

# Update on the Uniform Guidance What's Hot, What's Not

Karen Norris, Principal  
Kanoco Consulting  
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## Learning Objectives

-  Name key federal regulations, including uniform guidance, other legislation, other federal actions.
-  Explain funding issues that place grants at risk.
-  Identify updates across the full grants lifecycle.
-  Locate resources for staying current.



## A Few Words



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The uniform guidance is a living document.

Revisions occur over time as new legislation and other requirements are implemented.



## Key Federal Regulations, Legislation, and Other Actions



## Federal Regulations that Govern Grants

1

Program statute (USC)

A

Public law

B

Authorization

2

Federal agency regulation (CFR)

3

Uniform Guidance (CFR)



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## Other Federal Actions

1

Other public laws or legislation

2

Executive Orders

3

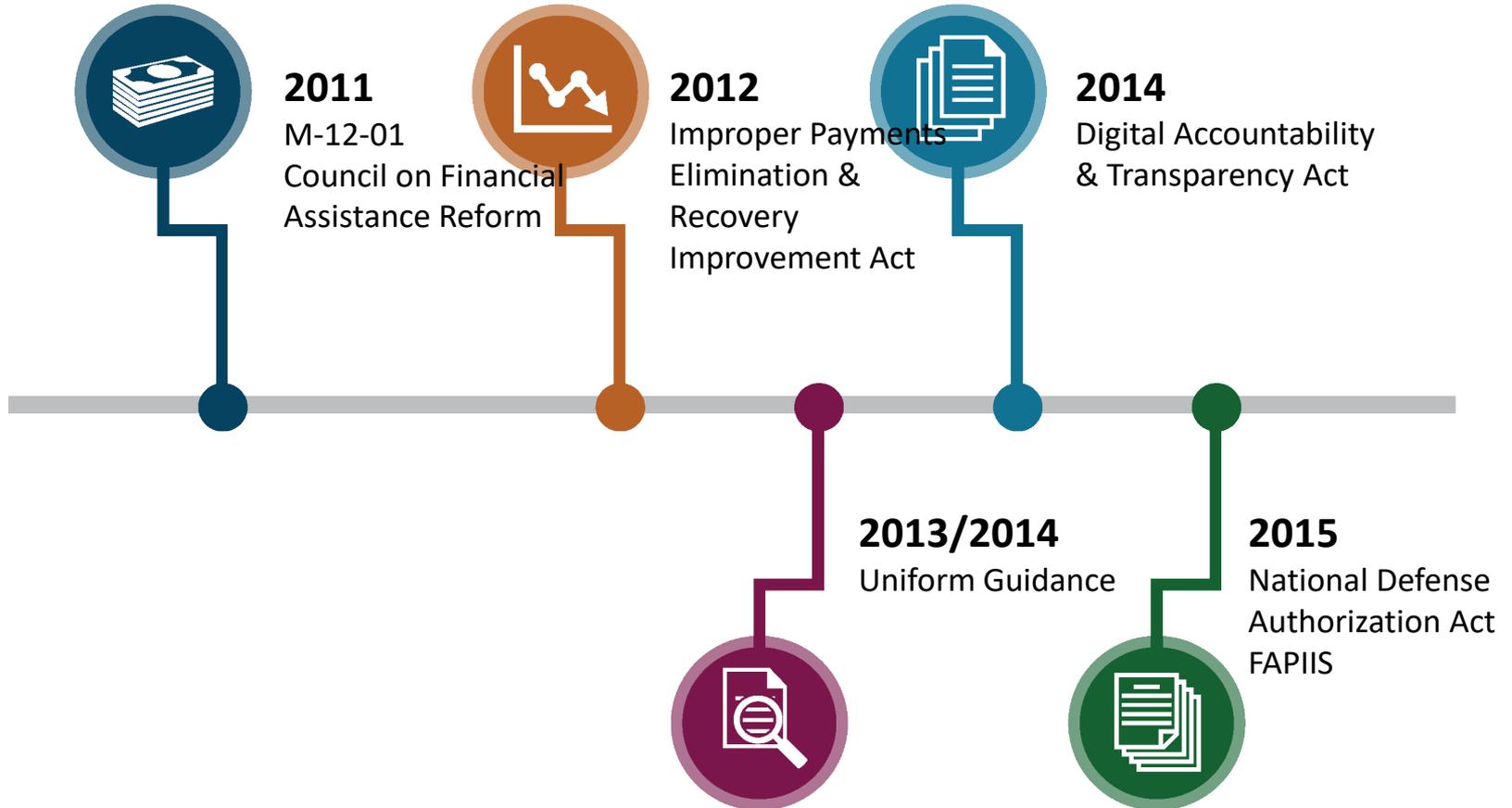
Presidential Memos



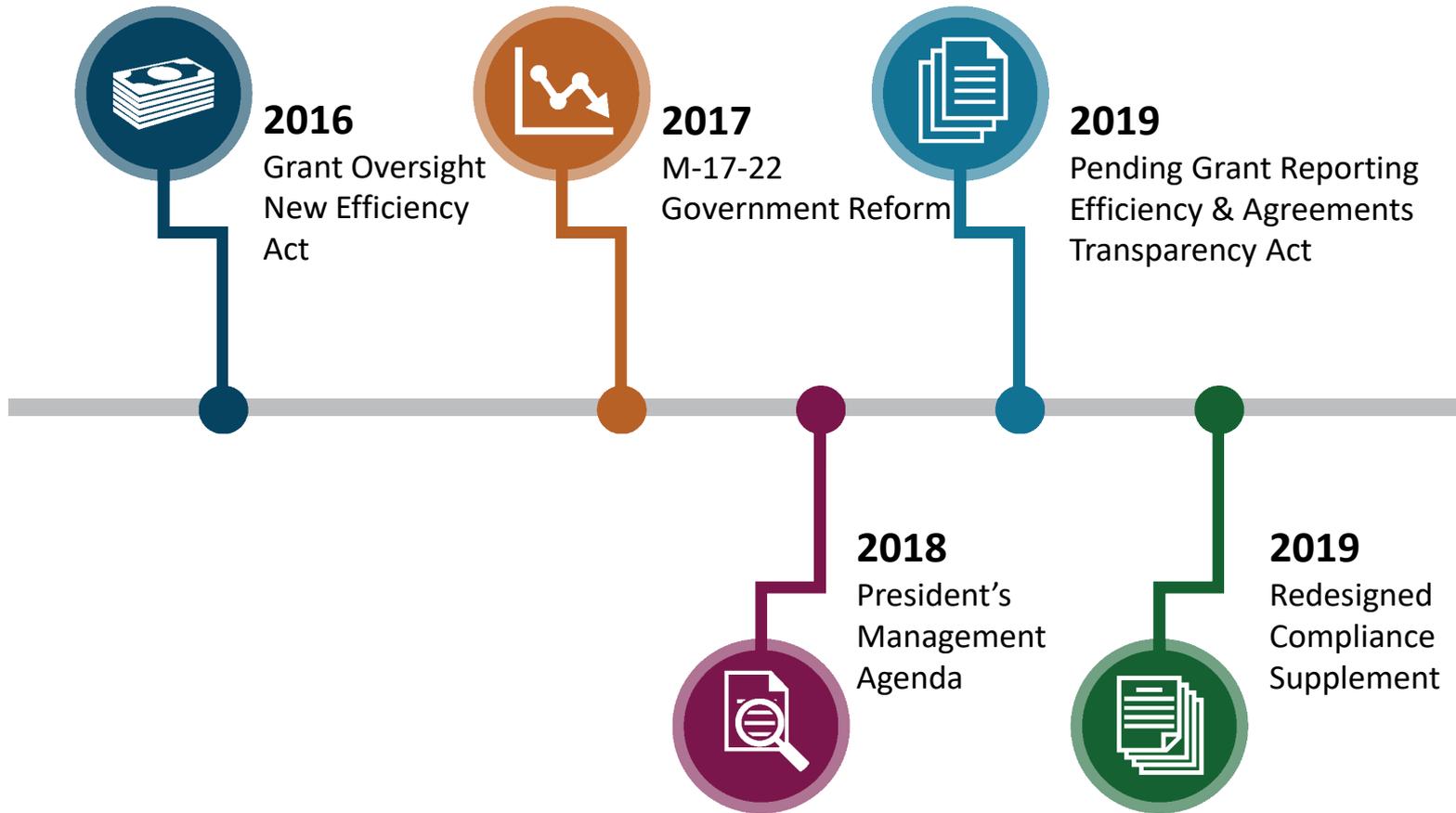
## Public Laws and Other Actions



## Public Laws and Other Actions



## Public Laws and Other Actions



## Legislation and Digital Assets

Date	Name	Website
1999	FFAMIA	<a href="http://www.grants.gov">www.grants.gov</a>
