Collection; OMB Control No. 3090-00XX; FFATA Subaward and Executive Compensation Reporting Requirements

AGENCY: Office of Technology Strategy/Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding a new OMB information clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an emergency new information collection requirement regarding FFATA Subaward and Executive Compensation Reporting Requirements.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FFATA Subaward and Executive Compensation Reporting Requirements, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before September 21, 2010.

ADDRESSES: Submit comments identified by Information Collection 3090-00XX, FFATA Subaward and Executive Compensation Reporting Requirements by any of the following methods:

Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "Information Collection 3090-XXXX, FFATA Subaward and Executive Compensation Reporting Requirements" under the heading "Enter Keyword or ID" and selecting "Search". Select the link "Submit a Comment" that corresponds with "Information Collection 3090-XXXX, FFATA Subaward and Executive Compensation Reporting Requirements". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 3090-XXXX, FFATA Subaward and Executive Compensation Reporting Requirements" on your attached document.

Fax: 202-501-4067.

Mail: General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405. ATTN: Hada Flowers/IC 3090-XXXX.

Instructions: Please submit comments only and cite Information Collection 3090-XXXX, FFATA Subaward and Executive Compensation Reporting Requirements, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Miller, Program Analyst,
Office of Technology Strategy/Office of Governmentwide Policy, GSA, at
jan.miller@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Funding Accountability and Transparency Act of 2006, Public Law 109-282 (Transparency Act) requires information disclosure of entities receiving Federal financial assistance through Federal awards such as Federal contracts, sub-contracts, grants and sub-grants, FFATA Sec. 2(a), (2), (i), (ii). Beginning October 1, 2010, this Paperwork Reduction Act submission directs compliance with the Transparency Act to report prime and first-tier subaward data. Specifically, Federal agencies and prime awardees of grants will ensure disclosure of executive compensation of both prime and subawardees and subaward data. This information collection requires reporting of only the information enumerated under the Transparency Act.

B. Annual Reporting Burden

Respondents: 49,308.

Responses per Respondent: 10.

Hours per Response: 2.

Total Burden Hours: 986,160.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 3090-XXXX, FFATA Subaward and Executive Compensation Reporting Requirements, in all correspondence.

[[Page 43166]]

Dated: July 20, 2010.
Daryle M. Seckar,
Acting Chief Information Officer.
[FR Doc. 2010-18135 Filed 7-22-10; 8:45 am]
BILLING CODE 6820-WY-P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-00XX; Docket No. 2010-0002; Sequence 19]

Information Collection; OMB Control No. 3090-00XX; FSRs
Registration and Prime Awardee Entity-Related Information Reporting
Requirements

AGENCY: Office of Technology Strategy/Office of Governmentwide Policy,
General Services Administration (GSA).

ACTION: Notice of request for public comments regarding a new OMB information clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an emergency new information collection requirement regarding FSRs Registration and Prime Awardee Entity-Related Information Reporting Requirements.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FSRs Registration and Prime Awardee Entity-Related Information Reporting Requirements, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before September 21, 2010.

ADDRESSES: Submit comments identified by Information Collection 3090-00XX, FSRs Registration and Prime Awardee Entity-Related Information by any of the following methods:

Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "Information Collection 3090-XXXX, FSRs Registration and Prime Awardee Entity-Related Information"

[[Page 43167]]

Reporting Requirements" under the heading "Enter Keyword or ID" and selecting "Search". Select the link "Submit a Comment" that corresponds with "Information Collection 3090-XXXX, FSRs Registration and Prime Awardee Entity-Related Information Reporting Requirements." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 3090-XXXX, FSRs Registration and Prime Awardee Entity-Related Information Reporting Requirements" on your attached document.

Fax: 202-501-4067.

Mail: General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405. ATTN: Hada Flowers/IC 3090-XXXX.

Instructions: Please submit comments only and cite Information Collection 3090-XXXX, FSRs Registration and Prime Awardee Entity-Related Information Reporting Requirements, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Miller, Program Analyst,

Office of Technology Strategy/Office of Governmentwide Policy, GSA, at
jan.miller@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Funding Accountability and Transparency Act of 2006, Public Law 109-282 (Transparency Act) requires information disclosure of entities receiving Federal financial assistance through Federal awards such as Federal contracts, sub-contracts, grants and sub-grants, FFATA section 2(a),(2),(i),(ii). Beginning October 1, 2010, this Paperwork Reduction Act submission directs compliance with the Transparency Act to report prime and first-tier sub-award data. Federal agencies and prime awardees will ensure disclosure of Federal contract and grant sub-award and compensation data. This information collection requires information necessary for prime awardee registration into the FFATA Subaward Reporting System (FSRS) and review of its entity-related information, at <http://www.fsrs.gov>. An entity may be required to provide information to include:

- DUNS number.
- Name and address of entity.
- Parent DUNS number.
- Federal Award Identification Number (FAIN).
- CFDA Number.
- Federal Awarding Agency of the Grant.

If a prime awardee has already registered in the system to report contracts-related Transparency Act financial data, a new log-in will not be required.

B. Annual Reporting Burden

Respondents: 49,308.
Responses per Respondent: 1.
Hours per Response: .5 hr.
Total Burden Hours: 24,645.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 3090-XXXX, FSRS Registration and Prime Awardee Entity-Related Information Reporting Requirements, in all correspondence.

Dated: July 20, 2010.
Daryle M. Seckar,
Acting Chief Information Officer.
[FR Doc. 2010-18136 Filed 7-22-10; 8:45 am]
BILLING CODE 6820-WY-P

Comment - 2

3090-0290
3090-0291
3090-0292

Main Office:
19 South Compo Road
Westport, CT 06880
203-226-3650
www.InsideNGO.org



DC Office:
1828 L Street, NW
Suite 300
Washington, DC 20036
202-509-0465

September 21, 2010

General Services Administration
Regulatory Secretariat (MVCB)
1800 F Street NW, Room 4041
Washington, DC 20405

BY FACSIMILE TRANSMISSION TO: (202) 501-4067

RE: Information Collection Notices (OMB Control Number 3090-00XX, Sequence Nos. 18, 19, and 20) published in the Federal Register July 23, 2010, pages 43165-7)

Dear Sir and/or Madam:

This letter responds to the above-referenced information collection notices.

Inside NGO is an association which represents 266 nongovernmental organizations that implement a variety of humanitarian relief, economic development, health promotion and civil society programs overseas. Virtually all of these entities receive significant U.S. government funding in the form of grants, cooperative agreements, and contracts awarded by the Departments of State, Health and Human Services, Labor, and Justice and by the U.S. Agency for International Development (USAID). As such, policies and practices related to these federally funded awards are of vital interest to our members. Accordingly, we are responding to these announcements particularly because we do not believe that they fully recognize the extent to which some of the information collection requested duplicates other data collected on U.S.-based organizations or the unique situations involving subawards to non-U.S. entities. Our specific comments on the notices are:

1. Announcement: OMB Control Number 3090-00XX; Docket Number 2010-0002; Sequence 18, 75 FR 43165-6—FFATA Subaward and Executive Compensation Requirements

The subject announcement asserts that the information collection involves only information required to be collected pursuant to the Federal Funding Accountability and Transparency Act (FFATA). While that may be true, the requirement related to collection of data on executive compensation duplicates the requirement currently imposed by the Internal Revenue Service for U.S. nonprofit tax exempt organizations when they submit their returns on Form 990. Accordingly, we respectfully suggest that a means be created to allow those responding to this information request to identify in their submissions when such data has already been or will be submitted on behalf of the any U.S.-based subrecipients and the timing of those other submissions.



