

114TH CONGRESS
2D SESSION

H. R. 5583

To streamline and harmonize Federal research regulations on institutions of higher education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2016

Mr. LIPINSKI (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HULTGREN) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To streamline and harmonize Federal research regulations on institutions of higher education, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “University Regulation
5 Streamlining and Harmonization Act of 2016”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The partnership between the Federal Gov-
2 ernment and institutions of higher education, affili-
3 ated medical centers, and independent research in-
4 stitutes has been enormously beneficial for the Na-
5 tion, providing economic growth, a highly skilled
6 workforce, and discoveries that have improved peo-
7 ple’s lives.

8 (2) Regulation of federally funded research in-
9 stitutions, when done efficiently, serves to ensure
10 that taxpayer dollars are spent wisely and that
11 human and animal research subjects are treated
12 ethically.

13 (3) A survey conducted by the Federal Dem-
14 onstration Partnership in 2012 found that 42 per-
15 cent of faculty time related to the conduct of feder-
16 ally funded research at research institutions is spent
17 on activities other than research, with 19.3 percent
18 specifically related to administrative activities.

19 (4) A study of the Federal regulatory impact on
20 institutes of higher education led by Vanderbilt Uni-
21 versity involving 13 public and private universities
22 estimated that the total cost of compliance with re-
23 search regulations for all research institutions
24 ranged from 11 to 25 percent of total research ex-

1 penditures and reached an estimated 10 billion dol-
2 lars across the country.

3 (5) Advances in technology, recordkeeping, and
4 internal controls allow awardees to document
5 charges to Federal awards for salaries and wages in
6 increasingly efficient ways, including through payroll
7 certification, which can increase accountability and
8 reduce burdens relative to personal activity reports.

9 (6) Past efforts by the Federal Government, in
10 particular through the Uniform Guidance imple-
11 mented by the Office of Management and Budget in
12 2014, have made progress in reducing regulatory
13 burdens. However, problems still remain as noted by
14 the National Academies’ report in September of
15 2015, which found that “continuing expansion of the
16 Federal regulatory system and its ever-growing re-
17 quirements are diminishing the effectiveness of the
18 nation’s research investment by directing investiga-
19 tors’ time away from research”.

20 (7) Streamlining research regulations and mov-
21 ing toward harmonized regulations based on data-
22 driven cost-benefit analyses across Federal research
23 funding agencies will help maximize the impact of
24 research dollars while minimizing waste, fraud, and
25 abuse.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) FEDERAL AGENCY.—The term “Federal
4 agency” has the meaning given the term “agency”
5 in section 551 of title 5, United States Code.

6 (2) FEDERAL RESEARCH FUNDING AGENCY.—
7 In this Act, the term “Federal research funding
8 agency” means a Federal agency that has an annual
9 extramural research budget of greater than 100 mil-
10 lion dollars.

11 (3) INSTITUTION OF HIGHER EDUCATION.—The
12 term “institution of higher education” has the
13 meaning given the term in section 101 of the Higher
14 Education Act of 1965 (20 U.S.C. 1001).

15 (4) RESEARCH INSTITUTION.—The term “re-
16 search institution” means an institution of higher
17 education, a medical center affiliated with an institu-
18 tion of higher education, independent research insti-
19 tution, or other nonprofit organization that receives
20 funding from a Federal research funding agency for
21 research purposes.

22 **SEC. 4. RESEARCH POLICY BOARD.**

23 (a) IN GENERAL.—Not later than one year after the
24 date of the enactment of this Act, the Director of the Of-
25 fice of Management and Budget, in coordination with the
26 Director of the Office of Science and Technology Policy,

1 shall establish a Research Policy Board (in this section
2 referred to as the “Board”) to review proposed Federal
3 regulations as well as major policies and guidance gov-
4 erning the conduct of scientific and engineering research
5 at research institutions.