2006	FFATA	<a href="http://www.usaspending.gov">www.usaspending.gov</a>
2009	ARRA	<a href="http://www.recovery.gov">www.recovery.gov</a>
2009	NDAA	<a href="http://www.FAPIIS.gov">www.FAPIIS.gov</a>
2010	IPERA	<a href="http://www.paymentaccuracy.gov">www.paymentaccuracy.gov</a>
2012	CCR/others	<a href="http://www.SAM.gov">www.SAM.gov</a>
2014	DATA Act	<a href="http://www.usaspending.gov">www.usaspending.gov</a> (beta) & <a href="http://www.fedspendingtransparency.github.io">www.fedspendingtransparency.github.io</a>



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## Executive Orders (EOs)

-  An executive order delivers a statement or proclamation from the White House on a wide variety of matters from naming a statue to significant domestic actions.



## Executive Orders (EOs)

 EOs have the force of law, but bypass Congress.



## Executive Orders (EOs)



### Lincoln

Emancipation Proclamation



### Truman

Integrated Armed Forces



### GW Bush

Restricted Public Access to Papers



### Obama

Rescinded it



## EOs that Impact Financial Assistance

EO	Description
EO 12549	Suspension and Debarment
EO 13450	Improving Program Performance
EO 13520	Reducing Improper Payments
EO 13576	Delivering an Efficient Government
EO 13642	Open Machine-Readable Formats