September 21, 2010

Page 2 of 3

Further, while the amended statute requires that certain basic information be submitted on behalf of subrecipients and subcontractors at the first tier, we respectfully believe that this comprehensive requirement was enacted without considering the practicality and utility of collecting the information for foreign (non-U.S. based) subrecipients. We therefore strongly suggest that the imposition of this requirement related to many of those entities, particularly in countries where issues of security, sovereignty, independence, and custom are prevalent, is counterproductive and even damaging to other important U.S. government objectives. Accordingly, we recommend that the Office of Management and Budget exempt primary recipients from having to collect and submit such data on non-U.S. based entities. We believe that there is ample precedent for this exemption. For example, when it issued its Circular A-133 (*Audits of States, Local Governments, and Nonprofit Organizations*) in June, 1997, OMB acted upon its authority to implement another significant federal statute related to accountability—the Single Audit Act Amendments of 1996 (PL 100-156)—and exempted non-U.S. entities from its requirements. This exemption was instituted whether these non-U.S. entities expend “Federal awards received either directly or indirectly as a subrecipient” (emphasis added). The exemption remains in effect without appreciable harm to the federal interest. In a similar vein, under its Circular A-110 (*Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations*), OMB granted a so-called “class deviation” to the U.S. Agency for International Development allowing that agency to exempt non-U.S. organizations from its coverage. While the statutory basis for Circular A-110 is less precise than either the Single Audit Act Amendments or the FFATA, the principle of not applying policies that were designed for organizations in the United States on organizations from other countries is nonetheless shown to be one of longstanding with the federal government.

2. Announcement: OMB Control Number 3090-00XX, Docket Number 2010-0002, Sequence 20, 75 FR 43166—Central Contractor Registration for Prime Grant Recipients

This information collection imposes a comprehensive requirement for primary grantees to register and maintain a registration in the Central Contractor Registry. While some federal agencies have previously imposed this requirement on primary grantees and therefore it may not be viewed as particularly burdensome, we believe that OMB should recognize that use of the term “contractor” in a requirement that is now being applied to recipients of grants and cooperative agreements is likely to have problematic impact because of the documented tendency on the part of some federal agencies to improperly differentiate between acquisition and assistance instruments. Our members have often found this to be the case in the federal agencies that fund projects that are performed overseas. Accordingly, we suggest that OMB consider changing the nomenclature, at some future date, to the Central Contractor and Grantee Registry to reinforce what is, after all, a statutory distinction derived from the Federal Grant and Cooperative Agreement Act of 1978 (PL 95-224).

3. Accuracy of Estimates Concerning Number of Respondents—It is our understanding from the announcement and other sources that one of the requirements imposed on federal agencies under the Paperwork Reduction Act and its regulations (5 CFR 1320) is to provide an estimate of the annual reporting burden of information collection requests including the number of respondents, the number of response per respondent, the estimate



September 21, 2010

Page 3 of 3

of time needed to complete the response and the total burden hours. In the cases of the three information collections requests proposed on July 23, it appears from the precision of the data used to identify the number of respondents (23, 358 and 49,308) that GSA is relying on a specific source rather than simply estimating a number. However, because there is no identification about where these data on respondents comes from, it is virtually impossible to assess whether they are accurate or based on valid assumptions and methodologies. Since these information collections would be imposed on organizations that the federal agencies are attempting to assist and the costs of responding to the collections must be charged to assistance awards, we call on GSA and OMB to publish additional information about the sources of data in these requests in the Federal Register so that they can be assessed in accordance with the letter and spirit of the Paperwork Reduction Act. Further, we believe that the estimates related to the time required to compile the executive compensation data on behalf of subrecipients are grossly understated. Information that we have received from our members who have large portfolios of subgrants (in some cases, numbering in the hundreds) indicate that, since this data is not routinely gathered because of the likelihood that such personnel are not being paid in whole or in part directly from the subaward, they would be required to initiate an entirely new information collection at considerable effort and cost. The simple round numbers (2 hours, 1 hour, .5 hour) identified in the estimates belie the effort that they and other similarly situated organizations would be required to undertake.

Thank you for the opportunity to comment on these information collection notices. Please contact me if additional information or clarification is needed.

Sincerely,



Alison N. Smith
Executive Director



ELIZABETH GLASER
PEDIATRIC AIDS
FOUNDATION

Comment-3

21 September 2010

General Services Administration
Regulatory Secretariat (MVCB)
1800 F Street NW, Room 4041
Washington, DC 20405

3090-0290

3090-0291

3090-0292

BY FACSIMILE TRANSMISSION TO: (202) 501-4067

RE: Information Collection Notices (OMB Control Number 3090-00XX, Sequence Nos. 18, 19, and 20) published in the Federal Register July 23, 2010, pages 43165-7)

Ladies/Gentlemen:

This letter responds to the above-referenced information collection notices. The Elizabeth Glaser Pediatric AIDS Foundation is a worldwide leader in the fight against pediatric AIDS, working in 17 countries to stop the pandemic and help those already infected with HIV. The Foundation focuses its efforts on research, international prevention and treatment, and advocacy, reaching millions each year. The Foundation's expertise has made it an internationally recognized leader in the field. Together with other organizations, including the U.S. Government, it is working around the world to expand access to services that prevent mother-to-child transmission of HIV and to increase the number of children receiving treatment for HIV and AIDS.

As a member of InsideNGO—an association that represents 266 nongovernmental organizations that implement a variety of humanitarian relief, development, health and civil society programs overseas—we are aware of the recent letter from InsideNGO to you on the above-referenced issues. The Foundation agrees with InsideNGO's analysis and recommendations and we urge the government to implement them.

Thank you for the opportunity to comment on these information collection notices. Please contact me if additional information or clarification is needed.

Sincerely,

Doug Horner
Senior Director, Awards & Compliance

Comment - 4



National Endowment for Democracy

Supporting freedom around the world

1025 F Street, NW | Suite 800 | Washington, DC 20004-1409

(202) 378-9700 | (202) 378-9407 fax | E-mail info@ned.org | www.ned.org

September 23, 2010

General Services Administration
Office of Technology Strategy/Office of Government-wide Policy
Regulatory Secretariat (MVCB)
1800 F Street NW, Room 4041
Washington, DC 20405

SUBMISSION VIA: www.regulations.gov

RE: Three Federal Register Notices, Vol. 75, No. 141, July 23, 2010:

- (1) Information Collection 3090-00XX, FFATA Subaward and Executive Compensation Reporting Requirements
- (2) Information collection 3090-XXXX, Central Contractor Registration Requirements for Prime Grant Recipients
- (3) Information Collection 3090-XXXX, FSRs Registration and Prime Awardee Entity-Related Information Reporting Requirements

Ladies/Gentlemen:

This letter responds to the above-referenced information collection notices.

The National Endowment for Democracy (NED) is a private, nonprofit organization dedicated to the growth and strengthening of democratic institutions around the world. Each year, NED makes more than 1,000 grants to support the projects of non-governmental groups abroad who are working for democratic goals in more than 90 countries. Since its founding in 1983, the Endowment has remained on the leading edge of democratic struggles everywhere, while evolving into a multifaceted institution that is a hub of activity, resources and intellectual exchange for activists, practitioners and scholars of democracy the world over. NED is dedicated to fostering the growth of a wide range of democratic institutions abroad including – to encourage citizen participation, strengthen political parties and governmental institutions, promote the rule of law, advocate for human rights, empower local media to give people access to information, promote workers' rights through the development of effective and independent unions, foster private enterprise development and market-oriented reforms, and ensure free and fair elections – share an underlying theme of promoting transparency and accountability. As such, we agree with the tenets of the Federal Funding Accountability and Transparency Act of 2006 to provide American people with information on how their tax dollars are being spent.