6 (b) MEMBERSHIP.—The Board shall be composed of
7 no more than 15 members, including—

8 (1) representatives from nonprofit associations
9 representing research institutions;

10 (2) administrators from research institutions;

11 (3) stakeholders from the scientific and engi-
12 neering research community, including at least one
13 externally funded researcher who does not hold an
14 administrative position; and

15 (4) senior research policy officials from Federal
16 research funding agencies capable of addressing a
17 broad range of policy issues regarding the conduct
18 of academic research and with significant input into
19 that agency’s decisionmaking regarding the regu-
20 latory process, including representatives from—

21 (A) the National Institutes of Health;

22 (B) the National Science Foundation; and

23 (C) the Department of Defense.

24 (c) COMPENSATION.—Members of the Board from or-
25 ganizations outside the Federal Government shall serve in

1 a representative capacity and shall not be appointed as
2 a special government employee or receive a salary as a
3 Federal employee, but may receive travel expenses, includ-
4 ing per diem in lieu of subsistence, in accordance with ap-
5 plicable provisions under subchapter I of chapter 57 of
6 title 5, United States Code.

7 (d) CO-CHAIRS.—The Board shall be co-chaired by—

8 (1) the Associate Administrator for the Aca-
9 demic Research Enterprise, appointed pursuant to
10 subsection (g); and

11 (2) a member of the Board who satisfies the
12 criteria described in paragraph (1), (2), or (3) of
13 subsection (b), appointed by the President.

14 (e) DUTIES.—In general, the Board shall—

15 (1) provide advice to the Director of the Office
16 of Management and Budget, the Director of the Of-
17 fice of Science and Technology Policy, and the heads
18 of Federal research funding agencies on actions that
19 each could take to make Federal regulation of the
20 academic research enterprise more efficient and less
21 burdensome;

22 (2) promote a comprehensive approach to regu-
23 lating the academic research enterprise at the Fed-
24 eral level and to improve and maintain a Federal
25 regulatory environment that is conducive to efficient

1 performance of the Federal-university research part-
2 nership, including identification of regulations that
3 are duplicative or impose significant costs or unnec-
4 essary burdens;

5 (3) meet not less than semiannually;

6 (4) facilitate efforts within the Federal Govern-
7 ment to coordinate new and existing regulations,
8 policies, guidance, and application and reporting for-
9 mats;

10 (5) review existing regulations, policies, and
11 guidance documents that may be outmoded, ineffec-
12 tive, insufficient, or excessively burdensome, with the
13 goal of modifying, streamlining, or repealing, as
14 needed;

15 (6) identify legislative mandates that Federal
16 agencies and research institutions believe are unnec-
17 essary or outdated;

18 (7) recommend ad hoc working groups to ad-
19 dress particular regulations, policies, and guidance
20 documents reviewed or identified by the Board under
21 paragraph (5) or (6) governing the research enter-
22 prise that are under development or targeted for re-
23 form;

24 (8) provide for coordination of regulations
25 among Federal agencies and maximize consultation

1 with the groups affected by Federal research regula-
2 tions at an early stage;

3 (9) assist research agencies in fostering a cul-
4 ture of integrity at research institutions in order to
5 achieve the highest standards in institutional and in-
6 dividual behavior; and

7 (10) submit to the Committee on Health, Edu-
8 cation, Labor, and Pensions, the Committee on
9 Commerce, Science, and Transportation, and the
10 Committee on Homeland Security and Government
11 Affairs of the Senate, and the Committee on Energy
12 and Commerce, the Committee on Science, Space,
13 and Technology, and the Committee on Oversight
14 and Government Reform of the House of Represent-
15 atives, an annual report on progress made by the
16 Board toward reforming and streamlining research
17 regulations, policies, and guidance documents, and
18 make such report publicly available.

19 (f) SUBMISSION OF REGULATORY PLANS.—The head
20 of each Federal research funding agency shall—

21 (1) provide to the Board a regulatory plan, to
22 be updated annually, with regulations, policies, and
23 guidance documents that the agency head expects to
24 issue in proposed or final form during the upcoming
25 fiscal year to facilitate review by the Board;

1 (2) include, to the extent possible, alternatives
2 to be considered and preliminary estimates of costs
3 and benefits of the items contained in the plan; and

4 (3) submit to the Board draft regulatory ac-
5 tions, policies, and guidance documents as the docu-
6 ments become available.