## Presidential Memos

-  The White House issues memos (through OMB) to federal agencies to take action on a matter.



## Presidential Memos



### Clinton

Y2K readiness



### GW Bush

Agencies to post on Grants.gov



### Obama

Report metrics of Uniform Guidance



### Trump

Rescinded metrics of Uniform Guidance



## Memos that Impact Financial Assistance

Memo	Description
M-11-31	Delivering an Efficient Government
M-12-01	Council on Financial Assistance Reform
M-12-02	Suspension and Debarment
M-14-17	Improving Shared Services
M-19-16	Shared Services



## Uniform Guidance Updates

Regulations, legislation, and other actions cause updates to Uniform Guidance:



- Improper payments, waste, fraud and abuse
- Risk-based management
- Performance and results
- Accountability and transparency
- Data standards and data analytics



The Uniform Guidance has been, and will continue to be, updated since its first release.

1

DUNS replaced with unique entity identifier

2

FAPIS provisions added (200.212, App XII)

3

Procurement revised



## **\*\*Recent News: Bye Bye DUNS\*\***

 July 10, 2019 Federal Register (84 FR 32916).

-  GSA announcement.
-  Unique Entity Identifier (UEI) considered final.
-  Phase-out of DUNS through 2020.
-  Non-proprietary 12-digit number.
-  Assigned at SAM.gov renewal.
-  Login.gov authentication.
-  Article: <https://kanoco.com>.

