

115TH CONGRESS
1ST SESSION

S. 1973

To provide for Federal research grant reform.

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2017

Mr. PAUL introduced the following bill; which was read twice and referred to
the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for Federal research grant reform.

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 “BASIC Research Act”.

5 **SEC. 2. REVIEW PANELS.**

6 (a) INCLUSION ON REVIEW PANELS.—Notwith-
7 standing any other provision of law, each review panel for
8 a specific Federal research grant shall include—

9 (1) at least one individual who is not profes-
10 sionally affiliated with any academic or research in-
11 stitution, has not been professionally affiliated in the
12 10 years preceding the date of inclusion on the

1 panel, and is an expert in a field unrelated to the
2 field of research under which the grant proposal was
3 submitted; and

4 (2) at least one individual who shall serve pri-
5 marily as a “taxpayer advocate” (defined as some-
6 one whose main focus is on the value proposed re-
7 search delivers to the taxpayer).

8 (b) PROHIBITION ON RECEIVING RECOMMENDATIONS
9 FROM GRANT APPLICANTS ON REVIEW PANEL.—Not-
10 withstanding any other provision of law, each agency that
11 awards a Federal research grant shall not accept rec-
12 ommendations from an applicant for such grant as to who
13 should or should not be on the grant review panel for such
14 applicant.

15 (c) NONDISCLOSURE OF MEMBERS OF GRANT RE-
16 VIEW PANEL.—Notwithstanding any other provision of
17 law, each agency that awards a Federal research grant
18 shall not disclose, either publicly or privately, to an appli-
19 cant for such grant the identity of any member of the
20 grant review panel for such applicant.

21 **SEC. 3. SPECIAL INSPECTOR GENERAL AND TAXPAYER AD-**
22 **VOCATE FOR RESEARCH.**

23 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—There is established an Of-
2 fice of the Special Inspector General and Taxpayer
3 Advocate for Research.

4 (2) HEAD OF OFFICE.—There shall be at the
5 head of the Office described in paragraph (1) the
6 Special Inspector General and Taxpayer Advocate
7 for Research, who shall be appointed by the Presi-
8 dent, by and with the advice and consent of the Sen-
9 ate.

10 (b) TRANSFER OF FUNCTIONS AND SAVINGS.—

11 (1) DEFINITIONS.—In this subsection, unless
12 otherwise provided or indicated by the context—

13 (A) the term “Federal agency” has the
14 meaning given to the term “agency” by section
15 551(1) of title 5, United States Code;

16 (B) the term “function” means any duty,
17 obligation, power, authority, responsibility,
18 right, privilege, activity, or program; and

19 (C) the term “office” includes any office,
20 administration, agency, institute, unit, organi-
21 zational entity, or component thereof.

22 (2) TRANSFER.—There are transferred to the
23 Office of the Special Inspector General and Tax-
24 payer Advocate for Research all functions which the
25 Office of Inspector General of the National Science

1 Foundation exercised before the date of enactment
2 of this Act (including all related functions of any of-
3 ficer or employee of the Office of Inspector General
4 of the National Science Foundation).

5 (3) RULES.—The Office of the Special Inspec-
6 tor General and Taxpayer Advocate for Research is
7 authorized to prescribe, in accordance with the pro-
8 visions of chapters 5 and 6 of title 5, United States
9 Code, such rules and regulations as the Office of the
10 Special Inspector General and Taxpayer Advocate
11 for Research determines necessary or appropriate to
12 administer and manage the functions of the Office
13 of the Special Inspector General and Taxpayer Ad-
14 vocate for Research.

15 (4) TRANSFER AND ALLOCATIONS OF APPRO-
16 PRIATIONS AND PERSONNEL.—Except as otherwise
17 provided in this subsection, the personnel employed
18 in connection with, and the assets, liabilities, con-
19 tracts, property, records, and unexpended balances
20 of appropriations, authorizations, allocations, and
21 other funds employed, used, held, arising from,
22 available to, or to be made available in connection
23 with the functions transferred by this subsection,
24 subject to section 1531 of title 31, United States
25 Code, shall be transferred to the Office of the Spe-

1 cial Inspector General and Taxpayer Advocate for
2 Research. Unexpended funds transferred pursuant
3 to this paragraph shall be used only for the purposes
4 for which the funds were originally authorized and
5 appropriated.