7 (g) ASSOCIATE ADMINISTRATOR FOR THE ACADEMIC
8 RESEARCH ENTERPRISE.—Not later than one year after
9 the date of the enactment of this Act, the President, after
10 consultation with the Director of the Office of Manage-
11 ment and Budget and the Director of the Office of Science
12 and Technology Policy, shall appoint from among the cur-
13 rent full-time equivalent employees or individuals em-
14 ployed pursuant to the Intergovernmental Personnel Act
15 of 1970 (42 U.S.C. 4701 note) within the Office of Infor-
16 mation and Regulatory Affairs an Associate Administrator
17 for the Academic Research Enterprise. The Associate Ad-
18 ministrator shall—

19 (1) serve as a liaison between the Office of In-
20 formation and Regulatory Affairs and the Office of
21 Science and Technology Policy;

22 (2) act as Co-Chair of the Board;

23 (3) meet with representatives from Federal
24 agencies, research institutions, and other Federal
25 and non-Federal stakeholder entities relevant to the

1 Federal research enterprise several times per year;
2 and

3 (4) establish working groups from the members
4 of the Board, which may include non-Board mem-
5 bers with relevant expertise to working groups as
6 recommended by the Board, to address particular
7 regulations, policies, and guidance documents gov-
8 erning the Federal research enterprise that are
9 under development or targeted for reform by the
10 Board.

11 (h) APPLICABILITY OF FACA.—The Research Policy
12 Board shall be treated as an advisory committee subject
13 to the Federal Advisory Committee Act.

14 (i) COMPTROLLER GENERAL REPORT.—Not later
15 than 24 months after the establishment of the Board, and
16 every 24 months thereafter, the Comptroller General shall
17 submit to Congress and make publicly available a report
18 that—

19 (1) assesses the performance of the Board, in-
20 cluding the quality of collaboration between the non-
21 Federal and Federal members of the Board to advise
22 on the regulatory process (including the develop-
23 ment, reform, and harmonization of regulations,
24 policies, and guidance documents), including wheth-
25 er—

1 (A) the Federal agency heads presented
2 the regulatory plans required by subsection (f);

3 (B) the non-Federal members had the op-
4 portunity to effectively comment on such plans;

5 (C) the comments had an impact on the
6 final rules developed; and

7 (D) working groups were established as re-
8 quired by subsection (g)(4);

9 (2) makes recommendations for improving col-
10 laboration, as necessary, for accomplishing the re-
11 quirements of this section;

12 (3) assesses the degree to which Federal re-
13 search funding agencies and the Office of Manage-
14 ment and Budget take into account the input of the
15 Board when promulgating new regulations, policies,
16 and guidance documents, or harmonizing or reform-
17 ing existing regulations and policies; and

18 (4) considers any other issues which the Comp-
19 troller General may find relevant to the performance
20 and purposes of the Board.

21 (j) SUNSET.—The provisions of this section shall ex-
22 pire ten years after the date of enactment of this Act.

1 **SEC. 5. EXCEPTIONS TO SUBRECIPIENT MONITORING**
2 **UNDER THE SINGLE AUDIT ACT.**

3 (a) IN GENERAL.—The Director of the Office of
4 Management and Budget shall exempt prime grant-receiv-
5 ing institutions from the monitoring of a subrecipient’s
6 single audit of institutional systems and business practices
7 related to the requirements under chapter 75 of title 31,
8 United States Code, if—

9 (1) the prime and subrecipient are research in-
10 stitutions subject to audits under such chapter; and

11 (2) the subaward is for the performance of
12 work that is required to be listed on a recipient’s
13 schedule of expenditures of Federal awards.

14 (b) SINGLE AUDIT DEFINED.—In this section, the
15 term “single audit” means the practices related to the re-
16 quirements under chapter 75 of title 31, United States
17 Code, as implemented in part 200 of title 2, Code of Fed-
18 eral Regulations.