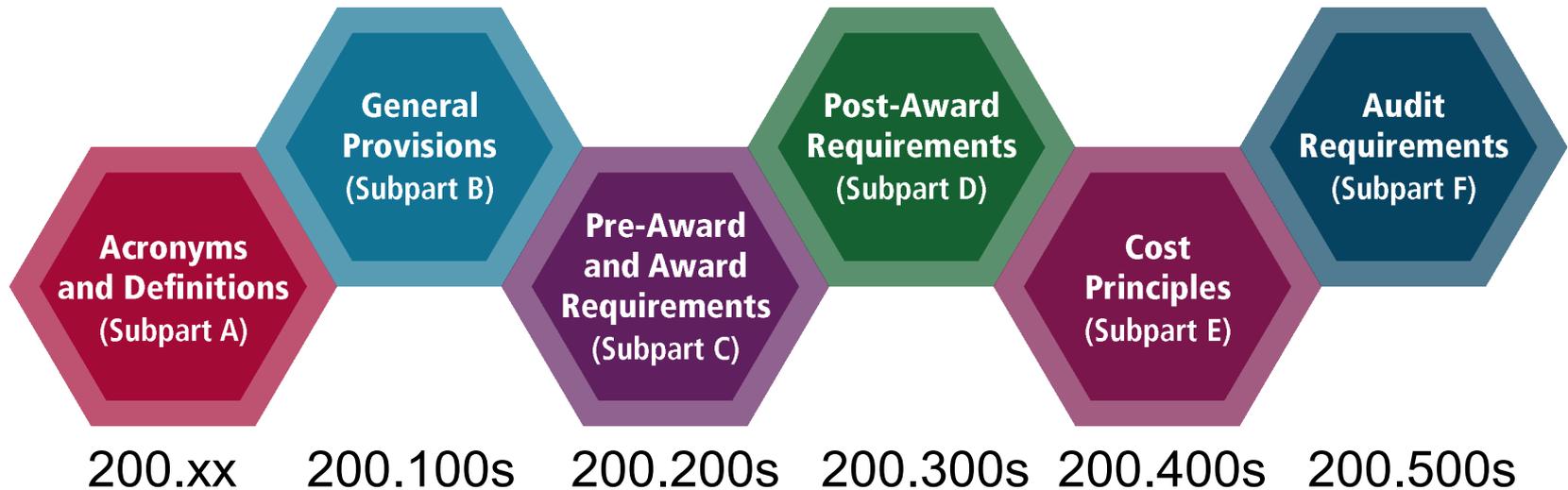


## Structure of the Uniform Guidance

-  Two over-riding priorities:
-  Reduce administrative burden.
  -  Prevent waste, fraud, and abuse.