6 (5) SAVINGS PROVISIONS.—

7 (A) CONTINUING EFFECT OF LEGAL DOCU-
8 MENTS.—All orders, determinations, rules, reg-
9 ulations, permits, agreements, grants, contracts,
10 certificates, licenses, registrations, privileges,
11 and other administrative actions—

12 (i) which have been issued, made,
13 granted, or allowed to become effective by
14 the President, any Federal agency or offi-
15 cial thereof, or by a court of competent ju-
16 risdiction, in the performance of functions
17 which are transferred under this sub-
18 section; and

19 (ii) which are in effect at the time this
20 subsection takes effect, or were final before
21 the effective date of this subsection and
22 are to become effective on or after the ef-
23 fective date of this subsection,

24 shall continue in effect according to their terms
25 until modified, terminated, superseded, set

1 aside, or revoked in accordance with law by the
2 President, the Office of the Special Inspector
3 General and Taxpayer Advocate for Research or
4 other authorized official, a court of competent
5 jurisdiction, or by operation of law.

6 (B) PROCEEDINGS NOT AFFECTED.—The
7 provisions of this subsection shall not affect any
8 proceedings, including notices of proposed rule-
9 making, or any application for any license, per-
10 mit, certificate, or financial assistance pending
11 before the Office of Inspector General of the
12 National Science Foundation at the time this
13 subsection takes effect, with respect to func-
14 tions transferred by this subsection but such
15 proceedings and applications shall be continued.
16 Orders shall be issued in such proceedings, ap-
17 peals shall be taken therefrom, and payments
18 shall be made pursuant to such orders, as if
19 this subsection had not been enacted, and or-
20 ders issued in any such proceedings shall con-
21 tinue in effect until modified, terminated, su-
22 perseded, or revoked by a duly authorized offi-
23 cial, by a court of competent jurisdiction, or by
24 operation of law. Nothing in this subparagraph
25 shall be deemed to prohibit the discontinuance

1 or modification of any such proceeding under
2 the same terms and conditions and to the same
3 extent that such proceeding could have been
4 discontinued or modified if this subsection had
5 not been enacted.

6 (C) SUITS NOT AFFECTED.—The provi-
7 sions of this subsection shall not affect suits
8 commenced before the effective date of this sub-
9 section, and in all such suits, proceedings shall
10 be had, appeals taken, and judgments rendered
11 in the same manner and with the same effect
12 as if this subsection had not been enacted.

13 (D) NONABATEMENT OF ACTIONS.—No
14 suit, action, or other proceeding commenced by
15 or against the Office of Inspector General of
16 the National Science Foundation, or by or
17 against any individual in the official capacity of
18 such individual as an officer of the Office of In-
19 spector General of the National Science Foun-
20 dation, shall abate by reason of the enactment
21 of this subsection.

22 (E) ADMINISTRATIVE ACTIONS RELATING
23 TO PROMULGATION OF REGULATIONS.—Any ad-
24 ministrative action relating to the preparation
25 or promulgation of a regulation by the Office of

1 Inspector General of the National Science
2 Foundation relating to a function transferred
3 under this subsection may be continued by the
4 Office of the Special Inspector General and
5 Taxpayer Advocate for Research with the same
6 effect as if this subsection had not been en-
7 acted.

8 (c) POWERS AND AUTHORITIES.—

9 (1) DUTIES.—In addition to the duties other-
10 wise described in this section, the Special Inspector
11 General and Taxpayer Advocate for Research shall
12 also have the duties and responsibilities of inspectors
13 general under the Inspector General Act of 1978 (5
14 U.S.C. App.).

