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.

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

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

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

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

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

(4) A study of the Federal regulatory impact on
institutes of higher education led by Vanderbilt Uni-
versity involving 13 public and private universities
estimated that the total cost of compliance with re-
search regulations for all research institutions
ranged from 11 to 25 percent of total research ex-
penditures and reached an estimated 10 billion dol-
lars across the country.
(5) Advances in technology, record keeping, and internal controls allow awardees to document charges to Federal awards for salaries and wages in increasingly efficient ways, including through payroll certification, which can increase accountability and reduce burdens relative to personal activity reports.

(6) Past efforts by the Federal Government, in particular through the Uniform Guidance implemented by the Office of Management and Budget in 2014, have made progress in reducing regulatory burdens. However, problems still remain as noted by the National Academies’ report in September of 2015, which found that “continuing expansion of the Federal regulatory system and its ever-growing requirements are diminishing the effectiveness of the nation’s research investment by directing investigators’ time away from research”.

(7) Streamlining research regulations and moving toward harmonized regulations based on data-driven cost-benefit analyses across Federal research funding agencies will help maximize the impact of research dollars while minimizing waste, fraud, and abuse.

SEC. 3. DEFINITIONS.

In this Act:
(1) **Federal agency.**—The term “Federal agency” has the meaning given the term “agency” in section 551 of title 5, United States Code.

(2) **Federal research funding agency.**—In this Act, the term “Federal research funding agency” means a Federal agency that has an annual extramural research budget of greater than 100 million dollars.

(3) **Institution of higher education.**—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) **Research institution.**—The term “research institution” means an institution of higher education, a medical center affiliated with an institution of higher education, independent research institution, or other nonprofit organization that receives funding from a Federal research funding agency for research purposes.

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

(a) **In general.**—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Director of the Office of Science and Technology Policy, shall establish a Research Policy Board (in this section...
referred to as the “Board”) to review proposed Federal
regulations as well as major policies and guidance gov-
erning the conduct of scientific and engineering research
at research institutions.

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

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

(2) administrators from research institutions;

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

(4) senior research policy officials from Federal
research funding agencies capable of addressing a
broad range of policy issues regarding the conduct
of academic research and with significant input into
that agency’s decision-making regarding the regu-
laratory process, including representatives from—

(A) the National Institutes of Health;

(B) the National Science Foundation; and

(C) the Department of Defense.

(e) COMPENSATION.—Members of the Board from or-
organizations outside the Federal Government shall serve in
a representative capacity and shall not be appointed as
a special government employee or receive a salary as a Federal employee, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

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

(1) the Associate Administrator for the Academic Research Enterprise, appointed pursuant to subsection (g); and

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

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

(1) provide advice to the Director of the Office of Management and Budget, the Director of the Office of Science and Technology Policy, and the heads of Federal research funding agencies on actions that each could take to make Federal regulation of the academic research enterprise more efficient and less burdensome;

(2) promote a comprehensive approach to regulating the academic research enterprise at the Federal level and to improve and maintain a Federal regulatory environment that is conducive to efficient performance of the Federal-university research part-
nership, including identification of regulations that are duplicative or impose significant costs or unnecessary burdens;

(3) meet not less than semiannually;

(4) facilitate efforts within the Federal Government to coordinate new and existing regulations, policies, guidance, and application and reporting formats;

(5) review existing regulations, policies, and guidance documents that may be outmoded, ineffective, insufficient, or excessively burdensome, with the goal of modifying, streamlining, or repealing, as needed;

(6) identify legislative mandates that Federal agencies and research institutions believe are unnecessary or outdated;

(7) recommend ad hoc working groups to address particular regulations, policies, and guidance documents reviewed or identified by the Board under paragraph (5) or (6) governing the research enterprise that are under development or targeted for reform;

(8) provide for coordination of regulations among Federal agencies and maximize consultation
with the groups affected by Federal research regulations at an early stage;

(9) assist research agencies in fostering a culture of integrity at research institutions in order to achieve the highest standards in institutional and individual behavior; and

(10) submit to the Committee on Health, Education, Labor, and Pensions, the Committee on Commerce, Science, and Transportation, and the Committee on Homeland Security and Government Affairs of the Senate, and the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on Oversight and Government Reform of the House of Representatives, an annual report on progress made by the Board toward reforming and streamlining research regulations, policies, and guidance documents, and make such report publically available.