Richard Gephardt	John Bohn	Suzanne Garment	Gregory W. Meeks	Dante B. Fascell (1917-1998)
<i>Chairman</i>	Norm Coleman	Ellen Hume	Ken Mehlman	John Richardson
Judy Shelton	Christopher Cox	Zalmay Khalilzad	Moisés Naim	William E. Brock
<i>Vice Chairman</i>	Rita DiMartino	Mark S. Kirk	Andrew J. Nathan	Winston Lord
Jean Bethke Elshstain	Kenneth Duberstein	Larry Liebenow	Paul Sarbanes	John Brademas
<i>Secretary</i>	Patricia Friend	Princeton N. Lyman	Stephen Sestanovich	Vin Weber
Robert C. Miller	Martin Frost	Will Marshall	Terence A. Todman	<i>Chairman Emeriti</i>
<i>Treasurer</i>	William A. Galston	Edward J. McElroy		Carl Gershman, <i>President</i>



However, as nearly 99 percent of U.S. taxpayer funds are spent domestically, the proposed information collection systems are designed for domestic programs and do not take into consideration the disclosure (and consequences of such disclosure) about overseas work in politically sensitive or high security environments. While we promote transparency and accountability, the fact remains that we award grants to NGOs to work in countries where repression is often the norm, where limited rule of law exists, where freedoms of expression and association are restrained, where participation in or association with our mission already results in local partners being harassed, followed or arrested, and where local groups could be targeted by extremists or certain government authorities. NED argues that this information must be withheld to protect the privacy interests of the individuals because there are not a vast number of non-governmental organizations that receive NED funding and therefore disclosure of the fact that the employing organization is a NED grant recipient could have an impact on the privacy rights of the employed individuals. In certain environments the public posting of data on overseas programs -- even something as simple as listing the country in which the funds are being spent or the name of a local subrecipient partner -- may further endanger those whom we are seeking to assist in their struggle for freedom and democracy, and ultimately hinder the achievement of U.S. foreign assistance objectives.

Therefore, in response to the above-referenced Federal Register notices, we make the following comments and/or suggestions:

Review and revise information collection systems to take into consideration overseas programs

To ensure the proposed information collection systems do not result in unintended consequences, i.e., increasing security risk for our local partners, we respectfully suggest the data collection fields and forms be reviewed to take into consideration foreign assistance awards. For example, as these programs are not conducted within U.S. congressional districts, the "principal place of performance" data field on the Prime Award Data Elements form could be modified to include a checkbox to mark "overseas" if the purpose of the award is foreign assistance and the principal place of performance is not within the United States.

In addition, as foreign assistance programs are sometimes co-funded by other multilateral institutions or foreign government aid agencies (e.g., DFID), disclosure of executive compensation for subrecipients (U.S. and non-U.S. entities) may not be accurate in terms of relating to federal expenditure of taxpayer dollars. In other words, an overseas subrecipient may receive funding from several sources to support its program activities and, therefore, its executive salaries may not be fully supported by U.S. federal funds. Publication of such information could lead to confusion, mistrust and misunderstanding both here in the U.S. and in the subrecipient's home country. Furthermore, the provision and/or disclosure of such information from overseas subrecipients may violate applicable local privacy laws.

Therefore, with respect to the collection of information on subrecipients, given the concerns raised in this letter and the need to ensure this effort is not seen as intelligence gathering, we respectfully recommend that OMB exempt primary recipients from having to collect and submit data on non-U.S. based entities. The principle of not applying policies designed for U.S. organizations on entities in other countries is longstanding within the federal government. We

believe that there is ample precedent for this exemption. For example, OMB granted a so-called "class deviation" to USAID allowing that agency to exempt non-U.S. organizations from its coverage of A-110. Also, OMB exempted non-U.S. entities from the requirements in the Single Audit Act Amendments of 1996. This exemption was instituted whether these non-U.S. entities expend "Federal awards received either directly or indirectly as a subrecipient". The exemption remains in effect without appreciable harm to the federal interest. While the statutory basis for Circular A-110 is less precise than either the Single Audit Act Amendments or the FFATA, the principle of not applying policies that were designed for organizations in the United States on organizations from other countries is nonetheless shown to be one of longstanding with the federal government. To further support our position in not disclosing names of individuals and the overseas organizations, I would refer OMB to review the United States District Court for the District of Columbia, Civil Action Case No. 06-0635 (PLF) that involved USAID's decision not to release the names of overseas partner organizations.

Re-evaluate the burden estimates

The annual reporting burden under the FFATA Subaward and Executive Compensation Reporting Requirements Federal Notice estimated 10 responses per respondent at 2 hours per response. The executive compensation data is not routinely gathered because of the likelihood that such personnel are not being paid in whole or in part directly from the subaward, NED would be required to initiate an entire new information collection at considerable effort and cost. NED awards between 1,000 and 1,200 subawards per year. The effort would require at a minimum an additional full-time position based on current estimates.

Request for further discussion

Given that the proposed information collection systems do not take into consideration foreign assistance awards implemented overseas, we would appreciate OMB facilitating a community-wide discussion forum on this topic prior to implementation of these requirements.

Thank you for your consideration of our comments.

Sincerely,



Carl Gershman
President

Comment - 5



AMERICAN INSTITUTES FOR RESEARCH®

September 21, 2010

General Services Administration
Regulatory Secretariat (MVCB)
1800 F Street NW, Room 4041
Washington, DC 20405

BY FACSIMILE TRANSMISSION TO: (202) 501-4067

RE: Information Collection Notices (OMB Control Number 3090-00XX, Sequence Nos. 18, 19, and 20) published in the Federal Register July 23, 2010, pages 43165-7)

Ladies/Gentlemen:

This letter responds to the above-referenced information collection notices.

The American Institutes for Research hereby welcomes the opportunity to comment on the above Information Collection Notices. We endorse the comments of InsideNGO, an association which represents a broad cross-section of the NGO community. In particular, we support the InsideNGO comments to improve the information collection procedures to implement the Federal Funding Accountability and Transparency Act (FFATA).

The proposed requirement for information about executive compensation duplicates the requirement currently imposed by the Internal Revenue Service for U.S. nonprofit tax exempt organizations when they submit their returns on Form 990. We respectfully suggest that a means be created to allow respondents to identify in their submissions when such data previously has been or will be submitted on behalf of any U.S.-based subrecipients.

In addition, while the amended statute requires that certain basic information be submitted on behalf of subrecipients and subcontractors at the first tier, we respectfully believe that the comprehensive requirement was enacted without considering the practicality and utility of collecting the information for foreign (non-U.S. based) subrecipients. We therefore strongly suggest that the imposition of this requirement related to many of those entities is impractical, counterproductive and even damaging to other important U.S. government objectives. This is

particularly the case in countries where issues of security, sovereignty, independence, and custom are prevalent. Accordingly, we recommend that the Office of Management and Budget exempt primary recipients from having to collect and submit such data on non-U.S. based entities.

Thank you for the opportunity to comment on these information collection notices. Please contact me if additional information or clarification is needed.

Sincerely,



Thomas Jesulaitis
Director of Grants and Contracts

COGR

an organization of research universities

COUNCIL ON GOVERNMENTAL RELATIONS

1200 New York Avenue, N.W., Suite 750, Washington, D.C. 20005

(202) 289-6655/(202) 289-6698 (FAX)

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President

October 14, 2010

Marguerite Pridgen
Office of Federal Financial Management
Office of Management and Budget, Room 6025
New Executive Office Building
725 17th Street, NW
Washington DC 20503

SUBJECT: Requirements for Federal Funding Accountability and Transparency Act (FFATA) Implementation – 2 CFR 170 (RIN 0348-AB61)

Dear Ms. Pridgen:

The Council on Governmental Relations (COGR) is an association of more than 184 research universities and their affiliated academic medical centers and research institutes. COGR concerns itself with the influence of federal regulations, policies, and practices on the performance of research and other sponsored activities conducted at its member institutions. Our goal is to ensure that federal policy and guidance can be met by federal financial assistance recipients in an effective and efficient manner without creating administrative structures and burdens that may hinder compliance.

We appreciate the efforts of the Office of Management and Budget (OMB) and the Federal Acquisition Regulations (FAR) Councils to assure that the guidance for grants and assistance awards and the FAR requirements are as consistent as possible in the implementation of the requirements for Federal Funding Accountability and Transparency Act (Transparency Act). As we have repeatedly expressed to OMB and the FAR Councils, COGR member institutions receive both federal assistance awards and procurement contracts and any rules implementing requirements such as those set forth in the Transparency Act should be as consistent across funding mechanisms as possible. Inconsistencies among the requirements for grants and contracts result in additional costly and unnecessary burdens on research institutions.