15 (2) AUTHORITIES.—In carrying out the duties
16 described in paragraph (1) and otherwise described
17 in this section, the Special Inspector General and
18 Taxpayer Advocate for Research shall have the au-
19 thorities provided in section 6 of the Inspector Gen-
20 eral Act of 1978 (5 U.S.C. App.).

21 (d) FOCUS AND REVIEW.—The focus of the Office
22 of the Special Inspector General and Taxpayer Advocate
23 for Research shall be to review Federal grant projects to
24 determine if the research will deliver value to the tax-

1 payers by randomly selecting Federal grants for review
2 after awards are made but prior to distribution of funds.

3 (e) GRANT SUPPORT.—For a Federal grant reviewed
4 under subsection (d) to receive the grant funds, the grant
5 shall receive the support of the Office of the Special In-
6 spector General and Taxpayer Advocate for Research.

7 **SEC. 4. PUBLIC ACCESSIBILITY OF RESEARCH FUNDED BY**
8 **TAXPAYERS.**

9 (a) DEFINITION OF FEDERAL AGENCY.—In this sec-
10 tion, the term “Federal agency” means an Executive
11 agency, as defined under section 105 of title 5, United
12 States Code.

13 (b) FEDERAL RESEARCH PUBLIC ACCESS POLICY.—

14 (1) REQUIREMENT TO DEVELOP POLICY.—

15 (A) IN GENERAL.—Not later than 1 year
16 after the date of enactment of this section, each
17 Federal agency with annual extramural re-
18 search expenditures of over \$100,000,000 shall
19 develop a Federal research public access policy
20 that is consistent with and advances the pur-
21 poses of the Federal agency.

22 (B) COMMON PROCEDURES.—To the ex-
23 tent practicable, Federal agencies required to
24 develop a policy under subparagraph (A) shall

1 follow common procedures for the collection and
2 depositing of research papers.

3 (2) CONTENT.—Each Federal research public
4 access policy shall provide for—

5 (A) submission to a digital repository des-
6 ignated or maintained by the Federal agency of
7 an electronic version of the author’s final manu-
8 script of original research papers that have
9 been accepted for publication in peer-reviewed
10 journals and that result from research sup-
11 ported, in whole or in part, from funding by the
12 Federal Government;

13 (B) the incorporation of all changes result-
14 ing from the peer review publication process in
15 the manuscript described under subparagraph
16 (A);

17 (C) the replacement of the final manu-
18 script with the final published version if—

19 (i) the publisher consents to the re-
20 placement; and

21 (ii) the goals of the Federal agency
22 for functionality and interoperability are
23 retained;

24 (D) free online public access to such final
25 peer-reviewed manuscripts or published versions

1 within a time period that is appropriate for
2 each type of research conducted or sponsored
3 by the Federal agency, not later than 12
4 months after publication in peer-reviewed jour-
5 nals, preferably sooner, or as adjusted under es-
6 tablished mechanisms;

7 (E) a means, using established mecha-
8 nisms for making requests to the applicable
9 Federal agency, for members of the public and
10 other stakeholders to request to adjust the pe-
11 riod before such a final peer-reviewed manu-
12 script or published version is made publicly
13 available by presenting evidence demonstrating
14 that the period is inconsistent with the objec-
15 tives of the Federal research public access pol-
16 icy or the needs of the public, industry, or the
17 scientific community;

18 (F) providing research papers as described
19 in subparagraph (D) in formats and under
20 terms that enable productive reuse of the re-
21 search and computational analysis by state-of-
22 the-art technologies;

23 (G) improving the ability of the public to
24 locate and access research papers made acces-

1 sible under the Federal research public access
2 policy; and

3 (H) long-term preservation of, and free
4 public access to, published research findings—

5 (i) in a stable digital repository main-
6 tained by the Federal agency; or

7 (ii) if consistent with the purposes of
8 the Federal agency, in any repository
9 meeting conditions determined favorable by
10 the Federal agency, including free public
11 access, interoperability, and long-term
12 preservation.

