

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4286

To authorize appropriations to offset costs resulting from reductions in research productivity in connection with the Coronavirus Disease 2019 (COVID–19), and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Research Investment
5 to Spark the Economy Act of 2020” or the “RISE Act
6 of 2020”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Federal agencies have provided Federal re-
10 search awardees flexibility during the Coronavirus
11 Disease 2019 (COVID–19) pandemic to support

1 graduate and undergraduate students, post-doctoral
2 students, principal investigators, and administrative
3 and technical support staff.

4 (2) Federal agencies may need to provide cur-
5 rent Federal research awardees extensions to cover
6 time lost in awardee facilities and in the field that
7 will affect the completion of that agencies' research
8 missions and priorities. Additionally, agencies have
9 allowed federally funded laboratories to donate nec-
10 essary equipment, such as personal protective equip-
11 ment, to support hospitals and first responders,
12 which may need to be repurchased and will create
13 additional expenses under Federal contracts, grants,
14 and cooperative agreements.

15 (3) The United States needs to sustain the crit-
16 ical human infrastructure that undergirds the
17 United States research enterprise, which has created
18 a longstanding government-university partnership,
19 that has made the United States the global leader
20 in innovation, strengthening the health of citizens of
21 the United States, the economy of the United
22 States, and national security.

23 (4) While the Federal Government has made
24 significant investments in new biomedical research
25 to address COVID-19, existing research has been

1 slowed down or stopped due to COVID–19-modified
2 operations of campuses and laboratories.

3 (5) Given the modified operations of many uni-
4 versity-based and national laboratories due to the
5 pandemic, Congress is concerned that the people
6 who comprise the research workforce (for example,
7 graduate and undergraduate students, post-doctoral
8 students, principal investigators, and administrative
9 and technical support staff) and the future health
10 and strength of the United States research enter-
11 prise and manufacturing and technology economies,
12 among others, are at risk.

13 (6) While the research capacity of the United
14 States has demonstrated that it can absorb shocks
15 and pivot to address immediate national threats, the
16 scale of the COVID–19 pandemic is still growing
17 and unprecedented in duration and effect.

18 (7) Without additional funding, future innova-
19 tions in areas such as quantum, artificial intel-
20 ligence, robotics, computing, advanced wireless,
21 space exploration, digital agriculture, earth system
22 observation and prediction, health, and science, tech-
23 nology, engineering, and mathematics education in-
24 frastructure will be forestalled as agencies are forced
25 to use future appropriations intended for new re-

1 search to cover existing awards. The United States
2 must innovate to launch the next 50 years of unpar-
3 alleled economic leadership and be prepared for any
4 future pandemics.

5 (8) It is vital that the Federal Government take
6 measures to help relieve the strain that Federal
7 agencies will be forced to face and sustain the
8 strength of the ability of the United States to re-
9 main a global leader in an increasingly competitive
10 global research environment, as other countries con-
11 tinue to make disproportionately large investments
12 in key research areas.

13 **SEC. 3. AWARD AND MODIFICATION OF GRANTS, COOPERA-**
14 **TIVE AGREEMENTS AND OTHER FINANCIAL**
15 **ASSISTANCE FOR INSTITUTIONS OF HIGHER**
16 **EDUCATION, RESEARCH LABORATORIES, AND**
17 **OTHER RESEARCH INSTITUTIONS TO AD-**
18 **DRESS MATTERS RELATING TO DISRUPTION**
19 **CAUSED BY COVID-19.**

20 (a) DEFINITIONS.—In this section:

21 (1) AWARD.—The term “award” includes a
22 grant, cooperative agreement, or other financial as-
23 sistance.

24 (2) COVID-19 PUBLIC HEALTH EMERGENCY.—
25 The term “COVID-19 public health emergency”

1 means the public health emergency declared by the
2 Secretary of Health and Human Services under sec-
3 tion 319 of the Public Health Service Act (42
4 U.S.C. 247d) on January 31, 2020, with respect to
5 the Coronavirus Disease 2019 (COVID–19).

6 (3) RESEARCH INSTITUTION.—The term “re-
7 search institution” means the following:

8 (A) An institution of higher education (as
9 defined in section 101(a) of the Higher Edu-
10 cation Act of 1965 (20 U.S.C. 1001(a))).

11 (B) A Tribal College or University (as de-
12 fined in section 316 of the Higher Education
13 Act of 1965 (20 U.S.C. 1059c)).

