

**Regulations Affecting Research
Institutions Published Since January
2016**

Institutions Published Since January 2016	Issued	Effective Date	Implications of the Regulatory Freeze
FAR Rule on Basic Safeguarding of Contractor Information Systems	May 16, 2016	June 15, 2016	With an effective date that precedes the regulatory freeze, this rule is not subject to review and would remain in effect.
Department of Labor Overtime Rule (Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees)	May 18, 2016	December 1, 2016	With an effective date that precedes the regulatory freeze, the 60 day review period would not have been applicable. A federal judge had blocked implementation with an injunction in November in response to a legal challenge and we understand the rule is now subject to the regulatory freeze. We understand the new administration is determining whether it will continue to defend the rule in court.
Revised Export Control Definitions for the Export Administration Regulations	June 3, 2016	September 1, 2016	With an effective date that precedes the regulatory freeze, this rule is not subject to review and would remain in effect.
Revised Export Control Definitions for the International Traffic in Arms Regulations - Interim Final Rule	June 3, 2016	September 1, 2016	With an effective date that precedes the regulatory freeze, this rule is not subject to review and would remain in effect.
NIH Final Policy on the Use of a Single Institutional Review Board for Multi-Site Research	June 21, 2016	September 25, 2017	We don't believe the regulatory freeze would impact NIH policy or that it would be subject to legislative efforts to overturn regulations.
National Archives and Records Administration (NARA) Controlled Unclassified Information Final Rule	September 14, 2016	November 14, 2016	With an effective date that precedes the regulatory freeze, this rule is not subject to review and would remain in effect.
HHS Clinical Trials Registration and Results Information Submission	September 16, 2016	January 18, 2017	With an effective date that precedes the regulatory freeze, this rule would remain in effect. The House Freedom Caucus has recommended that the Trump administration target this rule for removal/elimination in its first 100 days. It could potentially be overturned by Congress, but it is unlikely to be overturned via the Congressional Review Act and legislation that would allow Congress to overturn several rules at once has only passed the House.
NIH Policy on the Dissemination of NIH-Funded Clinical Trial Information	September 16, 2016	January 18, 2017	We don't believe the regulatory freeze would impact NIH policy or that it would be subject to legislative efforts to overturn regulations.

Policy on Good Clinical Practice Training for NIH Awardees Involved in NIH-funded Clinical Trials	September 16, 2016	January 1, 2017	We don't believe the regulatory freeze would impact NIH policy or that it would be subject to legislative efforts to overturn regulations.
Defense Federal Acquisition Regulation Supplement: Network Penetration Reporting and Contracting for Cloud Services	October 21, 2016	October 21, 2016	With an effective date that precedes the regulatory freeze, this rule is not subject to review and would remain in effect.
Hazardous Waste Generator Improvements Rule	November 28, 2016	May 30, 2017	For regulations that have been published in the Federal Register but have not taken effect, agencies have been asked to temporarily postpone their effective date for 60 days from the date of the memorandum (Jan. 20). This rule would therefore be subject to review by "a department or agency head appointed or designated by the President after noon on January 20, 2017" or other designee.
Federal Policy for the Protection of Human Subjects (Common Rule)	January 19, 2017	January 19, 2018	The rule will be postponed 60 days pending review by "a department or agency head appointed or designated by the President after noon on January 20, 2017" or other designee. This shouldn't affect the implementation date and it is not clear where this will lead. COGR has raised concerns with respect to the Common Rule, most recently in a letter to the new administration and meeting with OIRA and agency staff, and it was included in a list of regulations that the House Freedom Caucus recommends Trump target for removal/elimination in his first 100 days in office. Whether the removal of proposed changes to non-identified biospecimens and resulting reduction in proposed costs will make this less of a target for elimination is unknown. The rule could also be overturned by Congress but it is unlikely to be overturned via the Congressional Review Act and legislation that would allow Congress to overturn several rules at once has only passed the House.

Department of Education's Final Rule on Open Licensing Requirements for Competitive Grant Programs

January 19, 2017

March 20, 2017

The rule will be postponed 60 days pending review by "a department or agency head appointed or designated by the President after noon on January 20, 2017" or other designee. Per the memorandum from the new administration, "where appropriate and as permitted by applicable law, [agency heads] should consider proposing for notice and comment a rule to delay the effective date for regulations beyond that 60-day period." COGR is considering whether to request that this rule be rescinded.

Updates to the Uniform Guidance (including updates to the procurement rule and the micro-purchase threshold)

Pending

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The new administration has asked that agencies not send regulations to the Office of the Federal Register until a department or agency head appointed or designated by the President after noon on January 20, 2017, reviews and approves the regulation and if regulations have been sent, that they immediately be withdrawn. The memorandum also references guidance documents and "covers any agency statement of general applicability and future effect 'that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue.' OMB is following this process, which is delaying release of Federal Register updates to the UG, as well as the release of FAQs. The National Defense Authorization Act and the American Competitiveness and Innovation Act (both of which have been signed into law) establish a \$10,000 micro-purchase threshold with provisions for higher levels. The Uniform Guidance will need to be updated to reflect the statutes.