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(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. LIPINSKI introduced the following bill; which was referred to the
Committee on _____

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:

8 (1) The partnership between the Federal Gov-
9 ernment and institutions of higher education, affili-

1 ated medical centers, and independent research in-
2 stitutes has been enormously beneficial for the Na-
3 tion, providing economic growth, a highly skilled
4 workforce, and discoveries that have improved peo-
5 ple's lives.

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

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

17 (4) A study of the Federal regulatory impact on
18 institutes of higher education led by Vanderbilt Uni-
19 versity involving 13 public and private universities
20 estimated that the total cost of compliance with re-
21 search regulations for all research institutions
22 ranged from 11 to 25 percent of total research ex-
23 penditures and reached an estimated 10 billion dol-
24 lars across the country.

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

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

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

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

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

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

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

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

20 **SEC. 4. RESEARCH POLICY BOARD.**

21 (a) IN GENERAL.—Not later than 6 months after the
22 date of the enactment of this Act, the Director of the Of-
23 fice of Management and Budget, in coordination with the
24 Director of the Office of Science and Technology Policy,
25 shall establish a Research Policy Board (in this section

1 referred to as the “Board”) to review proposed Federal
2 regulations as well as major policies and guidance gov-
3 erning the conduct of scientific and engineering research
4 at research institutions.

5 (b) MEMBERSHIP.—The Board shall be composed
6 of—

7 (1) representatives from non-profit associations
8 representing research institutions;

9 (2) administrators from research institutions;

10 (3) externally funded researchers who do not
11 hold administrative positions;

12 (4) stakeholders from the scientific and engi-
13 neering research community; and

14 (5) senior research policy officials from Federal
15 research funding agencies capable of addressing a
16 broad range of policy issues regarding the conduct
17 of academic research and with significant input into
18 that agency’s decision-making regarding the regu-
19 latory process (priority given to representatives from
20 agencies with significant regulatory responsibilities
21 over the research enterprise and with the largest an-
22 nual extramural research budgets).

23 (c) COMPENSATION.—Members of the Board from or-
24 ganizations outside the Federal Government shall serve in
25 an advisory capacity and shall not receive a salary as a

1 Federal employee, but may receive travel expenses, includ-
2 ing per diem in lieu of subsistence, in accordance with ap-
3 plicable provisions under subchapter I of chapter 57 of
4 title 5, United States Code.

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

6 (1) the Associate Administrator for the Aca-
7 demic Research Enterprise, appointed pursuant to
8 subsection (f); and

9 (2) a member of the Board who satisfies the
10 criteria described in paragraph (1), (2), (3), or (4)
11 of subsection (b), appointed by the President.

12 (e) DUTIES.—

13 (1) IN GENERAL.—The Board shall—

14 (A) promote a comprehensive approach to
15 regulating the academic research enterprise at
16 the Federal level and to improve and maintain
17 a Federal regulatory environment that is condu-
18 cive to efficient performance of the Federal-uni-
19 versity research partnership, including identi-
20 fication of regulations that are duplicative or
21 impose significant costs or unnecessary bur-
22 dens;

23 (B) meet not less than quarterly;

24 (C) facilitate efforts within the Federal
25 Government to coordinate new and existing reg-

1 ulations, policies, guidance, and application and
2 reporting formats;

3 (D) review existing regulations, policies,
4 and guidance documents that may be out-
5 moded, ineffective, insufficient, or excessively
6 burdensome, with the goal of modifying,
7 streamlining, or repealing, as needed;

8 (E) identify legislative mandates that Fed-
9 eral agencies and institutions believe are unnec-
10 essary or outdated;

11 (F) recommend ad hoc working groups to
12 address particular regulations, policies, and
13 guidance documents governing the research en-
14 terprise that are under development or targeted
15 for reform;

16 (G) provide for coordination of regulations
17 among Federal agencies and maximize consulta-
18 tion with the groups affected by Federal re-
19 search regulations at an early stage; and

20 (H) submit to Congress an annual report
21 on progress made by the Board towards reform-
22 ing and streamlining research regulations, poli-
23 cies, and guidance documents and make such
24 report publically available.