## Structure of 2 CFR 200



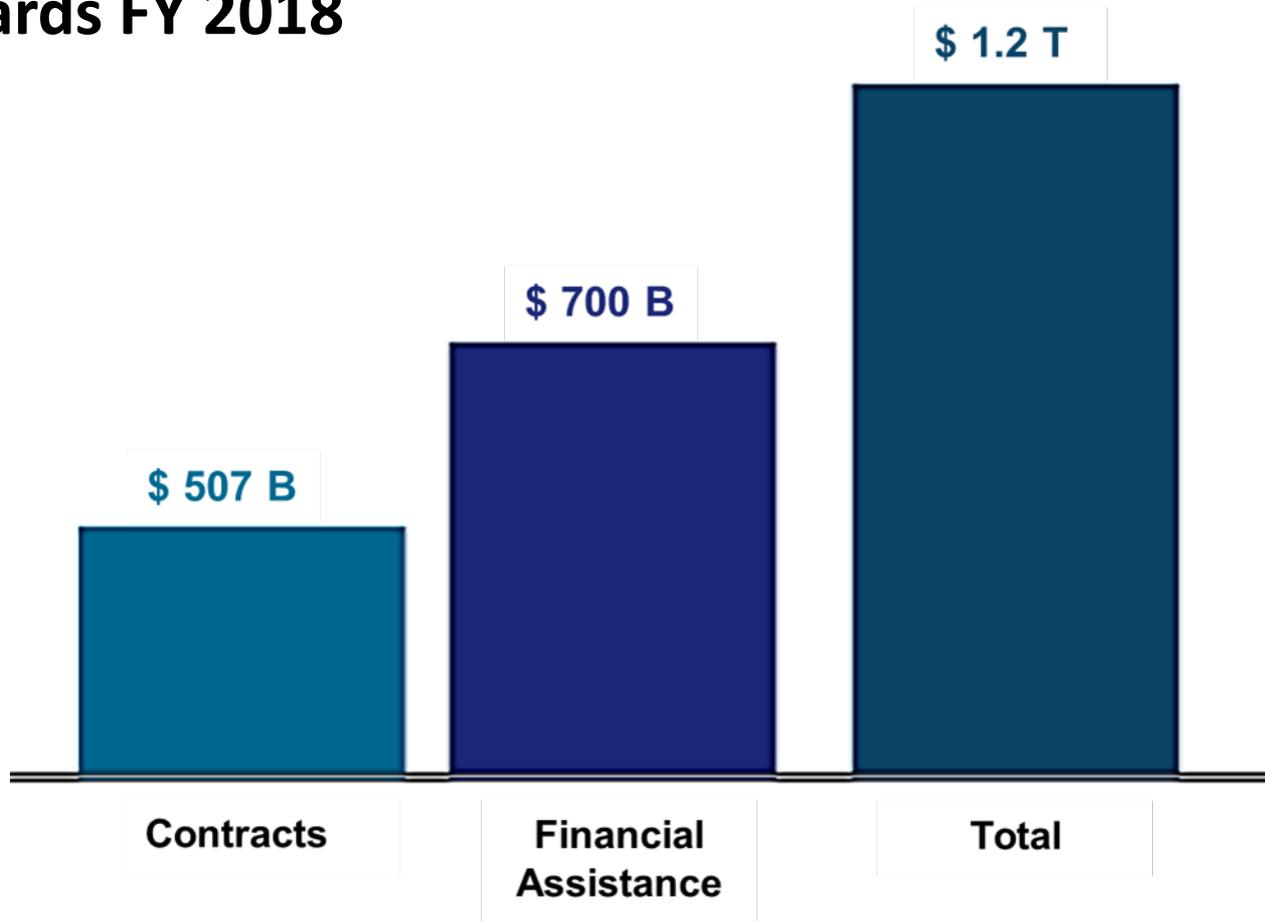
12 Appendices



## Funding Levels and Risk



## Awards FY 2018

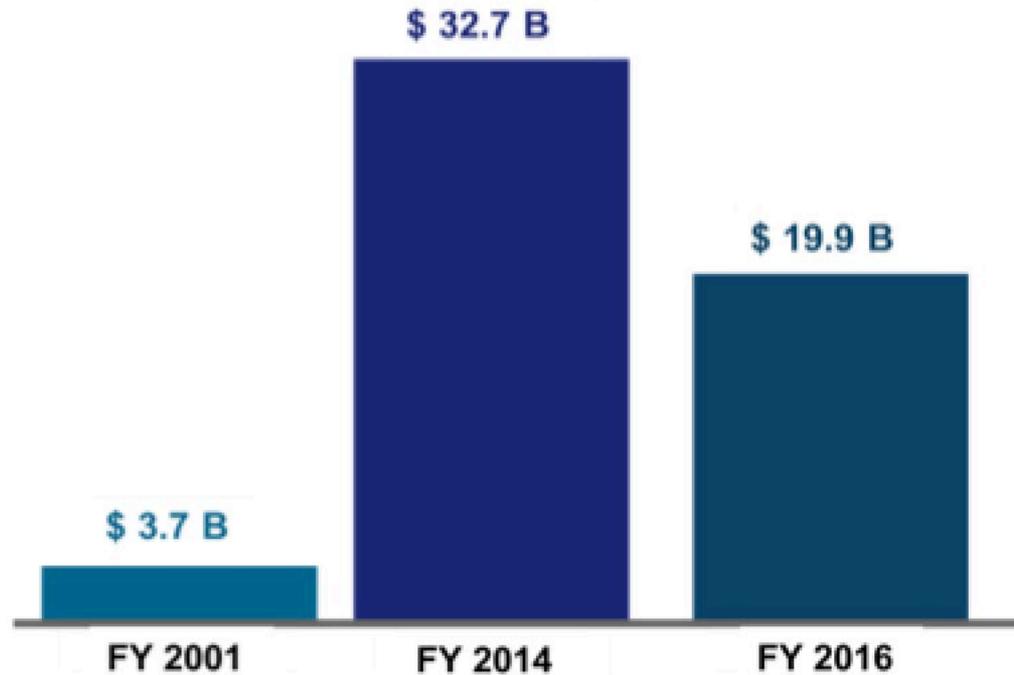


## Here's the Issue: Improper Payments

Year	Improper Payments
2012	\$108 billion
2013	\$106 billion
2014	\$125 billion
2015	\$137 billion
2016	\$144 billion
2017	\$141 billion



## Recovery of Improper Payments



 Council of State of Kansas

## Recovery of Improper Payments



The need for greater stewardship of federal funds and the risk of waste, fraud, and abuse have resulted in recovery audits.



## Identify Updates Across the Full Grants Lifecycle



## Metrics for Uniform Guidance

-  200.109 metrics every five years.
-  M-14-17 reaffirmed metrics.
-  M-17-16 rescinded metrics (and COFAR).



## Grants.gov

-  M-18-24.
-  Phase-out of SF 424b Form (assurances).
-  Assurances transition from Grants.gov to SAM.gov.
-  Security and privacy enhancements.
-  Possible migration to cloud-hosting environment.



## Catalog of Federal Domestic Assistance

-  Provision 200.203 Grant Announcements.
-  CFDA becomes Assistance Listings.
-  Old website [www.cfda.gov](http://www.cfda.gov).
-  New website <https://beta.sam.gov>.



## Procurement

-  Provision 200.110 Effective Date.
-  Three-fiscal year grace period ended FY 2018.