19 **SEC. 6. MICRO-PURCHASE THRESHOLD FOR PROCURE-**
20 **MENT SOLICITATIONS BY RESEARCH INSTI-**
21 **TUTIONS.**

22 (a) MICRO-PURCHASE THRESHOLD.—Except as pro-
23 vided in subsection (b), the threshold for purchases by re-
24 search institutions using Federal grant funds without re-
25 quiring competitive quotations shall be not less than
26 \$10,000, adjusted periodically to account for inflation.

1 (b) **REVIEWS AND AUDITS REQUIRED FOR HIGHER**
2 **THRESHOLD.**—The Director of the Office of Management
3 and Budget may revise the threshold for purchases re-
4 ferred to in subsection (a) to be greater than \$10,000 if
5 the Director determines that procurement system reviews
6 and single audits support the higher threshold.

7 (c) **STRATEGIC SOURCING AGREEMENTS.**—For pur-
8 chases referred to in subsection (a), the Director shall en-
9 courage research institutions to use strategic sourcing
10 agreements to assure favorable pricing on high volume,
11 low-cost purchases.

12 (d) **ADDITIONAL EXCEPTION FOR PROCUREMENT BY**
13 **NONCOMPETITIVE PROPOSALS.**—For a purchase referred
14 to in subsection (a) that exceeds the threshold applicable
15 under subsection (a) or (b), the Director may allow the
16 purchase to be carried out through solicitation of a pro-
17 posal from only one source, but only if the procurement
18 is necessary for research, scientific, or other programmatic
19 reasons, such as instances in which the purchase is for
20 a specialized service or of a necessary quality that is avail-
21 able only from a single vendor, or if only one vendor can
22 deliver in the required time frame.

23 (e) **UNIFORM GUIDANCE.**—The Director shall revise
24 the Uniform Guidance to conform with the requirements
25 of this section. For purposes of the preceding sentence,

1 the term “Uniform Guidance” means the uniform admin-
2 istrative requirements, cost principles, and audit require-
3 ments for Federal awards contained in part 200 of title
4 2 of the Code of Federal Regulations.

5 **SEC. 7. SHARED DATABASE OF RESEARCHER INFORMA-**
6 **TION.**

7 (a) ESTABLISHMENT.—The Director of the Office of
8 Science and Technology Policy shall establish a working
9 group within the National Science and Technology Council
10 with the responsibility to coordinate Federal research
11 funding agency policies in developing a central database
12 of researcher information, including researchers’ expertise,
13 employment, education, and professional accomplish-
14 ments, for use by research institutions in applying for re-
15 search grants from Federal scientific funding agencies.

16 (b) RESPONSIBILITIES.—The working group shall—

17 (1) identify the policy issues and barriers that
18 must be addressed in developing such a database;

19 (2) ensure that the database provides a single
20 source of information for research profiles across
21 Federal research funding agencies, including, to the
22 extent practicable, information on researchers’ cur-
23 rent and pending Federal support, expertise, employ-
24 ment, education professional accomplishments, and
25 other items as appropriate;

1 (3) work to reduce the administrative burden
2 associated with Federal grant submission and re-
3 porting requirements by use of the database across
4 Federal research funding agencies;

5 (4) ensure that the database developed is the
6 least burdensome possible for research institutions
7 applying for Federal grants that still allows for the
8 collection of information necessary for Federal re-
9 search funding agencies;

10 (5) determine whether the database can be
11 made more efficient through linkages to databases
12 developed under the public access plans of Federal
13 research funding agencies (pursuant to the memo-
14 randum on “Increasing Access to the Results of
15 Federally Funded Scientific Research” published by
16 the Office of Science and Technology Policy on Feb-
17 ruary 22, 2013);

18 (6) determine how to best leverage resources on
19 researcher information from non-Federal sources
20 such as researcher identifiers;

21 (7) ensure that the database cross-references
22 other Federal award databases, including any sys-
23 tem of award management operated by the Govern-
24 ment Services Administration; and

1 (8) recommend a Federal research funding
2 agency to administer the database.