1 (2) FEDERAL MEMBER DUTIES.—The members
2 of the Board who are senior research policy officials
3 shall—

4 (A) provide a regulatory plan—

5 (i) to be updated annually, with regu-
6 lations, policies, and guidance documents
7 that the member’s employing Federal
8 agency expects to issue in proposed or final
9 form during the upcoming fiscal year; and

10 (ii) to the extent possible, that in-
11 cludes alternatives to be considered and
12 preliminary estimates of costs and benefits
13 of the items contained in the plan; and

14 (B) review and discuss with the Board the
15 draft regulatory actions, policies, or guidance
16 documents as the documents become available.

17 (f) ASSOCIATE ADMINISTRATOR FOR THE ACADEMIC
18 RESEARCH ENTERPRISE.—Not later than 6 months after
19 the date of the enactment of this Act, the President, after
20 consultation with the Director of the Office of Manage-
21 ment and Budget and the Director of the Office of Science
22 and Technology Policy, shall appoint an Associate Admin-
23 istrator for the Academic Research Enterprise to be main-
24 tained as a permanent position within the Office of Infor-

1 mation and Regulatory Affairs. The Associate Adminis-
2 trator shall—

3 (1) serve as a liaison between the Office of In-
4 formation and Regulatory Affairs and the Office of
5 Science and Technology Policy;

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

7 (3) meet with representatives from Federal
8 agencies, research institutions, and other Federal
9 and non-Federal stakeholder entities relevant to the
10 Federal research enterprise several times per year;
11 and

12 (4) establish working groups from the members
13 of the Board, which may include non-Board mem-
14 bers with relevant expertise to working groups as
15 recommended by the Board, to address particular
16 regulations, policies, and guidance documents gov-
17 erning the Federal research enterprise that are
18 under development or targeted for reform by the
19 Board.

20 (g) COMPTROLLER GENERAL REPORT.—Not later
21 than 24 months after the establishment of the Board, and
22 every 24 months thereafter, the Comptroller General shall
23 submit to Congress and make publicly available a report
24 that—

1 (1) assesses the performance of the Board, in-
2 cluding the quality of collaboration between the non-
3 Federal and Federal members of the Board to advise
4 on the regulatory process (including the develop-
5 ment, reform, and harmonization of regulations,
6 policies, and guidance documents), including wheth-
7 er—

8 (A) the Federal members presented the
9 regulatory plans required by subsection
10 (e)(2)(A);

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

13 (C) the comments had an impact on the
14 final rules developed; and

15 (D) working groups were established as re-
16 quired by subsection (f)(4);

17 (2) makes recommendations for improving col-
18 laboration, as necessary, for accomplishing the re-
19 quirements of this section; and

20 (3) assess the degree to which Federal research
21 funding agencies and the Office of Management and
22 Budget take into account the input of the Board
23 when promulgating new regulations, policies, and
24 guidance documents, or harmonizing or reforming
25 existing regulations and policies.

1 (h) SUNSET.—The provisions of this section shall ex-
2 pire ten years after the date of enactment of this Act.

3 **SEC. 5. EXCEPTIONS TO SUBRECIPIENT MONITORING**
4 **UNDER THE SINGLE AUDIT ACT.**

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

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

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

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

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

24 (a) MICRO-PURCHASE THRESHOLD.—Except as pro-
25 vided in subsection (b), the threshold for purchases by re-

1 search institutions using Federal grant funds without re-
2 quiring competitive quotations shall be not less than
3 \$10,000, adjusted periodically to account for inflation.

