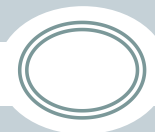


Agency Updates from EPA

**FEDERAL DEMONSTRATION PARTNERSHIP
SEPTEMBER 22, 2016**



Updates



Prior Approval

FY 2017 Priorities

GAO Audit Results

DOL Overtime Rule

Prior Approval

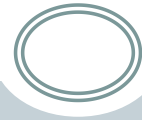


Prior Approval



- With the implementation of the Uniform Grants Guidance (UGG), there are distinct areas that require prior approval. [2 CFR 200.308](#), *Revision of budget and project plans*, outlines the instances where prior approval from the agency is required. Section 200.308 differs from previous regulations by indicating that prior approval cannot be waived for changes to project scope and objectives.
- UGG cost principles (see [2 CFR 200.407](#)) also contain provisions for prior approval of selected items of costs.

Prior Approval



- EPA regulations for Continuing Environmental Program (CEP) grants at 40 CFR 35.114 and 35.514, *Amendments and other changes*, detail specific areas where prior approval is required. These are less restrictive than the requirements of the UGG. For example, under 40 CFR 35.114, recipients generally do not have to obtain prior approval for changes except for significant changes in work plan commitments.
- The CEP regulations also provide that the Regional Administrator may waive in writing approval requirements contained in OMB cost principles.
- Further, the CEP regulations also indicate that formal amendments are required for changes requiring grant amount increases or project period extensions.

Prior Approval



- Under [Delegation of Authority 1-14A](#), except where a regulation provides otherwise, decisions/approvals required by financial assistance regulations are reserved to EPA Award officials and may be redelegated to Grants Management Officers.
- In response to an OIG report on Leaking Underground Storage Tank cooperative agreements, OGD committed to the OIG to develop agency-wide guidance on workplans changes.

Implementing Prior Approval



- EPA workgroup identified all areas in grant regulations that require or provide the agency discretion to waive prior approval
- Currently working to determine if EPA wants to keep prior approval or waive prior approval based on:
 - Business Process, recipient/agency staff burden, oversight of federal funds

Implementing Prior Approval



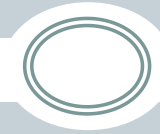
| | | |
|--|---|---|
| Change in period of performance (increase/extension) | Formal Amendments GPI 2 CFR 200.308(d)(2) 40 CFR 35.114(b) and 40 CFR 35.514(b) | Prior Approval |
| Research Awards: one time 12 no cost extension | Formal Amendments GPI 2 CFR 200.308(d)(4) (40 CFR 40.125-1(b)) | Notification |
| Change in period of performance (decrease) | Closeout Regulations in UGG 2 CFR 200.343 | No Action completed/compliance assessed at closeout |
| Carry forward of unpaid amounts of EPA funds obligated to the assistance agreement (carry over funds) or the recipient's unobligated cash balances to subsequent budget periods of performance | Formal Amendments GPI 2 CFR 200.308(c)(1)(viii) 2 CFR 200.308 (d) | Prior Approval |
| Research Awards: Carry-forward of unexpended balances to subsequent funding periods | Research and Research Related Prior Approval Matrix Research and Research Related T&C | Notification |

Prior Approval for Research and Research Related



- Current Prior Approval matrix for R&R awards for EPA will be updated during the larger Prior Approval process
- EPA does not anticipate major changes to Prior Approval for R&R awards from the current matrix

FY 2017 Priorities



FY 2017 Priorities



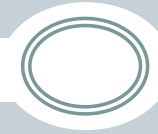
- **Implementing 2016-2020 Grants Management Plan**
 - <https://www.epa.gov/grants/united-states-environmental-protection-agency-grants-management-plan>
- **Goals include:**
 - **Maintain Effective Grants Management Policies**
 - **Streamline Grants Management Procedures**
 - **Foster a High-Quality Grants Management Workforce**
 - **Ensure Transparency and Accountability and Demonstrate Results**
 - **Evaluate Grants Management Performance**

FY 2017 Priorities



- **Develop/Finalize Grants Policy Framework**
- **Review of Policies against Framework**

GAO Engagements



GAO Engagements



- EPA has had a few GAO Engagements over the last year that involved grants management
- Most recently issued: GAO-16-530, Grants Management: EPA Could Improve Certain Monitoring Practices

Potential Changes to EPA Grants Management from GAO Report



- Long-term initiative to develop web-based portal for performance report submission
- Reduce duplicative reporting
- Revise/clarify EPA Policies
 - Clarify factors EPA Project Officers should consider when determining performance reports are consistent with EPA Environmental Results Order
 - Expand aspects of EPA Policy for categorical grants to all grants
 - ✦ Call for an explicit reference to the planned results in grantees' workplans and projected timeframes for completion

DOL Overtime Rule

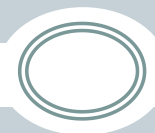


DOL Overtime Rule



- Check out www.dol.gov/overtime
- Specific information for States, Higher Education Institutions and Non-Profit Organizations
- Resources
- [Questions and Answers](#)
- Guidance for Employers
 - [General Guidance for Private Employers](#)
 - [Small Business Guide to White Collar Exemptions](#)
- Guidance for Non-Profits
 - [Fact Sheet](#)
 - [Non-Profit Guidance](#)
- Guidance for Higher Education
 - [Fact Sheet](#)
 - [Guidance for Higher Education Employers](#)
 - [NIH statement on overtime rule and postdoctoral researchers](#)
 - [Huffington Post: “Fair Pay for Postdocs” - Dr. Francis Collins, Director, NIH and Secretary Perez](#)
- Guidance for States and Local Governments
 - [Fact Sheet](#)

Contact Information



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