-  FY 2019 first year all nonfederal entities must follow the procurement provisions (200.317-200.326).



## Procurement Thresholds



- 🏛️ NDAA 2017 and 2018 raised procurement thresholds.
  - 🏛️ Micro-purchase from \$3,500 to \$10,000.
  - 🏛️ Simplified Acquisition Threshold from \$150,000 to \$250,000
- 🏛️ However...



## Procurement Thresholds



-  FAR not yet updated
-  Uniform guidance not yet updated.
-  M-18-18 allows use of new thresholds in advance of updates.



## Improving Shared Services

-  M-16-11, replaced by M-19-16.
-  President's Management Agenda CAP Goal 5.
-  PMA initiated a Unified Shared Services Management (USSM) model across agencies.



## Improving Shared Services

### Shared services model:

-  Federal cloud computing.
-  Federal financial reporting.
-  Federal grants management (426 proposed standard data elements).



## Improving Shared Services

### Shared services model (cont):

-  Created Federal Business Integrated Framework.
-  FBIF to review and approve 426 data elements.
-  Shared services policy officer within OMB.
-  Shared services governance board.



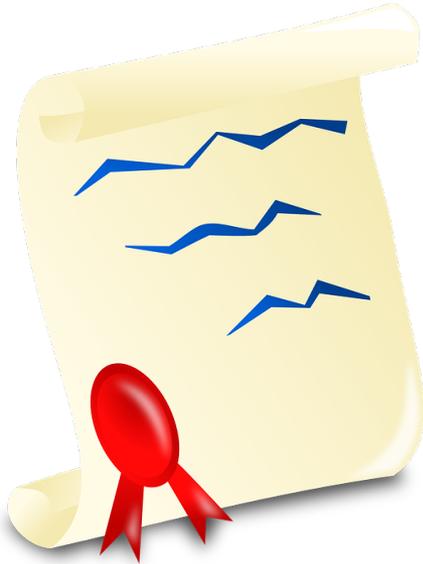
## Improving Shared Services

### Shared services model (cont):

-  Launched [www.ussm.gsa.gov](http://www.ussm.gsa.gov) under GSA.
-  Related to 200.318(e) procurement shared services.
-  Other possible updates to uniform guidance?