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

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

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

1 (e) UNIFORM GUIDANCE.—The Director shall revise
2 the Uniform Guidance to conform with the requirements
3 of this section. For purposes of the preceding sentence,
4 the term “Uniform Guidance” means the uniform admin-
5 istrative requirements, cost principles, and audit require-
6 ments for Federal awards contained in part 200 of title
7 2 of the Code of Federal Regulations.

8 **SEC. 7. SHARED DATABASE OF RESEARCHER INFORMA-**
9 **TION.**

10 (a) IN GENERAL.— The Director of the National In-
11 stitutes of Health shall develop and maintain an online
12 database of information on the expertise, employment,
13 education, and professional accomplishments of research-
14 ers that apply for Federal grants to conduct scientific re-
15 search. The database shall be developed in collaboration
16 with the Department of Defense, the Department of En-
17 ergy, the Environmental Protection Agency, the National
18 Science Foundation, and other Federal agencies as consid-
19 ered appropriate by the Director. The purpose of the data-
20 base shall be to—

21 (1) provide a single source of information for
22 researchers’ biosketches across Federal research
23 funding agencies for use in applications for Federal
24 research grants, which may include information on
25 expertise, employment, education, professional ac-

1 Inspector General for that agency that the Inspector Gen-
2 eral determines has not been adequately resolved, shall an-
3 nually provide to such Inspector General a written expla-
4 nation why the recommendation has not been acted upon
5 and the status within the agency of resolving the rec-
6 ommendation.

7 (b) COST OF AUDIT.—For each audit performed by
8 a research institution for an Inspector General, the In-
9 spector General shall include in the semiannual reports re-
10 quired by section 5 of the Inspector General Act of 1978
11 (5 U.S.C. App.) a total estimate of the cost incurred by
12 the research institution to meet the requirements of such
13 audit, the cost to the Federal Government to perform such
14 audit, the total amount the research institution is initially
15 determined by such audit to owe to the Federal Govern-
16 ment, the total amount paid by the research institution
17 to remedy problems identified by such audit, and any sig-
18 nificant accountability improvements taken as a result of
19 a completed audit. Any cost or other burden incurred by
20 a research institution to meet the audit requirements by
21 an Inspector General shall be developed in consultation
22 with such research institution.

1 **SEC. 9. REVIEW OF PAPERWORK REDUCTION ACT ESTI-**
2 **MATES.**

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

5 (1) periodically review estimates of the hours
6 spent by research institutions to meet the burdens
7 imposed by Federal research funding agencies sub-
8 mitted in accordance with subchapter I of chapter
9 35 of title 44, United States Code (commonly re-
10 ferred to as the Paperwork Reduction Act); and

11 (2) determine whether the estimates of hours
12 are reasonable and based on consistent metrics
13 across Federal research funding agencies.

14 (b) AGENCY RESPONSE TO BURDEN HOUR ESTI-
15 MATES.—During the development of burden hour esti-
16 mates, the head of the Federal research funding agency
17 developing the estimate shall be required to respond to all
18 comments regarding the reasonableness of burden hour es-
19 timates.

20 (c) FINDING.—If the Director determines that the es-
21 timates of hours described in subsection (a) for a par-
22 ticular Federal research funding agency is not reasonable
23 and consistent, the head of the agency shall submit to the
24 Director—

25 (1) revised estimates; or

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

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

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

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

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

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

13 (3) by adding at the end the following new
14 paragraph:

15 “(11) examine the procedures of Federal
16 science agencies regarding the submission by sci-
17 entific researchers of final peer-reviewed manu-
18 scripts, published documents, and data findings (in-
19 cluding metadata and data preparation and analysis
20 algorithms that support published results or data) to
21 Federal open access repositories, and identify meth-
22 ods for improving the coordination of such proce-
23 dures across the Federal Government, which may in-
24 clude the use of a new or existing Government-wide

- 1 portal to allow for the submission of final peer-re-
- 2 viewed manuscripts in a standardized format.”.