13 (3) APPLICATION OF POLICY.—Each Federal
14 research public access policy shall—

15 (A) apply to—

16 (i) researchers employed by the Fed-
17 eral agency whose works remain in the
18 public domain; and

19 (ii) researchers funded by the Federal
20 agency;

21 (B) provide that works described under
22 subparagraph (A)(i) shall be—

23 (i) marked as being public domain
24 material when published; and

1 (ii) made available at the same time
2 such works are made available under para-
3 graph (2)(D); and

4 (C) make effective use of any law or guid-
5 ance relating to the creation and reservation of
6 a Government license that provides for the re-
7 production, publication, release, or other uses of
8 a final manuscript for Federal purposes.

9 (4) EXCLUSIONS.—Each Federal research pub-
10 lic access policy shall not apply to—

11 (A) research progress reports presented at
12 professional meetings or conferences;

13 (B) laboratory notes, preliminary data
14 analyses, notes of the author, phone logs, or
15 other information used to produce final manu-
16 scripts;

17 (C) classified research, research resulting
18 in works that generate revenue or royalties for
19 authors (such as books) or patentable discov-
20 eries, to the extent necessary to protect a copy-
21 right or patent; or

22 (D) authors who do not submit their work
23 to a journal or works that are rejected by jour-
24 nals.

1 (5) PATENT OR COPYRIGHT LAW.—Nothing in
2 this section shall be construed to affect any right
3 under the provisions of title 17 or 35, United States
4 Code.

5 (6) GAO REPORT.—Not later than 3 years
6 after the date of enactment of this section, and every
7 5 years thereafter, the Comptroller General of the
8 United States shall submit to Congress a report
9 that—

10 (A) includes an analysis of the period be-
11 tween the date on which each paper becomes
12 publicly available in a journal and the date on
13 which the paper is in the online repository of
14 the applicable Federal agency; and

15 (B) examines the effectiveness of the Fed-
16 eral research public access policy in providing
17 the public with free online access to papers on
18 research funded by each Federal agency re-
19 quired to develop a policy under paragraph
20 (1)(A), including—

21 (i) whether the terms of use applicable
22 to such research papers in effect are effec-
23 tive in enabling productive reuse of the re-
24 search and computational analysis by
25 state-of-the-art technologies; and

1 (ii) examines whether such research
2 papers should include a royalty-free copy-
3 right license that is available to the public
4 and that permits the reuse of those re-
5 search papers, on the condition that attri-
6 bution is given to the author or authors of
7 the research and any others designated by
8 the copyright owner.

9 **SEC. 5. DOWNSTREAM REPORTING.**

10 Any person or institution awarded a Federal grant
11 shall submit a statement to the head of the agency that
12 awarded the Federal grant certifying that—

13 (1) no funds derived from the grant will be
14 made available through a subgrant or subsequent
15 grant (including to an employee or subdivision of the
16 grant recipient's organization) unless the name of
17 such recipient, their organization of affiliation, the
18 intended uses and purposes of such funds, and spe-
19 cific amounts subgranted or subsequently granted
20 funds are disclosed to the head of the agency that
21 awarded the Federal grant for publication on a pub-
22 licly accessible website; and

23 (2) each subgrant or subsequent grant award
24 (including to an employee or subdivision of the grant
25 recipient's organization) funded with funds derived

1 from the Federal grant is within the scope of the
2 Federal grant award.

3 **SEC. 6. GRANT APPLICATIONS PUBLICLY AVAILABLE.**

4 Notwithstanding any other provision of law, each ap-
5 plication for a Federal grant shall be made publicly avail-
6 able.

7 **SEC. 7. IMPARTIALITY IN FUNDING SCIENTIFIC RESEARCH.**

8 Notwithstanding any other provision of law, each
9 Federal agency, in awarding grants for scientific research,
10 shall be impartial and shall not seek to advance any polit-
11 ical position or fund a grant to reach a predetermined con-
12 clusion.

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