

## HR 5049

### NSF Major Research Facility Reform Act of 2016

**Congress:** 114 (2015–2017, Ended)

**Chamber:** House

**Policy Area:** Science, Technology, Communications

**Introduced:** Apr 26, 2016

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Jun 15, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/house-bill/5049>

#### Sponsor

**Name:** Rep. Loudermilk, Barry [R-GA-11]

**Party:** Republican • **State:** GA • **Chamber:** House

#### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Smith, Lamar [R-TX-21]	R · TX		Apr 26, 2016

#### Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jun 15, 2016
Science, Space, and Technology Committee	House	Reported By	Jun 13, 2016

#### Subjects & Policy Tags

##### Policy Area:

Science, Technology, Communications

#### Related Bills

Bill	Relationship	Last Action
114 HR 1806	Related bill	May 21, 2015: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.

(This measure has not been amended since it was reported to the House on June 13, 2016. The summary of that version is repeated here.)

### **NSF Major Research Facility Reform Act of 2016**

(Sec. 3) This bill directs the National Science Foundation (NSF) to maintain a Large Facilities Office to support its research directorates in the development, implementation, and assessment of major multi-user research facilities.

The NSF shall appoint a senior agency official to head the Office, whose responsibility shall be to oversee development, construction, and transfer to operations of major multi-user facilities across the NSF.

The bill requires:

- an external cost proposal analysis for any major multi-user research facility;
- the resolution of all issues identified, including any unjustified or questionable cost items; and
- biennial incurred cost audits of any such facility.

The NSF shall not make any award which arranges for contributions to an awardee's contingency reserve.

(Contingency is the part of a budget estimate of future costs associated with possible events or conditions arising from causes whose precise outcome is indeterminable at the time of estimate, and that experience shows will likely result, in aggregate, in additional costs for the approved activity or project.)

The NSF shall update its Large Facilities Manual and any other applicable guidance for estimating, monitoring, and accounting for contingencies on major multi-user research facilities.

The updated policy shall state that the NSF: (1) may only include contingency amounts in an award meeting specified criteria; and (2) shall retain control over funds budgeted for contingency, but may disburse budgeted contingency funds incrementally to an awardee to ensure project stability and continuity.

An awardee shall: (1) furnish verifiable documentation to support proposed contingency amounts, and (2) support requests for the release of contingency funds with evidence of a bona fide need and reasonable and allowable allocations to the performance baseline.

The NSF shall work with current awardees to: (1) determine if any of their use of contingency funds represents out-of-scope changes for which prior NSF written approval was not obtained, and (2) identify appropriate financial action regarding any out-of-scope changes found.

The NSF may include management fees under an award for ordinary and legitimate business expenses, not otherwise allowable, only if the awardee furnishes a justification of need.

The NSF shall require award applicants to report:

- income and financial information covering at least three prior years, including cash on hand and net asset information, in support of a request for management fees; and
- any sources of nonfederal funds received in excess of \$50,000 during the award period.

The NSF shall require awardees to track and report annually all expenses reimbursed or otherwise paid for with management fee funds.

The bill specifies prohibited uses for management fees.

(Sec. 4) The bill subjects the NSF to the pilot program for enhancement of contractor protection from reprisal for (whistleblower) disclosure of certain information.

The NSF shall arrange for education and training for NSF managers and staff on the pilot program and furnish information on it to all awardees and contractors and their employees.

## **Actions Timeline**

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- **Jun 15, 2016:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
- **Jun 14, 2016:** Considered as unfinished business. (consideration: CR H3776-3777)
- **Jun 14, 2016:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 412 - 9 (Roll no. 301).(text: CR 6/14/2016 H3732-3733)
- **Jun 14, 2016:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 412 - 9 (Roll no. 301). (text: CR 6/14/2016 H3732-3733)
- **Jun 14, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 13, 2016:** Reported (Amended) by the Committee on Science, Space, and Technology. H. Rept. 114-619.
- **Jun 13, 2016:** Placed on the Union Calendar, Calendar No. 481.
- **Jun 13, 2016:** Mr. Loudermilk moved to suspend the rules and pass the bill, as amended.
- **Jun 13, 2016:** Considered under suspension of the rules. (consideration: CR H3732-3735)
- **Jun 13, 2016:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5049.
- **Jun 13, 2016:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Apr 27, 2016:** Committee Consideration and Mark-up Session Held.
- **Apr 27, 2016:** Ordered to be Reported (Amended) by Voice Vote.
- **Apr 26, 2016:** Introduced in House
- **Apr 26, 2016:** Referred to the House Committee on Science, Space, and Technology.