14 (C) A nonprofit entity that conducts Fed-
15 erally funded research.

16 (4) RESEARCH LABORATORY.—The term “Re-
17 search Laboratory” means the following:

18 (A) A National Laboratory (as defined in
19 section 2 of the Energy Policy Act of 2005 (42
20 U.S.C. 15801)).

21 (B) A Federally-Funded Research and De-
22 velopment Center for purposes of section
23 3.5.017 of title 48, Code of Federal Regula-
24 tions.

25 (b) AUTHORITY.—

1 (1) IN GENERAL.—Each officer specified in
2 paragraph (2) may exercise the authorities described
3 in paragraph (3).

4 (2) OFFICERS.—The officers specified in this
5 paragraph are as follows:

6 (A) The Secretary of Commerce, acting
7 through the Administrator of the National Ocea-
8 nic and Atmospheric Administration and the
9 Director of the National Institute of Standards
10 and Technology.

11 (B) The Secretary of Agriculture.

12 (C) The Secretary of Defense.

13 (D) The Secretary of Education.

14 (E) The Secretary of Energy, acting for
15 the Department of Energy (with respect to En-
16 ergy Efficiency and Renewable Energy, Nuclear
17 Energy, and Fossil Research and Development)
18 and through the Office of Science, the Ad-
19 vanced Research Projects Agency—Energy
20 (ARPA—E), and the Office of Electricity.

21 (F) The Secretary of Interior, acting
22 through the Director of the United States Geo-
23 logical Survey.

1 (G) The Secretary of Health, acting
2 through the Director of the National Institutes
3 of Health.

4 (H) The Secretary of Transportation.

5 (I) The Administrator of the National Aer-
6 onautics and Space Administration.

7 (J) The Administrator of the Environ-
8 mental Protection Agency.

9 (K) The Director of the National Science
10 Foundation.

11 (3) AUTHORITIES.—The officers specified in
12 paragraph (1) may—

13 (A) provide supplemental funding to ex-
14 tend the duration of an award disrupted be-
15 cause of the COVID–19 public health emer-
16 gency to a research institution, Research Lab-
17 oratory, or individual that was awarded before
18 the date of the enactment of this Act, or to ex-
19 pand the purposes of such an award, in order
20 to—

21 (i) enable a post-secondary student or
22 post-doctoral researcher to complete work;

23 (ii) enable research scientists, tech-
24 nical staff, research associates, and prin-
25 cipal investigators to complete work;

1 (iii) extend the training of a post-sec-
2 ondary student, or the employment of a
3 post-doctoral researcher. on an ongoing re-
4 search project for up to 2 years because of
5 the disruption of the job market;

6 (iv) create research opportunities for
7 up to 2 years for graduate students and
8 post-doctoral researchers;

9 (v) replace, refurbish, or otherwise
10 make usable laboratory animals, reagents,
11 equipment, or other items required for re-
12 search;

13 (vi) facilitate other research (including
14 field work), training, and ongoing con-
15 struction activities, including at institu-
16 tions that are disproportionately affected
17 by the COVID-19 public health emergency
18 (such as minority-serving institutions and
19 2-year institutions of higher education);

20 (vii) enable experimental field cam-
21 paigns and maintenance of field infrastruc-
22 ture, including through replacement of dis-
23 rupted experimental data to enable comple-
24 tion of impacted research;

1 (viii) support training in online course
2 delivery and virtual research experiences
3 that will improve quality and access needed
4 to continue undergraduate, graduate, and
5 post-doctoral training;

6 (B) issue awards to research institutions,
7 Research Laboratories, or other individuals to
8 conduct research on the effects of the
9 Coronavirus Disease 2019 and future potential
10 pandemics, on the effects and effectiveness of
11 responses to such diseases, and on improving
12 the prediction of the possible courses of such
13 pandemics; and

14 (C) provide flexibility on an award for
15 funds made available to an agency, by any prior
16 or subsequent Act, by modifying the terms and
17 conditions of the award with a research institu-
18 tion, Research Laboratory, or individual due to
19 facility closures or other limitations during the
20 COVID-19 public health emergency.

21 (4) MODIFICATIONS.—The modifications au-
22 thorized by paragraph (3)(C) include, but are not
23 limited to—

1 (A) the provision of supplemental funding
2 to extend the duration of the award concerned;
3 or

4 (B) flexibility on the allowable expenses
5 under such award.

6 (c) PROCEDURES.—The officers specified in sub-
7 section (b)(2) shall each establish procedures to carry out
8 subsection (b).