3 (c) REPORT TO CONGRESS.—Not later than one year
4 after the date of enactment of this Act, the Director shall
5 transmit a report to the Committee on Health, Education,
6 Labor, and Pensions, the Committee on Commerce,
7 Science, and Transportation, the Committee on Homeland
8 Security and Government Affairs, the Committee on En-
9 ergy and Natural Resources, and the Committee on Armed
10 Services of the Senate, and the Committee on Armed Serv-
11 ices, the Committee on Energy and Commerce, the Com-
12 mittee on Science, Space, and Technology, and the Com-
13 mittee on Oversight and Government Reform of the House
14 of Representatives, describing the actions taken develop
15 the database described in subsection (a).

16 **SEC. 8. MODIFICATION OF DUTIES OF INSPECTORS GEN-**
17 **ERAL AT RESEARCH AGENCIES.**

18 (a) UNRESOLVED INSPECTOR GENERAL REC-
19 OMMENDATION.—The head of any Federal research fund-
20 ing agency that has received a recommendation from the
21 Inspector General for that agency that the Inspector Gen-
22 eral determines has not been adequately resolved, shall an-
23 nually provide to such Inspector General a written expla-
24 nation why the recommendation has not been acted upon

1 and the status within the agency of resolving the rec-
2 ommendation.

3 (b) AGENCY DETERMINATION.—If the head of a Fed-
4 eral research funding agency receives a recommendation
5 described in subsection (a) and determines that the rec-
6 ommendation has been adequately resolved, the head of
7 that agency shall be exempt from the requirements of sub-
8 section (a) for that recommendation and any substantially
9 similar recommendation after providing the Inspector
10 General for that agency with a written explanation of the
11 determination of the head of the agency.

12 (c) UNSUSTAINED FINDINGS.—For each audit of a
13 research institution conducted by an Inspector General,
14 the Inspector General shall include in each public report,
15 including the semiannual report required under section 5
16 of the Inspector General Act of 1978 (5 U.S.C. App.), only
17 such disallowed costs found in the audit which are sus-
18 tained by the head of the agency.

19 **SEC. 9. REVIEW OF PAPERWORK REDUCTION ACT ESTI-**
20 **MATES.**

21 (a) IN GENERAL.—The Director of the Office of
22 Management and Budget shall—

23 (1) periodically review estimates of the hours
24 spent by research institutions to meet the burdens
25 imposed by Federal research funding agencies sub-

1 mitted in accordance with subchapter I of chapter
2 35 of title 44, United States Code (commonly re-
3 ferred to as the Paperwork Reduction Act); and

4 (2) determine whether the estimates of hours
5 are reasonable and based on consistent metrics
6 across Federal research funding agencies.

7 (b) AGENCY RESPONSE TO BURDEN HOUR ESTI-
8 MATES.—During the development of burden hour esti-
9 mates, the head of the Federal research funding agency
10 developing the estimate shall be required to respond to all
11 comments regarding the reasonableness of burden hour es-
12 timates.

13 (c) FINDING.—If the Director determines that the es-
14 timates of hours described in subsection (a) for a par-
15 ticular Federal research funding agency is not reasonable
16 and consistent, the head of the agency shall submit to the
17 Director—

18 (1) revised estimates; or

19 (2) if the estimates are not revised, a justifica-
20 tion for such estimates.

21 (d) BURDEN DEFINED.—In this section, the term
22 “burden” has the meaning given that term in section 3502
23 of title 44, United States Code.

1 **SEC. 10. PUBLIC ACCESS WORKING GROUP DUTIES.**

2 Section 103(b) of the America COMPETES Reau-
3 thorization Act of 2010 (42 U.S.C. 6623(b)) is amended—

4 (1) in paragraph (9), by striking “and” at the
5 end;

6 (2) in paragraph (10), by striking the period at
7 the end and inserting “; and”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(11) examine the procedures of Federal
11 science agencies regarding requirements for pro-
12 viding public access to the results of federally funded
13 research and identify methods for reducing the bur-
14 dens of compliance on funded researchers, university
15 research administrators, publishers, and others im-
16 pacted by agency public access policies.”.

○