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

(1) provide to the Board a regulatory plan, to be updated annually, with regulations, policies, and guidance documents that the agency head expects to issue in proposed or final form during the upcoming fiscal year to facilitate review by the Board;
(2) include, to the extent possible, alternatives to be considered and preliminary estimates of costs and benefits of the items contained in the plan; and

(3) submit to the Board draft regulatory actions, policies, and guidance documents as the documents become available.

(g) ASSOCIATE ADMINISTRATOR FOR THE ACADEMIC RESEARCH ENTERPRISE.—Not later than one year after the date of the enactment of this Act, the President, after consultation with the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy, shall appoint from among the current full-time equivalent employees or individuals employed pursuant to the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 note) within the Office of Information and Regulatory Affairs an Associate Administrator for the Academic Research Enterprise. The Associate Administrator shall—

(1) serve as a liaison between the Office of Information and Regulatory Affairs and the Office of Science and Technology Policy;

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

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

and

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

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

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

(1) assesses the performance of the Board, in-
cluding the quality of collaboration between the non-
Federal and Federal members of the Board to advise
on the regulatory process (including the develop-
ment, reform, and harmonization of regulations,
policies, and guidance documents), including wheth-
er—
(A) the Federal agency heads presented
the regulatory plans required by subsection (f);
(B) the non-Federal members had the op-
portunity to effectively comment on such plans;
(C) the comments had an impact on the
final rules developed; and
(D) working groups were established as re-
quired by subsection (g)(4);
(2) makes recommendations for improving col-
laboration, as necessary, for accomplishing the re-
quirements of this section;
(3) assesses the degree to which Federal re-
search funding agencies and the Office of Manage-
ment and Budget take into account the input of the
Board when promulgating new regulations, policies,
and guidance documents, or harmonizing or reform-
ing existing regulations and policies; and
(4) considers any other issues which the Com-
troller General may find relevant to the performance
and purposes of the Board.
(j) SUNSET.—The provisions of this section shall ex-
pire ten years after the date of enactment of this Act.
SEC. 5. EXCEPTIONS TO SUBRECIPIENT MONITORING UNDER THE SINGLE AUDIT ACT.

(a) In General.—The Director of the Office of Management and Budget shall exempt prime grant-receiving institutions from the monitoring of a subrecipient’s single audit of institutional systems and business practices related to the requirements under chapter 75 of title 31, United States Code, if—

(1) the prime and subrecipient are research institutions subject to audits under such chapter; and

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

(b) Single Audit Defined.—In this section, the term “single audit” means the practices related to the requirements under chapter 75 of title 31, United States Code, as implemented in part 200 of title 2, Code of Federal Regulations.

SEC. 6. MICRO-PURCHASE THRESHOLD FOR PROCUREMENT SOLICITATIONS BY RESEARCH INSTITUTIONS.

(a) Micro-Purchase Threshold.—Except as provided in subsection (b), the threshold for purchases by research institutions using Federal grant funds without requiring competitive quotations shall be not less than $10,000, adjusted periodically to account for inflation.
(b) Reviews and Audits Required for Higher Threshold.—The Director of the Office of Management and Budget may revise the threshold for purchases referred to in subsection (a) to be greater than $10,000 if the Director determines that procurement system reviews and single audits support the higher threshold.

(e) Strategic Sourcing Agreements.—For purchases referred to in subsection (a), the Director shall encourage research institutions to use strategic sourcing agreements to assure favorable pricing on high volume, low-cost purchases.