In considering the information in the notice in the September 14, 2010 Federal Register, the August 27, 2010 Open Government Directive to Federal agencies from Jeffrey D. Zients and provided at the September 23, 2010 town hall meeting for Federal grant recipients, we applaud the efforts of OMB and the agencies to streamline the subaward reporting process to a significant degree.

We understand that information collected in the Central Contractor Reporting (CCR) will pre-populate the related reporting elements or fields including executive compensation in the FFATA Subaward Reporting System at www.fsrs.gov. The link will be made through the Dun and Bradstreet Numbering System (DUNS) number of the prime recipient. Subrecipients are not required but are encouraged to register in the CCR as well. Using the subrecipient's DUNS number, the FSRS fields will be pre-populated as well. This approach offers significant streamlining and efficiencies in completing the required reports.

Batch-File Submission

However, while we applaud the potential capability of uploading data from a batch file into FSRS, the solution, as contemplated now does not take advantage of the agency and CCR data available as it does when entering data through the website. The batch file upload would need to include not only all of the local data, but all of the CCR and agency data would need to be entered locally as well in order to complete the report – there is no pre-population advantage. Most larger institutions would opt for the batch solution, but under these circumstances, it would be much less efficient and require more work. We would urge that the batch-file process be modified to take advantage of the CCR and agency systems and eliminate the need to re-key data, such that the data sets needed to complete the report would be the same whether filed via batch or website data entry.

Foreign Entities as Subrecipients

Further, the value of the DUNS approach is less clear when working with foreign entities as subrecipients. These entities may or may not have a DUNS number and may or may not have ready access to apply for a DUNS number. Subawards to small non-governmental organizations (NGO) are common in certain types of research programs, notably clinical trials and aid projects. Without a DUNS number, the various reporting fields will not be pre-populated from the CCR. It is unlikely that these small NGO will meet the various thresholds to require executive compensation information but, nonetheless, asking the questions concerning the level of US government funding may raise concerns in countries where the interaction between organizations and government entities is not viewed in the most positive light.

We note that the Final Guidance concerning Financial Assistance Use of Universal Identifier and Central Contractor Registration (2 CFR Subtitle A, Chapter 1 and Part 25) requires subrecipient to obtain a DUNS number but an agency can exempt entities from the requirement in certain circumstances [§25.110(d)] with the caution that such exemptions should be rare. We believe that agencies may need to exercise this authority more frequently than anticipated by OMB in the case of foreign subrecipients. We urge OMB to consider giving agencies the option to apply the exemption from obtaining a DUNS number for foreign subrecipients at any value (values greater than \$25,000). Agencies should be directed to describe how an exemption under any of the conditions is obtained by the prime recipient.

Multiple Subrecipients

Another concern with reporting and the pre-population of fields will be the ability to list multiple subawards on a single Federal award [FAIN] which is common on awards supporting clinical trials. The ability to create and submit a single report rather than submitting each subaward separately will be an important functionality for some grantees. This batch file reporting is particular important if, as was suggested at the town hall meeting, only one FSRS report per FAIN can be submitted during a single 30 day+ reporting period.

We appreciate the information concerning the management of incremental funding of subwards in response to the questions we raised in our comments on the July 2008 proposed guidance.

Coordination with FAR

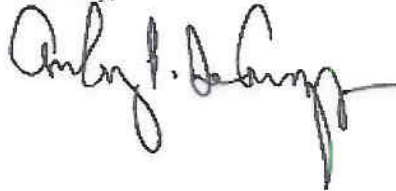
We continue to be concerned about a key difference in the OMB guidance for financial assistance awards and the regulations issued by the FAR Councils for contracts. Under the interim FAR rule, subcontractors include subcontracts for vendor procurements of supplies and services. OMB has excluded vendors from the requirements for financial assistance awards. We fully support OMB's meaning of subaward to refer to "support for the performance of any portion of the substantive project." This definition of subawardee is consistent with the definition in OMB Circular A-110 that sets Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

We have urged the FAR Councils in our letter of comment on the interim rule to consider defining subaward in a manner consistent with the OMB guidance. It would significantly reduce administrative burden and enhance the quality of the information to be collected. In addition to concerns with the definition of subaward, we raised question with the FAR Councils concerning conflicts with FFATA reporting and contracts subject to restrictions on disclosure of information such as those set forth in FAR Clause 52.227-17(d) or DFARS Clause 252.204-7000. We know that such restrictions are inappropriate in contracts for fundamental research and inconsistent with FAR 27.404-4(a) as well as national policy as expressed in NSDD 189. Nonetheless, research organizations continue to receive contracts with these disclosure restrictions.

Given these concerns with fundamental research activities and/or programs conducted by institutions of higher education, hospitals and other non-profit organization, we proposed that the FAR Council consider the use of an alternate clause for educational organizations and other non-profit entities conducting research activities. The alternate clause could incorporate the definition of subaward consistent with OMB guidance to meet the requirements of the Transparency Act and address the concerns with publication restrictions as well.

We urge OMB to enhance the FSRS batch-file submission system including the submission of reports with multiple subrecipients, streamline activities with foreign entities and work with the FAR Councils to reach a resolution of the inconsistencies in implementation and, ultimately, achieve the real promise of streamlined Transparency Act reporting for the research community.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Anthony P. DeCrappeo', with a stylized, flowing script.

Anthony P. DeCrappeo
President

CC: Ernest Woodson, Regulatory Secretariat, General Services Administration

PUBLIC SUBMISSION

As of: October 21, 2010
Received: September 15, 2010
Status: Pending_Post
Tracking No. 80b4fe9d
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Docket: GSA-GSA-2010-0002
Notice: GSA; Information Collections

Comment On: GSA-GSA-2010-0002-0016
Agency Information Collection Activities; Proposals, Submissions, and Approvals: OMB Control No: 3090-00XX; FFATA Subaward and Executive Compensation Reporting Requirements

Document: GSA-GSA-2010-0002-DRAFT-0004
Comment on FR Doc # 2010-18135

Submitter Information

Name: John Bernhart
Address:
1575 Sherman St.
Denver, CO, 80401
Email: john.bernhart@state.co.us
Organization: Child Support Enforcement Division
Government Agency Type: State
Government Agency: Colorado Dept. of Human Services

General Comment

The request for comments implies that the FFATA requires the reporting of executive compensation for all State employees and sub-contractors and awardees. This is an extremely wide net. However, the notice did not define what "executive compensation" means. Is this the salary and benefits that the chief executives of these entities make, or does this apply to all employees of these entities? In our Child Support Enforcement (CSE) program, the State supervises 64 county-administered programs with over 600 FTE. In addition, the State contracts with a number of private vendors to provide services to process child support collections, process new hire information, provide banking services, and other technical assistance. It will take the involvement of the state's Dept. of Personnel and Administration to obtain salary information of State staff and the assistance and support of 64 counties and numerous private firms to obtain the rest. This will be a very time-consuming and difficult task and could encounter privacy concerns with some of the private firms.

PUBLIC SUBMISSION

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Docket: GSA-GSA-2010-0002
Notice: GSA; Information Collections

Comment On: GSA-GSA-2010-0002-0016
Agency Information Collection Activities; Proposals, Submissions, and Approvals: OMB Control No: 3090-00XX; FFATA Subaward and Executive Compensation Reporting Requirements

Document: GSA-GSA-2010-0002-DRAFT-0005
Comment on FR Doc # 2010-18135

Submitter Information

Name: Martin Hartney
Address:
228 West Lexington Street
Baltimore, MD, 21201
Organization: Catholic Relief Services - United States Conference of Catholic Bishops

General Comment

Please find Catholic Relief Services comments in the attached PDF file.