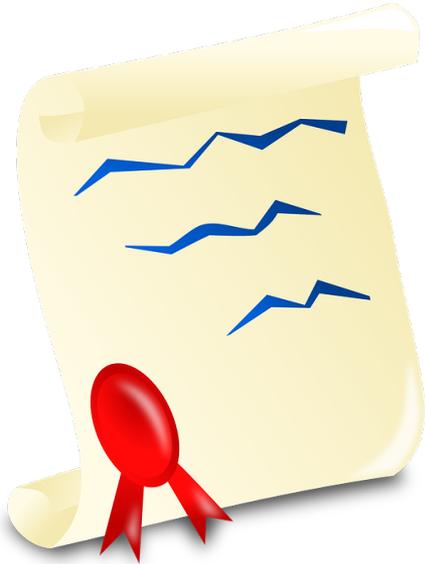
## Grant Reporting



-  Grant Reporting Efficiency and Agreements Transparency (GREAT) Act.
-  Passed House, in Senate.
-  Will it be enacted?



## Proposed GREAT Act



-  Government-wide data standards in one year.
-  New standards in two years.
-  Grant reporting on government website.



## Risk Management

 M-16-17.

 OMB Circular A-123 Enterprise Risk Management and Internal Controls.

 Work with a risk-based strategy.

 Improve accountability.

 Internal controls 200.303.



## Five Components of Internal Control

Control Environment	Risk Assessment	Control Activities	Information & Communication	Monitoring Services
<ol style="list-style-type: none"> <li>1. Demonstrates commitment to integrity and ethical values</li> <li>2. Exercises oversight responsibility</li> <li>3. Establishes structure, authority, and responsibility</li> <li>4. Demonstrates commitment to competence</li> <li>5. Enforces accountability</li> </ol>	<ol style="list-style-type: none"> <li>6. Specifies suitable objectives</li> <li>7. Identifies and analyzes risk</li> <li>8. Assesses fraud risk</li> <li>9. Identifies and analyzes significant change</li> </ol>	<ol style="list-style-type: none"> <li>10. Selects and develops control activities</li> <li>11. Selects and develops general controls over technology</li> <li>12. Deploys through policies and procedures</li> </ol>	<ol style="list-style-type: none"> <li>13. Uses relevant, quality information</li> <li>14. Communicates internally</li> <li>15. Communicates externally</li> </ol>	<ol style="list-style-type: none"> <li>16. Conducts ongoing and/or separate evaluations</li> <li>17. Evaluates and communicates deficiencies</li> </ol>  <p>CHANGING <b>Maryland</b> FOR THE BETTER</p>

## 2019 Compliance Supplement



-  Reduce administrative burden.
-  Decrease compliance tests from 12-6 per program.
-  Part 2 Matrix.



## Data – Machine-Readable Formats

-  M-13-13 data must be accessible
-  EO 13642 open formats become the default.
-  200.335 open machine-readable formats.
-  CAP Goal 2.



## Data – OPEN Data Act

 OPEN Data Act (PL 115-435).

 Enacted Jan. 14, 2019

 OMB and GAO to publish reports in one year.

 GSA to maintain Federal Data Catalog.



## OPEN Data Act

 Part of Foundations for Evidence-Based Policy-Making Act.

 Three Titles:

 Title I: Federal Evidence-Building Activities.