(d) Additional Exception for Procurement by Noncompetitive Proposals.—For a purchase referred to in subsection (a) that exceeds the threshold applicable under subsection (a) or (b), the Director may allow the purchase to be carried out through solicitation of a proposal from only one source, but only if the procurement is necessary for research, scientific, or other programmatic reasons, such as instances in which the purchase is for a specialized service or of a necessary quality that is available only from a single vendor, or if only one vendor can deliver in the required time frame.

(e) Uniform Guidance.—The Director shall revise the Uniform Guidance to conform with the requirements of this section. For purposes of the preceding sentence,
the term “Uniform Guidance” means the uniform administrative requirements, cost principles, and audit requirements for Federal awards contained in part 200 of title 2 of the Code of Federal Regulations.

SEC. 7. SHARED DATABASE OF RESEARCHER INFORMATION.

(a) Establishment.—The Director of the Office of Science and Technology Policy shall establish a working group within the National Science and Technology Council with the responsibility to coordinate Federal research funding agency policies in developing a central database of researcher information, including researchers’ expertise, employment, education, and professional accomplishments, for use by research institutions in applying for research grants from Federal scientific funding agencies.

(b) Responsibilities.—The working group shall—

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

(2) ensure that the database provides a single source of information for research profiles across Federal research funding agencies, including, to the extent practicable, information on researchers’ current and pending Federal support, expertise, employment, education professional accomplishments, and other items as appropriate;
(3) work to reduce the administrative burden associated with Federal grant submission and reporting requirements by use of the database across Federal research funding agencies;

(4) ensure that the database developed is the least burdensome possible for research institutions applying for Federal grants that still allows for the collection of information necessary for Federal research funding agencies;

(5) determine whether the database can be made more efficient through linkages to databases developed under the public access plans of Federal research funding agencies (pursuant to the memorandum on “Increasing Access to the Results of Federally Funded Scientific Research” published by the Office of Science and Technology Policy on February 22, 2013);

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

(7) ensure that the database cross-references other Federal award databases, including any system of award management operated by the Government Services Administration; and
(8) recommend a Federal research funding agency to administer the database.

(c) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Director shall transmit a report to the Committee on Health, Education, Labor, and Pensions, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Government Affairs, the Committee on Energy and Natural Resources, and the Committee on Armed Services of the Senate, and the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on Oversight and Government Reform of the House of Representatives, describing the actions taken to develop the database described in subsection (a).

SEC. 8. MODIFICATION OF DUTIES OF INSPECTORS GENERAL AT RESEARCH AGENCIES.

(a) UNRESOLVED INSPECTOR GENERAL RECOMMENDATION.—The head of any Federal research funding agency that has received a recommendation from the Inspector General for that agency that the Inspector General determines has not been adequately resolved, shall annually provide to such Inspector General a written explanation why the recommendation has not been acted upon
and the status within the agency of resolving the recommendation.

(b) AGENCY DETERMINATION.—If the head of a Federal research funding agency receives a recommendation described in subsection (a) and determines that the recommendation has been adequately resolved, the head of that agency shall be exempt from the requirements of subsection (a) for that recommendation and any substantially similar recommendation after providing the Inspector General for that agency with a written explanation of the determination of the head of the agency.

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

SEC. 9. REVIEW OF PAPERWORK REDUCTION ACT ESTIMATES.

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

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

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

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

(c) FINDING.—If the Director determines that the es-
timates of hours described in subsection (a) for a partic-
lar Federal research funding agency is not reasonable and consistent, the head of the agency shall submit to the

Director—

(1) revised estimates; or

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

(d) BURDEN DEFINED.—In this section, the term “burden” has the meaning given that term in section 3502 of title 44, United States Code.
SEC. 10. PUBLIC ACCESS WORKING GROUP DUTIES.

Section 103(b) of the America COMPETES Reauthoriza-
tion Act of 2010 (42 U.S.C. 6623(b)) is amended—

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

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

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

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