Attachments

GSA-GSA-2010-0002-DRAFT-0005.1: Comment on FR Doc # 2010-18135



228 W. Lexington Street
Baltimore, Maryland 21201-3443
410.625.2220
www.crs.org

September 21, 2010

General Services Administration, Regulatory Secretariat (MVCB)
1800 F Street, NW, Room 4041
Washington, DC 20405

ATTN: Hada Flowers/IC 3090-XXXX

RE: Information Collection 3090-XXXX, FFATA Subaward and Executive
Compensation Reporting Requirements

To Whom It May Concern:

This letter is in response to the General Service Administration (GSA) notice of request for public comments regarding a new Office of Management and Budget (OMB) information clearance published in the *Federal Register* on July 23, 2010: Information Collection 3090-00XX, FFATA Subaward and Executive Compensation Reporting Requirements (OMB Control No. 3090-00XX; Docket No. 2010-0002; Sequence 18).

Catholic Relief Services-United States Conference of Catholic Bishops (CRS) was founded in 1943 by the Catholic Bishops of the United States. Our mission is to assist the poor and disadvantaged, based upon the teachings of the Gospel of Jesus Christ to alleviate human suffering, promote development of all people, and to foster charity and justice throughout the world. CRS programs achieve this without regard to creed, race, or nationality, and touch the lives of more than 80 million people per year, on five continents, in 99 countries around the world. CRS assists with emergency disaster relief efforts, health care, agriculture, education, HIV/AIDS, small enterprise development, and the needs of the most vulnerable peoples (orphans, displaced persons, the disabled and terminally ill). We aid the poor by first providing direct assistance where needed, then encouraging people to help with their own development. Together, these approaches foster secure, productive, just communities that enable people to realize their potential. In fiscal year 2009, approximately 70% of CRS program funds were provided by the United States Government.

CRS strongly recommends that the Office of Management and Budget (OMB):

- A) Delay the requirement for compliance with the Federal Funding Accountability and Transparency Act (FFATA), sub-award and executive compensation reporting requirement until the rule-making process is completed;
- B) Complete all pilot program pre-requisites required by Public Law 109-282 – September 26, 2006, report to the public, take all public comments into consideration; and
- C) Not approve this emergency request until the completion of the rule-making process.

On June 6, 2008 [73 FR 32417], OMB published in the *Federal Register* a proposed new 2 CFR part 33, requirements for Federal Funding Accountability and Transparency Act Implementation. More than two years later, OMB released their responses to comments received for the June 6, 2008 request for comments on FFATA on September 14, 2010, only seven days before comments are due for the aforementioned subject. Clearly a more planned, sequenced and transparent process would produce the best results for all involved parties.

Secondly, section 2 (d) (1) of PL 109-282 requires the Director of OMB to commence a pilot program vis-à-vis the collection of sub-award data. To our knowledge, this pilot program has not included organizations whose principal place of performance is outside the United States. It is important that recipients, such as CRS, who engage sub-recipients in different political, economic, and cultural environments are included in the pilot with prime recipients whose place of performance is domestic. CRS builds long term relationships with indigenous, grass roots organizations, in the remote corners of Africa, Asia, and Latin America. We work side by side with our counterparts in locales where freedom of expression is limited, association with foreigners is closely scrutinized, and organizations attempt to keep a low profile. Because of poor infrastructure, telecommunication required to process a DUNS registration will prove very problematic. For example: In Afghanistan CRS actively provides assistance in remote outlying districts of the Herat Province; in Haiti CRS implements food aid programs with community health centers, orphanages, schools, and community associations that are only accessible by walking of rough mountain trails; and in Democratic Republic of Congo, CRS works in eastern areas that are days plane flight from the capital city. There is a vast difference between feasible reporting requirements for a municipality in the US and for a small community self-help organization operating in a remote region of Africa.

Requiring CRS' local partner organizations to obtain a DUNS number and posting of their data on a public website may pose unacceptable security risks for them. This would potentially force CRS to cease working with local partners in sensitive countries like Afghanistan and Pakistan. By requiring our local partners to participate, we will diminish our security and that of our partners. To our knowledge, OMB has not consulted with organizations like ours to appreciate and understand the ramifications of implementing FFATA in such environments. We also question the value and utility of reporting individual sub-award data on such groups to the American public. We recommend that the proposed rule be revised with a blanket waiver for individual reporting on foreign sub-recipients to an aggregate reporting of the number of sub-

awards issued and total value. This type of reporting will still be within the spirit of FFATA.

Thirdly, on August 23, 2010, we inquired with our Federal Cognizant Agency, the United States Agency for International Development, on the proposed new reporting requirements. Their response to our inquiry was "At the present time we have not received any guidance from OMB. As such we are unable to inform the community on the new reporting requirements until we have final information/instruction/procedures identified by OMB. Our plans to inform the community will be based on the guidance we receive from OMB." [personal communication: email from USAID Ombudsman, August 23, 2010]

If our Cognizant Agency has not yet received guidance from OMB, it is premature to expect the recipient community to design processes and systems to be compliant with FFATA by October 1, 2010. OMB must also provide Federal Agencies and recipients with time to educate their respective communities on this new requirement. Providing emergency approval of the General Services Administration request for this information collection will be doing disservice to the intent of FFATA and creating additional burden on recipients and sub-recipients.

Finally, CRS has done a search for data on our agency on USASpending.gov and found inconsistencies on how Federal Agencies are currently reporting data about CRS. For example, there is no consistency in the name under which CRS is listed resulting in an incorrect public view of the funding that CRS receives. Before attempting to collect sub-award data, OMB needs to ensure that Federal Agencies are correctly populating data; if not, it will be difficult for prime recipients to comply. In March 2010, a United States Government Accountability Office (GAO) report to the Congressional Committees on the implementation of FFATA [GAO-10-365], the GAO reported similar findings. GAO recommended that OMB provide Federal Agencies with specific guidance on how these data fields should be filled and how to ensure consistency. Before proceeding with the implementation of the sub-award reporting requirements, OMB must ensure that the Federal Agencies data is correct, accurate, and consistent across agencies. If this is not corrected before the inclusion of sub-award data, the inconsistencies will only multiply, creating extra burden on recipients to ensure data is correct. And it will, in fact, diminish data transparency and credibility.

In sum, OMB should refrain from making the FFATA sub-award reporting requirements truly operational until: 1. representatives of all prime recipients that perform domestically and overseas participate in a sub-award data pilot program, 2. prime recipient data is correctly and consistently reported across agencies, 3. foreign sub-award data is collected and reported in the aggregate, and 4. that the implementation process and reporting on outcomes is done in a more sequenced and orderly manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Hackett", written in a cursive style.

Ken Hackett
President

PUBLIC SUBMISSION

As of: October 21, 2010
Received: September 21, 2010
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Comment On: GSA-GSA-2010-0002-0016
Agency Information Collection Activities; Proposals, Submissions, and Approvals: OMB Control No: 3090-00XX; FFATA Subaward and Executive Compensation Reporting Requirements

Document: GSA-GSA-2010-0002-DRAFT-0008
Comment on FR Doc # 2010-18135

Submitter Information

Name: Mary Mares
Address:
1301 Connecticut Avenue NW
Washington, DC, 20036

General Comment

See attached file(s)

Attachments

GSA-GSA-2010-0002-DRAFT-0008.1: Comment on FR Doc # 2010-18135

September 20, 2010

General Services Administration
Office of Technology Strategy/Office of Government-wide Policy
Regulatory Secretariat (MVCB)
1800 F Street NW, Room 4041
Washington, DC 20405

SUBMISSION VIA: www.regulations.gov

RE: Three Federal Register Notices, Vol. 75, No. 141, July 23, 2010:

- (1) Information Collection 3090-00XX, FFATA Subaward and Executive Compensation Reporting Requirements
- (2) Information collection 3090-XXXX, Central Contractor Registration Requirements for Prime Grant Recipients
- (3) Information Collection 3090-XXXX, FSRS Registration and Prime Awardee Entity-Related Information Reporting Requirements

Dear Sir and/or Madam:

As leading democracy and governance nongovernmental organizations (NGOs), our programs – to encourage citizen participation, strengthen political parties and governmental institutions, promote the rule of law, advocate for human rights, empower local media to give people access to information, promote workers' rights through the development of effective and independent unions, foster private enterprise development and market-oriented reforms, and ensure free and fair elections – share an underlying theme of promoting transparency and accountability. As such, we agree with the tenets of the Federal Funding Accountability and Transparency Act of 2006 to provide American people with information on how their tax dollars are being spent.