 **Title II: Open, Public, Electronic, and Necessary (OPEN) Government Data Act.**

 Title III: Confidential Information Protection and Statistical Efficiency



## Standard Data Elements for Grants Management



426 proposed  
data standards  
for grants

Nov. 16, 2018  
Federal  
Register Notice



M-18-24

Agencies to  
submit plans to  
integrate new  
data standards



Data standards  
to be finalized  
by the Federal  
Integrated  
Business  
Framework  
(FIBF)

<https://grantsfeedback.cfo.gov/data-elements.html>

## Federal Data Strategy

-  Leverage the value of federal data.
-  Promote public use of federal data.
-  Manage and protect data.
-  Support transparency.



## M-19-01 Feedback on Federal Data Strategy



Connect  
federal  
spending to  
outcomes



Address  
PMA cross-  
agency  
priority  
goals  
(CAP 2)



Publish  
principles in  
the Federal  
Register



## Plan to Reform Federal Civilian Workforce

 M-17-22, CAP Goal 3, EO 13781.

1

Agencies to submit plans in their  
FY 2019 budget requests

2

Related to EO 13781 about  
reforming government



## Reductions in Workforce May Affect Grants

3

Recommends shifts and reductions in financial assistance programs

a

Merge Education Department with Labor

b

Move USDA nutrition assistance to HHS

c

Move USDA housing programs to HUD



## Other Workforce Reforms

-  CAP Goal 3 – Workforce.
-  CAP Goal 5 – Shared services.
-  FEMA funding for emergency relief (hurricanes, natural disasters) to be shifted for border security.
  -  Obama administration.
  -  Trump administration.



## M-19-16 – Shared Services

-  CAP Goal 5.
-  Identification of opportunities for shared services government-wide to improve efficiency.
-  Federal website <http://ussm.gsa.gov>.
-  Rescinds M-16-11.



## M-19-18 Federal Data Strategy

 CAP Goal 2 – Data, Accountability.

 To better use and manage federal data:

 Mission

 Principles

 Practices

 To build a culture that values data and promotes public use.



## M-19-23

-  Foundations for Evidenced-Based Policy-Making Act of 2018.
-  Title II – OPEN Data Act.
-  Development of an open data plan.
  -  Make federal data accessible to the public.
  -  Support financial management.



## Maryland-2018-SB 1045

 Federal *de minimis* rate of 10 percent can also be used by nonprofits for Maryland funding.

 Effective May 15, 2018.

 Modified Total Direct Costs.

 <https://legiscan.com/MD/text/SB1045/id/179806>  
2.



## Resources To Stay Up To Date



## Websites for Additional Information

 Grants.gov blog at <https://blog.grants.gov>.

 Grant Professionals Association at <https://www.grantprofessionals.org>.

 National Grants Management Association at <https://www.ngma.org>.

 Maryland Governor's Grants Office at <https://grants.maryland.gov/Pages/home-page.aspx>.

 Kanoco articles at <https://kanoco.com>.

## SUMMARY:

- 426 data standards.
- Agency plans to integrate new data standards.
- Agency feedback on Federal Data Strategy.
- OPEN Data Act.
- Phase-out of SF 424b Assurances.
- SAM.gov assurances.
- Federal civilian workforce reform.



## SUMMARY:

- Procurement thresholds.
- No metric reporting for uniform guidance.
- Redesigned annual compliance supplement.
- Shared services.
- DUNS Number Phase-out by 2020.



## Q & A



## Friendly Disclaimer

Please be reminded:

*This presentation is intended to provide general information and does not constitute legal or financial advice. Please consult with your legal and financial advisors. I hope, however, that the information helps provide some insights as you further pursue your work in the grants community.*



## Prepared For



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Maryland Governor's  
Grants Office.



Annual Conference.



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## Prepared By

knco  
k a n o c o





*Karen Norris, Principal*



A Karen Norris Company  
Guidance you trust.

[knorris@kanoco.com](mailto:knorris@kanoco.com)

<https://kanoco.com>

301-613-1277

\*Subject matter expert\*

\*Federal grants compliance, consulting, writing, editing\*

