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
A Few Words

The uniform guidance is a living document.

Revisions occur over time as new legislation and other requirements are implemented.
Learning Objective #1

Key Federal Regulations, Legislation, and Other Actions
LO1: Key Regulations

Federal Regulations that Govern Grants

1. Program statute (USC)
   - A. Public law
   - B. Authorization

2. Federal agency regulation (CFR)

3. Uniform Guidance (CFR)
Other Federal Actions

1. Other public laws or legislation
2. Executive Orders
3. Presidential Memos
LO1: Key Regulations

Public Laws and Other Actions

1977
Federal Grants & Cooperative Agreement Act

1999
Federal Financial Assistance Management Improvement Act

2006
Federal Funding Accountability & Transparency Act

2009
EO 23120 Reducing Improper Payments
National Defense Authorization Act FAPIIS
American Reinvestment & Recovery Act

2010
Improper Payments Elimination & Recovery Act
LO1: Key Regulations

Public Laws and Other Actions

2011
M-12-01
Council on Financial Assistance Reform

2012
Improper Payments Elimination & Recovery Improvement Act

2014
Digital Accountability & Transparency Act

2013/2014
Uniform Guidance

2015
National Defense Authorization Act FAPIIS
Public Laws and Other Actions

2016
Grant Oversight New Efficiency Act

2017
M-17-22 Government Reform

2018
President’s Management Agenda

2019
Pending Grant Reporting Efficiency & Agreements Transparency Act

2019
Redesigned Compliance Supplement
## Legislation and Digital Assets

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Website</th>
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<tbody>
<tr>
<td>1999</td>
<td>FFAMIA</td>
<td><a href="http://www.grants.gov">www.grants.gov</a></td>
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<td>2006</td>
<td>FFATA</td>
<td><a href="http://www.usaspending.gov">www.usaspending.gov</a></td>
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<tr>
<td>2009</td>
<td>ARRA</td>
<td><a href="http://www.recovery.gov">www.recovery.gov</a></td>
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<td>2009</td>
<td>NDAA</td>
<td><a href="http://www.FAPIIS.gov">www.FAPIIS.gov</a></td>
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<tr>
<td>2010</td>
<td>IPERA</td>
<td><a href="http://www.paymentaccuracy.gov">www.paymentaccuracy.gov</a></td>
</tr>
<tr>
<td>2012</td>
<td>CCR/others</td>
<td><a href="http://www.SAM.gov">www.SAM.gov</a></td>
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</table>
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

<table>
<thead>
<tr>
<th>EO</th>
<th>Description</th>
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<tbody>
<tr>
<td>EO 12549</td>
<td>Suspension and Debarment</td>
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<tr>
<td>EO 13450</td>
<td>Improving Program Performance</td>
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<tr>
<td>EO 13520</td>
<td>Reducing Improper Payments</td>
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<tr>
<td>EO 13576</td>
<td>Delivering an Efficient Government</td>
</tr>
<tr>
<td>EO 13642</td>
<td>Open Machine-Readable Formats</td>
</tr>
</tbody>
</table>
Presidential Memos

The White House issues memos (through OMB) to federal agencies to take action on a matter.
LO1: Key Regulations

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

<table>
<thead>
<tr>
<th>Memo</th>
<th>Description</th>
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<tbody>
<tr>
<td>M-11-31</td>
<td>Delivering an Efficient Government</td>
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<tr>
<td>M-12-01</td>
<td>Council on Financial Assistance Reform</td>
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<tr>
<td>M-12-02</td>
<td>Suspension and Debarment</td>
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<tr>
<td>M-14-17</td>
<td>Improving Shared Services</td>
</tr>
<tr>
<td>M-19-16</td>
<td>Shared Services</td>
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</table>
LO1: Key Regulations

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. FAPIIS provisions added (200.212, App XII)
3. Procurement revised
**Recent News: Bye Bye DUNS**

  - 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](https://kanoco.com).
Structure of the Uniform Guidance

Two over-riding priorities:

- Reduce administrative burden.
- Prevent waste, fraud, and abuse.
LO1: Key Regulations

Structure of 2 CFR 200

- Acronyms and Definitions (Subpart A)
- General Provisions (Subpart B)
- Pre-Award and Award Requirements (Subpart C)
- Post-Award Requirements (Subpart D)
- Cost Principles (Subpart E)
- Audit Requirements (Subpart F)

200.xx  200.100s  200.200s  200.300s  200.400s  200.500s

12 Appendices
Learning Objective #2

Funding Levels and Risk
LO2: Funding and Risk

Awards FY 2018

- Contracts: $507 B
- Financial Assistance: $700 B
- Total: $1.2 T
Here’s the Issue: Improper Payments

<table>
<thead>
<tr>
<th>Year</th>
<th>Improper Payments</th>
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<tr>
<td>2012</td>
<td>$108 billion</td>
</tr>
<tr>
<td>2013</td>
<td>$106 billion</td>
</tr>
<tr>
<td>2014</td>
<td>$125 billion</td>
</tr>
<tr>
<td>2015</td>
<td>$137 billion</td>
</tr>
<tr>
<td>2016</td>
<td>$144 billion</td>
</tr>
<tr>
<td>2017</td>
<td>$141 billion</td>
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</table>
LO2: Funding and Risk

Recovery of Improper Payments

- FY 2001: $3.7 B
- FY 2014: $32.7 B
- FY 2016: $19.9 B
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.
Learning Objective #3

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).
LO3: Updates

Grants.gov

- 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.
LO3: Updates

Catalog of Federal Domestic Assistance

- Provision 200.203 Grant Announcements.
- CFDA becomes Assistance Listings.
- Old website www.cfda.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).
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...
LO3: Updates

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?
LO3: Updates

Proposed GREAT Act

- Government-wide data standards in one year.
- New standards in two years.
- Grant reporting on government website.
LO3: Updates

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

<table>
<thead>
<tr>
<th>Control Environment</th>
<th>Risk Assessment</th>
<th>Control Activities</th>
<th>Information &amp; Communication</th>
<th>Monitoring Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Demonstrates commitment to competence</td>
<td>9. Identifies and analyzes significant change</td>
<td></td>
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<tr>
<td>5. Enforces accountability</td>
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</tr>
</tbody>
</table>
LO3: Updates

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.
LO3: Updates

OPEN Data Act

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

Three Titles:

- Title I: Federal Evidence-Building Activities.
- Title III: Confidential Information Protection and Statistical Efficiency
Standard Data Elements for Grants Management

LO3: Updates

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
LO3: Updates

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.
- 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 promote public use.
LO3: Updates

M-19-23

- 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.
Learning Objective #4

Resources To Stay Up To Date
LO4: Resources

Websites for Additional Information

- Grant Professionals Association at [https://www.grantprofessionals.org](https://www.grantprofessionals.org).
- Maryland Governor’s Grants Office at [https://grants.maryland.gov/Pages/home-page.aspx](https://grants.maryland.gov/Pages/home-page.aspx).
- Kanoco articles at [https://kanoco.com](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.
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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