However, as nearly 99 percent of U.S. taxpayer funds are spent domestically, the proposed information collection systems are designed for domestic programs and do not take into consideration the disclosure (and consequences of such disclosure) about overseas work in politically sensitive or high security environments. While we promote transparency and accountability, the fact remains that we work in countries where repression is often the norm, where limited rule of law exists, where freedoms of expression and association are restrained, where participation in or association with our programs already results in staff members and local partners being harassed, followed or arrested, and where local groups could be targeted by extremists or certain government authorities. In certain environments the public posting of data on overseas programs -- even something as simple as listing the country in which the funds are being spent or the name of a local subrecipient partner – may further endanger those whom we are seeking to assist in their struggle for freedom and democracy, and ultimately hinder the achievement of U.S. foreign assistance objectives.

Therefore, in response to the above-referenced Federal Register notices, we make the following comments and/or suggestions:

Review and revise information collection systems to take into consideration overseas programs

To ensure the proposed information collection systems do not result in unintended consequences, i.e., increasing security risk for our staff and local partners, we respectfully suggest the data collection fields and forms be reviewed to take into consideration foreign assistance awards. For example, as these programs are not conducted within U.S. congressional districts, the “principal place of performance” data field on the Prime Award Data Elements form could be modified to include a checkbox to mark “overseas” if the purpose of the award is foreign assistance and the principal place of performance is not within the United States.

In addition, as foreign assistance programs are sometimes co-funded by other multilateral institutions or foreign government aid agencies (e.g., DFID), disclosure of executive compensation for prime awardees or subrecipients (U.S. and non-U.S. entities) may not be accurate in terms of relating to federal expenditure of taxpayer dollars. In other words, an overseas subrecipient may receive funding from several sources to support its program activities and, therefore, its executive salaries may not be fully supported by U.S. federal funds. Publication of such information could lead to confusion, mistrust and misunderstanding both here in the U.S. and in the subrecipient’s home country. Furthermore, the provision and/or disclosure of such information from overseas subrecipients may violate applicable local privacy laws.

Therefore, with respect to the collection of information on subrecipients, given the concerns raised in this letter and the need to ensure this effort is not seen as intelligence gathering, we respectfully recommend that OMB exempt primary recipients from having to collect and submit data on non-U.S. based entities. The principle of not applying policies designed for U.S. organizations on entities in other countries is longstanding within the federal government. Precedence exists; for example, a class deviation was issued to USAID to exempt non-U.S. organizations from OMB A-110, and OMB exempted non-U.S. entities from the requirements in the Single Audit Act Amendments of 1996.

Rename the Central Contractor Registry to more accurately reflect its new purpose

If it is necessary to have prime grantees maintain registration in a centralized database of all federal awardees, we respectfully suggest that the Registry be renamed to reinforce the statutory distinction between acquisition and assistance awards. As NGOs that primarily work under assistance awards, we are recognized as independent, non-state actors that provide technical assistance through a people-to-people approach. We are not agents of the U.S. government. Requiring grantees to register in a “contractor” registry would, by virtue of association, negate the distinction between assistance and acquisition, and could result in confusion about our role in implementing programs overseas.

Re-evaluate the burden estimates

The annual reporting burden under the FFATA Subaward and Executive Compensation Reporting Requirements Federal Notice estimated 10 responses per respondent. Based on our collective experiences, we each typically issue between 20 and 50 subawards per year.

Request for further discussion

Given that the proposed information collection systems do not take into consideration foreign assistance awards implemented overseas, we would appreciate OMB facilitating a community-wide discussion forum on this topic prior to implementation of these requirements. In conclusion, as promoters of accountability and transparency as an integral part of our democracy and governance programs, we acknowledge the value of FFATA. Given that the proposed information collection systems are designed for domestic programs and not federal awards for overseas programs, however, we respectfully request: 1) the information collection systems be reviewed and revised to take into consideration such awards, including an exemption for the publication of data on overseas subrecipients; 2) the Central Contractor Registry be renamed to reflect

Re-evaluate the burden estimates

The annual reporting burden under the FFATA Subaward and Executive Compensation Reporting Requirements Federal Notice estimated 10 responses per respondent. Based on our collective experiences, we each typically issue between 20 and 50 subawards per year.

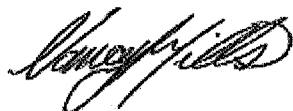
Request for further discussion

Given that the proposed information collection systems do not take into consideration foreign assistance awards implemented overseas, we would appreciate OMB facilitating a community-wide discussion forum on this topic prior to implementation of these requirements.

In conclusion, as promoters of accountability and transparency as an integral part of our democracy and governance programs, we acknowledge the value of FFATA. Given that the proposed information collection systems are designed for domestic programs and not federal awards for overseas programs, however, we respectfully request: 1) the information collection systems be reviewed and revised to take into consideration such awards, including an exemption for the publication of data on overseas subrecipients; 2) the Central Contractor Registry be renamed to reflect its proposed new purpose; 3) the burden estimates for the proposed information collection systems be re-evaluated; and 4) further discussion be held with international organizations receiving federal awards for overseas programs to ensure public disclosure does not result in unintended consequences.

Thank you for your consideration of our comments.

Sincerely,



Nancy Mills
Executive Director
American Center for International Labor
Solidarity AFL-CIO (Solidarity Center)



Paula Schriefer
Acting Executive Director
Freedom House



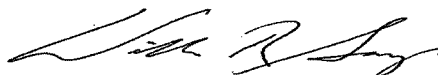
Lorne W. Craner
President
International Republican Institute



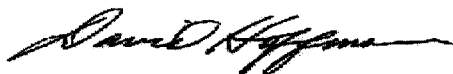
Kenneth D. Wollack
President
National Democratic Institute



John D. Sullivan
Executive Director
Center for International Private Enterprise



William R. Sweeney, Jr.
President
IFES



David Hoffman
President
Internews Network

Comment - 10

PUBLIC SUBMISSION

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Comment On: GSA-GSA-2010-0002-0016
Agency Information Collection Activities; Proposals, Submissions, and Approvals: OMB Control No: 3090-00XX; FFATA Subaward and Executive Compensation Reporting Requirements

Document: GSA-GSA-2010-0002-DRAFT-0012
Comment on FR Doc # 2010-18135

Submitter Information

Name: Thomas Susman
Address:
740 Fifteenth Street, NW
Washington, DC, 20005
Organization: American Bar Association

General Comment

See attached file(s)

Attachments

GSA-GSA-2010-0002-DRAFT-0012.1: Comment on FR Doc # 2010-18135

Thomas M. Susman
Director
Governmental Affairs Office



AMERICAN BAR ASSOCIATION
740 Fifteenth Street, NW
Washington, DC 20005-1022
(202) 662-1760
FAX: (202) 662-1762
SusmanT@staff.abanet.org

September 21, 2010

General Services Administration
Office of Technology Strategy/Office of Government-wide Policy
Regulatory Secretariat (MVCB)
1800 F Street NW, Room 4041
Washington, DC 20405

SUBMISSION VIA: www.regulations.gov

RE: Three Federal Register Notices, Vol. 75, No. 141, July 23, 2010:
(1) Information Collection 3090-00XX, FFATA Subaward and Executive Compensation Reporting Requirements
(2) Information collection 3090-XXXX, Central Contractor Registration Requirements for Prime Grant Recipients
(3) Information Collection 3090-XXXX, FSRs Registration and Prime Awardee Entity-Related Information Reporting Requirements

Dear Sir and/or Madam:

The American Bar Association (ABA), particularly through the ABA Rule of Law Initiative (ABA ROLI) as well as other ABA programs, is a frequent recipient of USAID and State Department funds. ABA ROLI uses such funds to implement programs that promote the rule of law around the world. Like other USG-funded implementers of democracy and governance programs with which ABA ROLI collaborates regularly (e.g., Freedom House, NDI, IRI), the ABA agrees with the tenets of the Federal Funding Accountability and Transparency Act of 2006, including the importance of providing the American people with information about how their tax dollars are being spent.

