AMENDMENT NO. _______ Calendar No. _______

Purpose: In the nature of a substitute.


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 following:

3 SECTION 1. SHORT TITLE.

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

6 SEC. 2. FINDINGS.

8 Congress finds the following:

1 (1) Federal agencies have provided Federal research awardees flexibility during the Coronavirus Disease 2019 (COVID–19) pandemic to support
graduate and undergraduate students, post-doctoral students, principal investigators, and administrative and technical support staff.

(2) Federal agencies may need to provide current Federal research awardees extensions to cover time lost in awardee facilities and in the field that will affect the completion of that agencies’ research missions and priorities. Additionally, agencies have allowed federally funded laboratories to donate necessary equipment, such as personal protective equipment, to support hospitals and first responders, which may need to be repurchased and will create additional expenses under Federal contracts, grants, and cooperative agreements.

(3) The United States needs to sustain the critical human infrastructure that undergirds the United States research enterprise, which has created a longstanding government-university partnership, that has made the United States the global leader in innovation, strengthening the health of citizens of the United States, the economy of the United States, and national security.

(4) While the Federal Government has made significant investments in new biomedical research to address COVID–19, existing research has been
slowed down or stopped due to COVID–19-modified
operations of campuses and laboratories.

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

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

(7) Without additional funding, future innova-
tions in areas such as quantum, artificial intel-
ligence, robotics, computing, advanced wireless,
space exploration, digital agriculture, earth system
observation and prediction, health, and science, tech-
ology, engineering, and mathematics education in-
frastructure will be forestalled as agencies are forced
to use future appropriations intended for new re-
search to cover existing awards. The United States
must innovate to launch the next 50 years of unpar-
alleled economic leadership and be prepared for any
future pandemics.

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

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

(a) DEFINITIONS.—In this section:

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

sistance.

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—
The term “COVID–19 public health emergency”
means the public health emergency declared by the
Secretary of Health and Human Services under sec-
section 319 of the Public Health Service Act (42
U.S.C. 247d) on January 31, 2020, with respect to
the Coronavirus Disease 2019 (COVID–19).

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

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

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

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

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

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

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

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

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

(A) The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration and the Director of the National Institute of Standards and Technology.

(B) The Secretary of Agriculture.

(C) The Secretary of Defense.

(D) The Secretary of Education.

(E) The Secretary of Energy, acting for the Department of Energy (with respect to Energy Efficiency and Renewable Energy, Nuclear Energy, and Fossil Research and Development) and through the Office of Science, the Advanced Research Projects Agency–Energy (ARPA–E), and the Office of Electricity.

(F) The Secretary of Interior, acting through the Director of the United States Geological Survey.
(G) The Secretary of Health, acting through the Director of the National Institutes of Health.

(H) The Secretary of Transportation.

(I) The Administrator of the National Aeronautics and Space Administration.

(J) The Administrator of the Environmental Protection Agency.

(K) The Director of the National Science Foundation.

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

(A) provide supplemental funding to extend the duration of an award disrupted because of the COVID–19 public health emergency to a research institution, Research Laboratory, or individual that was awarded before the date of the enactment of this Act, or to expand the purposes of such an award, in order to—

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

   (ii) enable research scientists, technical staff, research associates, and principal investigators to complete work;
(iii) extend the training of a post-secondary student, or the employment of a post-doctoral researcher, on an ongoing research project for up to 2 years because of the disruption of the job market;

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

(v) replace, refurbish, or otherwise make usable laboratory animals, reagents, equipment, or other items required for research;

(vi) facilitate other research (including field work), training, and ongoing construction activities, including at institutions that are disproportionately affected by the COVID–19 public health emergency (such as minority-serving institutions and 2-year institutions of higher education);

(vii) enable experimental field campaigns and maintenance of field infrastructure, including through replacement of disrupted experimental data to enable completion of impacted research;
(viii) support training in online course delivery and virtual research experiences that will improve quality and access needed to continue undergraduate, graduate, and post-doctoral training;

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

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

(4) MODIFICATIONS.—The modifications authorized by paragraph (3)(C) include, but are not limited to—
(A) the provision of supplemental funding
to extend the duration of the award concerned;
or
(B) flexibility on the allowable expenses
under such award.

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

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

(e) AUTHORIZATIONS OF APPROPRIATIONS.—

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

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

(B) $150,000,000 shall be for use by the
National Institute of Standards and Tech-
ology.

(2) DEPARTMENT OF AGRICULTURE.—There is
authorized to be appropriated for fiscal year 2021
for the Department of Agriculture, $380,000,000 to
carry out subsection (b).
(3) Department of Defense.—There is authorized to be appropriated for fiscal year 2021 for the Department of Defense, $3,000,000,000 to carry out subsection (b).

(4) Department of Education.—There is authorized to be appropriated for fiscal year 2021 for the Department of Education, $200,000,000 to carry out subsection (b), which shall be for use by the Institute for Education Sciences.

(5) Department of Energy.—There is authorized to be appropriated for fiscal year 2021 for the Department of Energy, $5,000,000,000 to carry out subsection (b), of which—

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

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

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

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

(E) not less than $150,000,000 shall be for use by the Advanced Research Projects Agency–Energy; and
(F) not less than $100,000,000 shall be for use by the Office of Electricity.

(6) Department of Interior.—There is authorized to be appropriated for fiscal year 2021 for the Department of Interior, $300,000,000 to carry out subsection (b), which shall be for use by the United States Geological Survey.

(7) Department of Health and Human Services.—There is authorized to be appropriated for fiscal year 2021 for the Department of Health and Human Services, $10,000,000,000 to carry out subsection (b), which shall be for use by the National Institutes of Health.

(8) Department of Transportation.—There is authorized to be appropriated for fiscal year 2021 for the Department of Transportation, $300,000,000 to carry out subsection (b), of which not less than $130,000,000 shall be for use by the Federal Aviation Administration.

(9) National Aeronautics and Space Administration.—There is authorized to be appropriated for fiscal year 2021 for the National Aeronautics and Space Administration, $2,000,000,000 to carry out subsection (b).
(10) ENVIRONMENTAL PROTECTION AGENCY.—
There is authorized to be appropriated for fiscal year 2021 for the Environmental Protection Agency, $200,000,000 to carry out subsection (b).

(11) NATIONAL SCIENCE FOUNDATION.—There is authorized to be appropriated for fiscal year 2021 for the National Science Foundation, $3,000,000,000 to carry out subsection (b).

(12) AVAILABILITY OF FUNDS FOR ADMINISTRATION.—

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

(B) LIMITATION.—Not more than 5 percent of each of the amounts appropriated pursuant to this subsection may be used for administration of awards under subsection (b).

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