

Summary of the Office of Management and Budget's *Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009*¹ – April 7, 2009

The Office of Management and Budget (OMB) issued a memorandum titled: [*Updated Implementing Guidance for the American Recovery and Reinvestment Act \(ARRA\) of 2009*](#) on April 3, 2009. This document supplements the initial guidance released by OMB by providing further information to federal granting agencies and grantees on Recovery Act regulations. Huron Consulting Group professionals have identified and summarized the key sections relevant to research operations.

[Note: The section references cited below refer to the sections in the OMB memorandum.]

Section 1: General Information

OMB will issue additional guidance (1.10)

- In the next 30 to 60 days (between May 3 – June 2, 2009), OMB will issue a memo addressing public input received regarding this guidance.
- More formal updates to this guidance may be issued in the future (published here: http://www.whitehouse.gov/omb/recovery_default/), and the FAQ section of Recovery.gov may also be used to provide further clarity.

Section 2: Agency Plans and Public Reporting

Recipients are required to report on specific data elements, per Section 1512 of the Recovery Act (2.10)

- The terms and conditions of individual awards will contain detailed reporting requirements.
- Appendix 8 of this guidance contains the terms and conditions for contracts under ARRA, as detailed in an interim Federal Acquisition Regulation (FAR) rule published in the Federal Register on March 31, 2009.
- Appendix 9 of this guidance contains the terms and conditions for grants under ARRA, as detailed by OMB in 2 CFR 176.

Recipient reporting mechanisms will differ for the quarters ending June 30, 2009 and September 30, 2009 (2.11)

- The first statutory reporting deadline is October 10, 2009 (for quarter ending September 30, 2009).
- Reports submitted for the quarter ending September 30, 2009 will include cumulative data from the inception of ARRA-funded activities.
- Details on the reporting mechanism to be used for the quarter ending September 30, 2009 will be available at www.FederalReporting.gov on or before August 26, 2009.
- Details on data collection methods to be used for the quarter ending June 30, 2009 are being determined by OMB.

¹This summary includes only specific citations from the guidance, so we recommend that you also refer to the complete document (http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-15.pdf) for your particular institution's needs.

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Recipient reporting is standardized across awarding agencies, yet each agency maintains discretion in collecting additional data (2.12, 2.15)

- The Recovery Act details the minimum data elements to be reported under ARRA-funded awards across all granting agencies.
- Each agency will maintain discretion in collecting additional data through quarterly reporting, consistent with the agency's individual program performance measures.

Requirements for reporting the number of jobs created and retained have been defined in interim FAR rules (2.13)

- Reporting requirements for the employment impact of ARRA-funded contracts have been defined in interim rules in the Federal Acquisition Regulation (FAR). ARRA-funded grants will adopt the same requirements.
- Required information includes descriptions of jobs created and retained, as well as full-time equivalent (FTE) estimates cumulatively created or retained for each calendar quarter.
- The interim rules define a "job created" as a position newly created and filled, or an existing unfilled position that is filled, due to ARRA-funded projects managed by the prime recipient or sub-awardees.
- The interim rules define a "job retained" as an existing filled position that is retained due to ARRA-funded projects managed by the prime recipient or sub-awardees.
- A job cannot be reported as both created and retained, and only paid positions should be included in reports.

Recipient reports will be collected centrally (2.14)

- Development is planned for a centralized system to collect quarterly reports, starting with the quarter ending September 30, 2009.
- The centralized system will have the capability to collect standardized data elements, as well as agency-specific data elements.
- In limited situations, some agencies may collect quarterly reports in existing systems and subsequently transmit the information to the centralized system.

Section 5: Grants and Cooperative Agreements

Agency requirements for competitive grant awards (5.1)

- Agencies should use standard award terms for grants awarded under ARRA, as detailed in interim final guidance in 2 CFR part 176 (see Appendix 9 of this memorandum).

Awarding agencies should develop methods for accepting grant applications outside of Grants.gov (5.3)

- As the Grants.gov system may not be able to accommodate the volume of applications for Recovery Act funding, each federal awarding agency was to submit to OMB by March 13, 2009 alternative methods for accepting grant applications during peak periods.

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Section 6: Contracts

Contract terms and conditions (6.4)

- Interim rules were implemented through changes to the Federal Acquisition Regulation (FAR) that provide standard terms and conditions for federal contracts awarded with Recovery Act funds (see Appendix 8 of this memorandum). These changes address the following sections of Division A of the Recovery Act:
 - Section 1605 – Buy American Requirements for Construction Material
 - Section 1512 – Reporting Requirements
 - Sections 902, 1514, and 1515 – GAO/IG Access
 - Section 1553 – Whistleblower Protections

Appendix 8: Interim FAR

The interim FAR referenced by Section 6 of this guidance address requirements for contracts awarded under ARRA. These requirements are detailed in the Federal Register, accessible at www.gpoaccess.gov/fr/. They can also be viewed as Appendix 8 in the complete OMB memorandum, accessible at: http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-15.pdf.

Appendix 9: Interim Final Guidance for Federal Financial Assistance

The interim final guidance and requirements for grants awarded under ARRA have been added to the Code of Federal Regulations. This guidance can be viewed as Appendix 9 in the complete OMB memorandum, accessible at http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-15.pdf.

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