The proposed information collection systems and proposed disclosures on overseas work appear to be designed for domestic programs and do not take into sufficient consideration the impact and potentially very negative consequences in politically sensitive or security-challenged foreign environments. While we absolutely promote transparency and accountability and even operate programs designed to build local capacity to enhance them, the fact remains that we work in countries where repression is often the norm, where limited rule of law and freedoms of expression and association exist, where participation in or association with our programs already results in staff members and local partners being harassed and surveilled, and where local groups can be targeted by extremists or certain government authorities. In certain environments the public posting of data on overseas programs -- even something as simple as listing the country in which the funds are being spent or the name of a local subrecipient partner -- may further

endanger those whom we are seeking to assist in their struggle for freedom and democracy, and would hinder the achievement of U.S. foreign and development assistance objectives.

Therefore, in response to the above-referenced Federal Register notices, we make the following comments and/or suggestions:

Review and revise information collection systems to take into consideration overseas programs

To ensure the proposed information collection systems do not result in unintended consequences, i.e., increasing political and security risks for our staff and local partners, we respectfully suggest the data collection fields and forms be reviewed to take into consideration foreign and development assistance awards. For example, as these programs are not conducted within U.S. congressional districts, the “principal place of performance” data field on the Prime Award Data Elements form could be modified to include a checkbox to mark “overseas” if the purpose of the award is foreign assistance and the principal place of performance is not within the United States.

In addition, as foreign assistance programs are sometimes co-funded by other multilateral institutions or foreign government aid agencies (e.g., DFID), disclosure of executive compensation for prime awardees or subrecipients (U.S. and non-U.S. entities) may not be accurate in terms of relating to federal expenditure of taxpayer dollars. In other words, an overseas subrecipient may receive funding from several sources to support its program activities and, therefore, its executive salaries may not be fully supported by U.S. federal funds. Publication of such information could lead to confusion, mistrust and misunderstanding both here in the U.S. and in the subrecipient’s home country. Furthermore, the provision and/or disclosure of such information from overseas subrecipients may violate applicable local privacy laws.

Therefore, with respect to the collection of information on subrecipients, given the concerns raised in this letter and the need to ensure this effort is not seen as intelligence gathering, we respectfully recommend that OMB exempt primary recipients from having to collect and submit data on non-U.S. based entities. The principle of not applying policies designed for U.S. organizations on entities in other countries is longstanding within the federal government. Precedent for such an exemption exists. For example, a class deviation was issued to USAID to exempt non-U.S. organizations from OMB A-110, and OMB exempted non-U.S. entities from the requirements in the Single Audit Act Amendments of 1996.

Rename the Central Contractor Registry to more accurately reflect its new purpose

If it is necessary to have prime grantees maintain registration in a centralized database of all federal awardees, we respectfully suggest that the Registry be renamed to reinforce the statutory distinction between acquisition and assistance awards. As an NGO that accepts *only* assistance awards (cooperative agreements) from the USG, we are recognized as an independent, non-state actor that provides technical assistance through a people-to-people approach. We are not agents of the U.S. government. Requiring grantees to register in a “contractor” registry would, by

virtue of association, negate the distinction between assistance and acquisition, and could result in confusion about our role in implementing programs overseas.

Re-evaluate the burden estimates

The annual reporting burden under the FFATA Subaward and Executive Compensation Reporting Requirements Federal Notice estimated 10 responses per respondent. This underestimates ABA ROLI's burden, given that, in a typical year, we issue roughly 50 sub-awards.

Request for further discussion

Given that the proposed information collection systems do not take into consideration foreign and development assistance awards implemented overseas, we would appreciate OMB facilitating a community-wide discussion forum on this topic prior to finalization and implementation of these requirements, and that the requirements then be reviewed and revised accordingly.

In conclusion, as a promoter of accountability and transparency as an integral part of our democracy and governance programs, we acknowledge the value of FFATA. Given that the proposed information collection systems are designed for domestic programs and not federal awards for overseas programs, however, we respectfully request: (1) the information collection systems be reviewed and revised to take into consideration such awards, including an exemption for the publication of data on overseas subrecipients; (2) the Central Contractor Registry be renamed to reflect its proposed new purpose; (3) the burden estimates for the proposed information collection systems be re-evaluated; and (4) further discussion be held with international organizations receiving federal awards for overseas programs to ensure public disclosure does not result in unintended consequences.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a stylized flourish at the end.

Thomas M. Susman

PUBLIC SUBMISSION

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Comments Due: September 21, 2010
Submission Type: Web

Docket: GSA-GSA-2010-0002
Notice: GSA; Information Collections

Comment On: GSA-GSA-2010-0002-0016
Agency Information Collection Activities; Proposals, Submissions, and Approvals: OMB Control No: 3090-00XX; FFATA Subaward and Executive Compensation Reporting Requirements

Document: GSA-GSA-2010-0002-DRAFT-0013
Comment on FR Doc # 2010-18135

Submitter Information

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General Comment

See attached file(s)

Attachments

GSA-GSA-2010-0002-DRAFT-0013.1: Comment on FR Doc # 2010-18135



A UNITED VOICE FOR GLOBAL CHANGE

The largest alliance of U.S.-based international nongovernmental organizations focused on the world's poor and most vulnerable people.

September 21, 2010

ATTN: Hada Flowers/IC 3090-XXXX
General Services Administrations
Regulatory Secretariat (MVCB)
1800 F Street NW, Room 4041
Washington, DC 20405

Janice Miller
Office of Technology Strategy/Office of Governmentwide policy
General Services Administration
1800 F Street NW
Washington, DC 20006
Jan.miller@gsa.gov

Via: eRulemaking portal at <http://www.regulations.gov>

Re: Information Collection 3090-XXXX, FFATA Subaward and Executive
Compensation Reporting Requirements
75 Fed. Reg. 43165
Docket No. 2010-0002; Sequence 18
("Notice 1")

Information Collection 3090-XXXX; Central Contractor Registration for Prime Grant
Recipients
75 Fed. Reg. 43166
Docket No. 2010-0002; Sequence 20
("Notice 2" and collectively with Notice 1, "the Notices")

To Whom It May Concern:

I am writing to you on behalf of InterAction, the largest alliance of US-based humanitarian and international development non-governmental organizations (NGOs). In addition to the specific concerns about the feasibility and burdens imposed by the Federal Funding Accountability and Transparency Act (FFATA) of 2006, there are real physical threats to humanitarian worker safety that must be addressed. Our membership has been working for decades to implement grants and cooperative agreements on behalf of the US Agency for International Development and Department of State to help the world's poor and most vulnerable peoples rebuild their lives and communities. Our member alliance also delivers billions of private dollars in

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Food for the Hungry
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Melanie Macdonald
World Neighbors
Ruth Messinger
American Jewish World
Service
Steve Moseley
AED
Carol Peasley
CEDPA
Daniel Pellegrom
Pathfinder International
Robert Radtke
Episcopal Relief and
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Farshad Rastegar
Relief International
Jonathan Reckford
Habitat for Humanity
William S. Reese
International Youth Foundation
Carter Roberts
World Wildlife Fund
Zainab Salbi
Women for Women International
Ron Sconyers
Physicians for Peace
Alison Smith
InsideNGO
Richard Stearns
World Vision



assistance each year to support hundreds of thousands of local partnerships in areas where there is no official USG presence.

By way of background, FFATA was signed into law in 2006 with the intent of providing the American people with a tool that would allow taxpayers to see firsthand how their dollars were being spent. Information on all entities and organizations receiving Federal dollars would be made available via a single, publicly searchable website. FFATA was amended via the Government Funding Transparency Act of 2008 to require information on the five most highly compensated officers.

