

What is Title 2?

- 2 Code of Federal Regulations (CFR) 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- Issued by the Office of Management and Budget (OMB)
- Requirements apply to Federal agencies that make Federal awards to non-Federal entities
- Requirements are applicable to all costs related to Federal awards
- Originally Issued in January 2014



Approach for Updates

- Updates at this time are limited in scope
 - Support implementation of President's Management Agenda Results-oriented Accountability for Grants CAP Goal and other Administration priorities;
 - meet statutory requirements and to align with other authoritative source requirements
 - clarify existing requirements.
- Over the past year, OMB has worked with agencies to draft and review changes
- NIH provided comments and recommendations via HHS
- Updates published 8/13/20
- Most changes will be effective November 12



How we implement at NIH

Statute

- Legislation
- No deviations, all must comply with law

We are here!

Regulation

- 2 CFR 200
- HHS Implements at 45 CFR 75

HHS Policy

- HHS Grants Policy Administration Manual (GPAM)

NIH Policy

- NIH Grants Administration Manuals implement the HHS GPAM
- NIH Grants Policy Statement



Where are we now?



- Changes to 2 CFR 200 published August 2020 will be effective this November
- HHS will implement the changes in 45 CFR 75 – Uniform Administrative Requirements, Cost Principles and Audit Requirements for HHS Awards
- NIH is reviewing all updates and analyzing with current NIH policy
- Changes will be incorporated into the upcoming FY 2021 updates to the NIH Grants Policy Statement



Wins for the Extramural Research Community



National Institutes of Health



Micro-purchase and Simplified Acquisition Threshold

- Original regulation included specific dollar thresholds for Micro-purchase and Simplified Acquisition Threshold
- Both thresholds were updated in 2018
 - Micropurchase: \$10,000
 - Simplified Acquisition: \$250,000
- Updated regulation refers to the Federal Acquisition Regulation ([48 CFR part 2](#)) rather than referencing specific dollar amounts
 - *2 CFR 200.320 Methods of procurement to be followed.*
- Minimizes the need for future regulatory updates, as dollar amounts change



Subrecipient Monitoring

- Clarify that pass-through entities (PTE) are responsible for addressing only a subrecipient's audit findings that are specifically related to their subaward
- NIH and NSF collaborated to develop this updated language for our recipient community
- 200.332 Requirements for pass-through entities
 - The pass-through entity must not require use of a de minimis indirect cost rate if the subrecipient has a Federally approved rate.
 - The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving cross-cutting findings.



Closeout

- Updates to *200.344 Closeout*
- Based on lessons learned from the Grants Oversight and New Efficiency Act (GONE Act)
- NIH recommended these changes to HHS and OMB
- Increases number of days to submit closeout reports fed-wide to 120 days (no change for NIH)
- Increasing overall timeframe for closing awards to one year after the period of performance
 - Current HHS deadline 270 days



Overview of Changes



Definitions

- New definitions added to capture commonly used terms not previously defined in regulation
- Existing definitions updated to standardize use across all parts of 2 CFR and make terms more consistent

New Definitions	Updated Definitions
Budget Period	Improper payment
Discretionary Award	Internal controls
Highest Level Owner	Micro purchase
Non-discretionary Award	Oversight agency for audit
Notice of Funding Opportunity	Period of performance
Renewal	Recipient
Subsidiary	Simplified acquisition threshold



Performance

- One new section (program planning and design) along with updates made throughout related to establishing and tracking performance
 - *200.202 Program planning and design *new section**
 - *200.301 Performance Measurement *updated section**
 - *200.329 Monitoring and reporting program performance *updated section**
- **Must design programs with clear goals and objectives**
- Agencies must measure the recipient's performance to show achievement of program goals and objectives
- Performance measures may differ depending on the type of program
 - For discretionary research awards performance reporting will be limited to the requirement to submit technical performance reports (for NIH this is the RPPR).



Standard Data Elements

- Language added to reference forthcoming OMB data standards
- These Federal-wide data standards are currently in draft
- *200.207 Standard Application Requirements*
 - Application information collections must be approved by OMB under the paperwork reduction act **and in alignment with the OMB-approved governmentwide data elements**
- *200.328 Financial reporting*
 - Awarding agencies **must** solicit only the OMB-approved governmentwide data elements for collection of financial information



Prohibition on certain telecommunications and video surveillance services or equipment

- New section – effective August 13, 2020 (NIH working with HHS and others to determine impact and compliance requirements)
- *200.216 Prohibition on certain telecommunications and video surveillance services or equipment.*
 - Grant, cooperative agreement, and loan recipients are prohibited from using government funds to enter into contracts (or extend or renew contracts) with entities that use covered technology. See section 889 of [Public Law 115-232](#) (National Defense Authorization Act 2019).
- Covered telecommunications equipment or services includes equipment or services provided by several companies outlined in the legislation (e.g. Huawei, ZTE Corporations, Hytera Communications, etc.)



Domestic Preference for Procurements

- New section implements Buy American Hire American Executive Orders
 - EO 13788 Buy American and Hire American
 - EO 13858 January 21, 2019 Executive Order on Strengthening Buy-American Preferences for Infrastructure Projects
- *200.322 Domestic preferences for procurements*
 - Non-Federal entities should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).
 - The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.



Termination

- Changes to *200.345 Termination* were effective August 13, 2020
- Updated to strengthen the ability of the Federal awarding agency to terminate Federal awards when the Federal award no longer effectuates the program goals or Federal awarding agency priorities.
- The Federal award may be terminated in whole or in part as follows:
 - Failure to comply with terms and conditions
 - **If an award no longer effectuates the program goals or agency priorities**
 - Bi-lateral termination
 - Upon sending written notification setting out the reasons, effective date and, if partial, the portion to be terminated
 - Pursuant to termination provisions included in the Federal award



Looking Forward

- HHS will update 45 CFR 75
- NIH will update Grants Policy Statement this fall (Oct/Nov)
- Got questions?
 - Division of Grants Policy grantspolicy@nih.gov
 - Division of Grants Compliance and Oversight grantscompliance@nih.gov
 - Systems Policy Branch operasystemspolicy@nih.gov