9 (d) EXPEDITED AWARDS.—Awards under subsection
10 (b) shall be issued as expeditiously as possible.

11 (e) AUTHORIZATIONS OF APPROPRIATIONS.—

12 (1) DEPARTMENT OF COMMERCE.— There is
13 authorized to be appropriated for fiscal year 2021
14 for the Department of Commerce, \$450,000,000 to
15 carry out subsection (b), of which—

16 (A) \$300,000,000 shall be for use by the
17 National Oceanic and Atmospheric Administra-
18 tion; and

19 (B) \$150,000,000 shall be for use by the
20 National Institute of Standards and Tech-
21 nology.

22 (2) DEPARTMENT OF AGRICULTURE.—There is
23 authorized to be appropriated for fiscal year 2021
24 for the Department of Agriculture, \$380,000,000 to
25 carry out subsection (b).

1 (3) DEPARTMENT OF DEFENSE.—There is au-
2 thorized to be appropriated for fiscal year 2021 for
3 the Department of Defense, \$3,000,000,000 to carry
4 out subsection (b).

5 (4) DEPARTMENT OF EDUCATION.—There is
6 authorized to be appropriated for fiscal year 2021
7 for the Department of Education, \$200,000,000 to
8 carry out subsection (b), which shall be for use by
9 the Institute for Education Sciences.

10 (5) DEPARTMENT OF ENERGY.—There is au-
11 thorized to be appropriated for fiscal year 2021 for
12 the Department of Energy, \$5,000,000,000 to carry
13 out subsection (b), of which—

14 (A) not less than \$3,000,000,000 shall be
15 for use by the Office of Science;

16 (B) not less than \$900,000,000 shall be
17 for Energy Efficiency and Renewable Energy;

18 (C) not less than \$450,000,000 shall be
19 for Nuclear Energy;

20 (D) not less than \$300,000,000 shall be
21 for Fossil Research and Development;

22 (E) not less than \$150,000,000 shall be
23 for use by the Advanced Research Projects
24 Agency—Energy; and

1 (F) not less than \$100,000,000 shall be
2 for use by the Office of Electricity.

3 (6) DEPARTMENT OF INTERIOR.—There is au-
4 thorized to be appropriated for fiscal year 2021 for
5 the Department of Interior, \$300,000,000 to carry
6 out subsection (b), which shall be for use by the
7 United States Geological Survey.

8 (7) DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES.—There is authorized to be appropriated
10 for fiscal year 2021 for the Department of Health
11 and Human Services, \$10,000,000,000 to carry out
12 subsection (b), which shall be for use by the Na-
13 tional Institutes of Health.

14 (8) DEPARTMENT OF TRANSPORTATION.—
15 There is authorized to be appropriated for fiscal
16 year 2021 for the Department of Transportation,
17 \$300,000,000 to carry out subsection (b), of which
18 not less than \$130,000,000 shall be for use by the
19 Federal Aviation Administration.

20 (9) NATIONAL AERONAUTICS AND SPACE AD-
21 MINISTRATION.—There is authorized to be appro-
22 priated for fiscal year 2021 for the National Aero-
23 nautics and Space Administration, \$2,000,000,000
24 to carry out subsection (b).

1 (10) ENVIRONMENTAL PROTECTION AGENCY.—

2 There is authorized to be appropriated for fiscal
3 year 2021 for the Environmental Protection Agency,
4 \$200,000,000 to carry out subsection (b).

5 (11) NATIONAL SCIENCE FOUNDATION.—There

6 is authorized to be appropriated for fiscal year 2021
7 for the National Science Foundation,
8 \$3,000,000,000 to carry out subsection (b).

9 (12) AVAILABILITY OF FUNDS FOR ADMINIS-
10 TRATION.—

11 (A) IN GENERAL.—Amounts authorized to
12 be appropriated by this subsection may be used
13 for the payment of indirect costs of Federal
14 awards under subsection (b), up to the limit
15 otherwise allowable by law and subject to the
16 requirements of part 200 of title 2, Code of
17 Federal Regulations.

18 (B) LIMITATION.—Not more than 5 per-
19 cent of each of the amounts appropriated pur-
20 suant to this subsection may be used for admin-
21 istration of awards under subsection (b).

22 (13) DURATION OF AVAILABILITY.—Amounts
23 authorized to be appropriated by this subsection
24 shall be available for the purposes described in this
25 subsection through fiscal year 2021.