On July 23, 2010, the General Services Administration (GSA) published the Notices indicating its intention to request that the Office of Management and Budget (OMB) review and approve an emergency new information collection requirement in connection with FFATA. In accordance with the Paperwork Reduction Act of 1995, the Notices request comments on the following: (1) whether the collection of information is necessary for the proper performance of functions of the FFATA Subaward and Executive Compensation Reporting Requirements, whether the collection of information will have practical utility; (2) whether the estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways in which the burden of the collection of information can be minimized on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

InterAction is in the process of analyzing how our assessment here will be impacted by the interim final guidance regarding the requirements for FFATA that were publicized in Federal Register Notice No. 177 on September 14, 2010. InterAction hereby reserves the right to submit further comments as appropriate.

InterAction understands that the purpose of FFATA is to forge the creation of a publicly searchable website to track the expenditure of US taxpayer dollars. As responsible implementing partners, InterAction and its members strongly support the transparent and accountable use of Federal dollars. However, in many instances the USG is a minority funder of a typical US NGO's core budget. Requiring information such as name and compensation for executives of prime and subawards will not accurately or fairly reflect how US taxpayer dollars are used. Even accounting for the limitations set forth at FFATA section 2(b)(1)(E), executive salary may not be funded by USG awards. It should also be noted that the collection of sensitive personal information from subawardees (many of whom are not US citizens and are protected by the privacy laws of sovereign countries) in Federal databases undermines critical working relationships built on trust over decades with local communities and civil society organizations, especially in unstable security environments.

Our member alliance is willing to engage on how best to provide the American people with information on how their tax dollars are being used in USG funded development programs. However, the lack of a direct correlation between Federal expenditures and reporting executive compensation into a Federal database, together with the potential violation of privacy rights of foreign citizens and the administrative burden imposed on recipients responsible for data input as both a recipient and an issuer of subawards is contrary to the stated purpose of the legislation. Specifically FFATA requires that data collection be in a manner that “minimizes the burdens imposed on Federal award recipients.”

InterAction hereby offers the following comments:

1. Whether the collection of information is necessary for the proper performance of functions of the FFATA Subaward and Executive Compensation Reporting Requirements, whether it will have practical utility.

GSA asserts in the Notices that it intends to collect prime and first-tier subaward data in compliance with FFATA. Specifically, it directs the collection of additional reporting on executive compensation of both prime and subawardees and subaward data. However, disclosing executive compensation that may be unrelated to Federal expenditure of US taxpayer dollars is not supportive or necessary to meet the purposes of FFATA. Furthermore, as the executive compensation information will not be part of the searchable public website, it does not serve the practical utility of the website as stated in section 2(a)(3).

InterAction maintains that reporting on subawards and the collection of the “names and total compensation of the five most highly compensated officers” is misleading information that is not helpful to the intent of the legislation and adds no additional utility to the purpose of the website. Collection of salary information on individual staff does not accurately reflect the use of US taxpayer dollars unless the recipient is solely funded by the USG or executive compensation is otherwise 100% directly chargeable to a USG grant or cooperative agreement. Many recipients and their subawardees are funded by a combination of multiple public and privately generated resources. The practical utility of collecting additional information on prime recipients is further reduced when one considers that US NGOs must already report on executive compensation levels in their annual 990 report to the IRS.

Requiring recipients to collect and input names and compensation of the executives of partner entities in a Federal database (even if not publicly accessible) will further blur the line of independence between development professionals, threatening those individuals employed by NGOs working in hostile environments by associating them with the information gathering activities of the USG. Due to the possibility that executive compensation is not necessarily related in any manner to USG funded

activities, there is a likelihood that the executives' salaries will be incorrectly perceived as "funded" by the USG, creating a false association and resulting in unnecessary and possibly physical harm and jeopardizing the impartiality and safety of recipient staff working in the field.

2. The accuracy of the burden estimates.

The estimated annual reporting burden provided by GSA and OMB in each of the Notices appear to be inaccurate and incomplete representations of the actual total reporting burden across all government agencies for prime and sub-award recipients, who will not receive additional staff, funding, or equipment to comply with this requirement. In Notice 1, GSA estimates that there will be 49,308 respondents to the requirement. Each respondent is expected to submit 10 responses with a calculated entry time of two hours per response. In total, GSA estimates 986,160 total burden hours on respondents under this requirement. Similarly, in Notice 2, GSA estimates there will be 23,358 respondents to the requirement. Each respondent is expected to submit one response with a calculated entry time of one hour per response. In total GSA estimated 23,358 total burden hours on respondents under this requirement. It should be noted that these figures appear only to reflect a one-time estimation of the reporting burden on the prime without considering the subsequent efforts that would need to be made over the lifetime of an award by both prime and subawardees to maintain the accuracy of the information.

In addition, the Notices do not offer estimates of the direct or indirect costs associated with collection, entry, and maintenance of prime and subawardees records. While meeting the requirements of FFATA may appear to be an innocuous process, the online reporting mechanism requires that the prime awardee must also provide information for each and every subaward that meets the criteria for the requirement, in addition to itself. Given the time and funding required to meet the requirement in full, it will be difficult for US-based international NGOs with hundreds of subawards and limited budgets to meet the reporting deadline for each subrecipient without dedicating a substantial number of new additional administrative personnel.

The burdens of the information collection requirements proposed by the Notices will increase costs and strain the relationship between the USG and its recipients and have a chilling effect on the partnerships between recipients and competent local subawardees who for security reasons will not want to be openly identified with the USG; thus, serving to undermine the existing partnerships between donor agencies and principled actors in the field thereby undercutting the success of development programs.

3. Ways to enhance the quality, utility, and clarity of the information collected.

InterAction believes that collecting additional information on executive compensation of both prime and subawardees will neither enhance the utility of the information collected nor meet the purpose of FFATA. We understand the intent of the legislation to increase transparency on entities receiving federal funding as part of the broader Open Government initiative; however, the information requested by the Notices goes beyond the purposes established by FFATA. As we noted in our response to item (1), regulations are already in place that provide transparent accounting of financial expenditures by US NGOs. Additionally, budget summaries which include information on subaward recipients in the aggregate are already provided by grantees to the US donor agencies. InterAction maintains that using summary or aggregate budget data will not endanger the safety of NGO employees in the field, violate privacy rights, and is a more accurate reflection of the USG's expenditure of taxpayer dollars.

4. Ways in which the burden of the collection of information can be minimized on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

InterAction is in support of transparency in Federal funding as it is the desire of its membership to be responsible and accountable implementing partners. However, the granularity requested by the Notices is not a helpful or useful snapshot of how the USG is spending the American public's tax dollars in development programs. Additional elements would need to be added to the database to maintain the accuracy of the information entered, reduce misconceptions, and ensure the safety of staff in politically sensitive countries.

InterAction would also like to note that implementation of FFATA should be measured against existing reporting requirements imposed on Federal dollars received by prime and subawardees as noted in item (1). In an effort to encourage increased efficiency, accountability, and information sharing in USG spending, avenues should be explored to harness existing documentation on grants and cooperatives agreements to meet the need for greater transparency.

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In summary, GSA and OMB should reconsider implementation of these additional reporting requirements as they lack careful consideration of both the administrative and financial capacity of prime and subawardees. Additionally, in many of the developing countries where US NGOs serve as implementing partners to the USG, there are often difficult security environments which would make the listing of local organizations and personnel on a public database indefensible. US NGOs have partnered with local organizations for decades building a strong reputation as impartial



development professionals that have afforded NGO staff the opportunity to work safely in areas where agents of the USG would not be allowed entry. Moreover, imposing a reporting requirement which in its implementation may violate local privacy laws will have a chilling effect on the ability to retain competent local partners to carry out important humanitarian and development activities. InterAction strongly urges GSA and OMB to withdraw the Notices until consultations can be had on less burdensome and more appropriate accountability procedures for international development and humanitarian relief NGOs implementing Federal funding that will not increase the security risks for organizations and staff in the field.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam A. Worthington".

Samuel A. Worthington
President & CEO
InterAction

cc:

Danny Werfel, Controller, Office of Federal Financial Management, OMB
Georgia Hubert, Director of Federal Assistance, Office of the Procurement Executive, DOS
Maureen Shauket, Senior Procurement Executive, Office of Acquisitions and Assistance, USAID