



Current Trends in Policy – What's new?

Berta Schreiber
Director
Office of Policy MA-61



New Uniform Financial Assistance Regulations

- DOE's financial assistance regulatory framework and environment have changed.
- In December, OMB issued new uniform regulations for financial assistance that combined previous OMB circulars under one set of regulations.
- Key word – Uniform



New Uniform Financial Assistance Regulations

- OMB states the purpose of the new uniform guidance is to:
 - 1) streamline guidance for Federal awards; and
 - 2) strengthen oversight over Federal funds to reduce risks of waste, fraud, and abuse.
- OMB states further, “The revised rules set **standard** requirements for financial assistance across the entire Federal government.”



New Uniform Financial Assistance Regulations

- Major Change for DOE – agency flexibility
- Federal agencies must not impose additional or inconsistent requirements, unless:
 - Requirement is based on Federal statute, regulation, or Executive Order
 - OMB permits an exception
 - Exceptions for classes of awards will be publically posted at the OMB website.



New Uniform Financial Assistance Regulations

- Only exceptions and clarifications to 2 CFR Part 200 contained in Part 910 were:
 - Regulatory requirements specific to EPACT awards
 - Research misconduct coverage
 - Coverage of Disputes and Appeals
 - Guidance specifically for awards to For-Profits including:
 - Real Property & Equipment
 - IP Rights
 - Audits
 - Profit/Fee for SBIR
- These areas were previously covered in 10 CFR Part 600



New Uniform Financial Assistance Regulations

- New Issues & Questions Reported by Field Offices:
 - Risk evaluation: Agency must evaluate applicant risk before award. Implementation questions:
 - 1) prior to selection (would be burdensome due to volume); or
 - 2) after selection, but prior to award.

Many offices have existing processes for determining technical and business risk.



New Uniform Financial Assistance Regulations

- Application of the new de minimus indirect rate. This will need to be in the FOAs and will need guidance on parameters of when and how to apply it.

- Agencies required to develop a baseline, metrics, and targets to track, over time, the effectiveness of the Agency's follow-up on audit findings, effectiveness of Single Audits in improving management of financial assistance programs and non-Federal entity accountability.



New Uniform Financial Assistance Regulations

- Replaced OMB Circulars including A102 and A110.
- For DOE, 10 CFR 600 has been replaced by 2 CFR Part 910 which adopted and codified the new 2 CFR Part 200.



New Uniform Financial Assistance Regulations

- The requirements and cost principles will apply to new awards and renewals made on or after December 26, ,2014.
- Indirect rate agreements remain in place until they expire.



New Uniform Financial Assistance Regulations

The new government-wide regulations are available at:

<http://www.gpo.gov/fdsys/pkg/FR-2013-12-26/pdf/2013-30465.pdf>

The regulations were implemented by all Federal agencies in a combined notice:

<https://www.federalregister.gov/articles/2014/12/19/2014-28697/federal-awarding-agency-regulatory-implementation-of-office-of-management-and-budgets-uniform>

FAQS are posted on the Committee on Financial Assistance Reform (COFAR) web site:

<https://cfo.gov/cofar/>

If you have any questions regarding the new circular and the latest FAQs your questions should be submitted to Ellen Colligan at ellen.colligan@hq.doe.gov or Jackie Kniskern at jacqueline.kniskern@hq.doe.gov.



Management & Operating (M&O) Contract Model

- Two initiatives are being undertaken to assess whether DOE can develop a more efficient M&O contract model:
 - Evolutionary approach: The Office of Science is leading an initiative to develop an M&O model that improves laboratory effectiveness by refining contract requirements for SC single-program labs.
 - Revolutionary approach: A second initiative has been proposed to take a clean sheet of paper approach to develop a new contracting model for SLAC that combines the best attributes of the M&O contracting and cooperative agreement models.