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106TH CONGRESS
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S. 2046

[Report No. 106–310]

To reauthorize the Next Generation Internet Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2000

Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. BREAUX, Mr. HOLLINGS, Mr. LIEBERMAN, Mr. ABRAHAM, Mr. KERRY, and Mr. BAYH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JUNE 16, 2000

Reported by Mr. MCCAIN, with an amendment in the nature of a substitute

[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To reauthorize the Next Generation Internet Act, and for other purposes.

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

~~**SECTION 1. SHORT TITLE.**~~

~~This Act may be cited as the ''Next Generation Internet 2000''.~~

★**(Star Print)**

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The United States investment in science and technology has yielded a scientific and engineering enterprise without peer. The Federal investment in research is critical to the maintenance of our international leadership.

(2) The Internet is at a pivotal point in its history. While promising new applications in medicine, environmental science, and other disciplines are becoming a reality, they are still constrained by the Internet's capacity and capabilities. The current Internet cannot support an emerging set of activities, many of which are essential to mission-critical applications in government, national laboratories, academia and business.

(3) Government-sponsored network research and development is critical to the success of the Next Generation Internet. Previous Federal investment in computer networking technology and related fields has resulted in the creation of new industries and new jobs in the United States.

(4) Since its establishment in 1998, the Next Generation Internet Program has successfully funded peer-reviewed research to address the critical

need for increased network performance and management.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to authorize, through the Next Generation Internet Program and Large Scale Networking Program, research programs related to—

(A) high-end computing and computation;

(B) human-centered systems;

(C) high confidence systems; and

(D) education, training, and human resources; and

(2) to provide, through the Next Generation Internet Program and Large Scale Networking Program, for the development and coordination of a comprehensive and integrated United States research program which will—

(A) focus on research and development toward advancing network technologies to create a network infrastructure that can support greater speed, robustness, and flexibility;

(B) promote connectivity and interoperability among advanced computer networks of Federal agencies and departments;

(C) conduct research on the tools and services that hear future agency networking requirements demands, including application specific multicast, quality of service, and internet video conferencing;

(D) focus on research and development of the next generation network fabric, particularly concerning the expansion of affordable bandwidth for users that is both economically viable and does not impose a geographic penalty (as defined in section 7(a) of the Next Generation Internet Research Act of 1998 (15 U.S.C. 5501 nt.); and

(E) encourage researchers to pursue approaches to networking technology that lead to flexible and extensible solutions wherever feasible.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 103(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5513(d)) is amended to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated for the purpose of carrying out the

Next Generation Internet program and Large Scale Networking program the following amounts:

"Agency	FY 2000	FY 2002	FY 2003
"Department of Defense	$70,300,000	$74,200,000	$78,300,000
"Department of Energy	$32,000,000	$33,800,000	$35,700,000
"National Aeronautics and Space Administration	$19,500,000	$20,600,000	$21,700,000
"National Institutes of Health	$96,000,000	$101,300,000	$106,300,000
"National Institute of Standards and Technology	$4,200,000	$4,400,000	$4,600,000
"National Science Foundation	$111,200,000	$117,300,000	$123,800,000
"National Security Agency	$1,900,000	$2,000,000	$2,100,000
"Agency for Healthcare Research and Quality	$7,400,000	$7,800,000	$8,200,000

"(2) USE OF SUCH FUNDS.—Funds authorized by paragraph (1)—

"(A) shall be used in a manner that contributes to achieving the goals of the Next Generation Internet Program and the Large Scale Networking program; and

"(B) may be used only for research that is merit-based and peer-reviewed.".

SEC. 5. RURAL INFRASTRUCTURE.

Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is amended by adding at the end thereof the following:

"(c) RURAL INFRASTRUCTURE.—Out of appropriated amounts authorized by subsection (d), not less than 10 percent of the total amounts made available to fund research shall be used to fund research grants into the reduction of the cost of Internet access services available to

users in geographically-remote areas. The research shall include investigation of wireless, hybrid, and satellite technologies. In awarding grants under this subsection, the administering agency shall give priority to qualified, postsecondary educational institutions that participate in the Experimental Program to Stimulate Competitive Research.''.

SEC. 6. MINORITY AND SMALL COLLEGE INTERNET ACCESS.

Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by section 6, is further amended by adding at the end thereof the following:

''(f) MINORITY AND SMALL COLLEGE INTERNET ACCESS.—Not less than 5 percent of the amounts made available for research under subsection (e) shall be used for grants to institutions of higher education that are Hispanic-serving, Native American, Historically Black, or small colleges and universities.''.

SEC. 7. DIGITAL DIVIDE STUDY.

(a) IN GENERAL.—The National Academy of Sciences shall conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the uneven access to Internet-related tech-

nologies and services by rural and low-income Americans. The study shall include—

(1) an assessment of the existing geographical penalty (as defined in section 7(a)(1) of the Next General Internet Research Act of 1998 (15 U.S.C. 5501 nt.)) and its impact on all users and their ability to obtain secure and reliable Internet access;

(2) a review of all current Federally-funded research to decrease the inequity of Internet access to rural and low-income users; and

(3) an estimate of the potential impact of Next Generation Internet research institutions acting as aggregators and mentors for nearby smaller or disadvantaged institutions.

(b) REPORT.—The National Academy of Sciences shall transmit a report containing the results of the study and recommendations required by subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences such sums as may be necessary to carry out this section.

Title I—Next Generation Internet

SECTION 101. SHORT TITLE.

This title may be cited as the "Next Generation Internet 2000".

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) The United States investment in science and technology has yielded a scientific and engineering enterprise without peer. The Federal investment in research is critical to the maintenance of our international leadership.

(2) Federal support of computing, information, and networking research and development has been instrumental in driving advances in information technology, including today's Internet, that are transforming our society, enriching the lives of Americans, enabling scientific and engineering discoveries, and improving the competitiveness and productivity of United States' businesses. We have an essential national interest in ensuring a continued flow of innovation and advances in information technology to assure the continued prosperity of future generations.

(3) The Internet is at a pivotal point in its history. While promising new applications in medicine, environmental science, and other disciplines are be-

coming a reality, they are still constrained by the Internet's capacity and capabilities. The current Internet cannot support an emerging set of activities, many of which are essential to mission-critical applications in government, national laboratories, academia, and business.

(4) Government-sponsored network research and development in large scale networking technologies, service, and performance is critical to enable the future growth of the Internet and to meet Federal agency mission needs.

(5) Since its establishment in 1998, the Next Generation Internet Program, which builds on the research and development activities funded under the Large Scale Networking Programs, has successfully deployed networking testbeds and funded peer-reviewed research and development to address the critical need for networks that are more powerful, reliable, and versatile than the current Internet.

(6) Networking research and development is an integral part of the Federal information technology research and development program. Balanced investments in other areas, including software design and productivity, high-end computing, high confidence software and systems, human-computer interface and

information management, high-end computing infrastructure and applications, and research into the social, legal, ethical, and workforce implications of information technology should be pursued.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to authorize the Large Scale Networking Programs, including the Next Generation Internet Programs; and

(2) to provide, through the Large Scale Networking Programs, including the Next Generation Internet Programs, for the development and coordination of a comprehensive and integrated United States research program which will—

(A) focus on research and development toward advancing network technologies to create a network infrastructure that can support greater speed, robustness, and flexibility;

(B) promote connectivity and interoperability among advanced computer networks of Federal agencies and departments;

(C) conduct research on the tools and services that future agency networking requirements demand, including application specific

multicast, quality of service, and Internet video conferencing;

(D) focus on research and development of the next generation network fabric, including the expansion of bandwidth for users that is both economically viable and does not impose a geographic penalty (as defined in section 7(a) of the Next Generation Internet Research Act of 1998 (15 U.S.C. 5501 nt.); and

(E) encourage researchers to pursue approaches to networking technology that lead to flexible and extensible solutions wherever feasible.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

Section 103(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5513(d)) is amended to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated for the purpose of carrying out the Large Scale Networking Programs, including the Next Generation Internet Programs, the following amounts:

"Agency	*FY 2001*	*FY 2002*	*FY 2003*
"Department of Defense	*$70,300,000*	*$74,200,000*	*$78,300,000*
"Department of Energy	*$32,000,000*	*$33,800,000*	*$35,700,000*
"National Aeronautics and Space Administration	*$19,500,000*	*$20,600,000*	*$21,700,000*
"National Institutes of Health	*$96,000,000*	*$101,300,000*	*$106,300,000*
"National Institute of Standards and Technology	*$4,200,000*	*$4,400,000*	*$4,600,000*
"National Science Foundation	*$111,200,000*	*$117,300,000*	*$123,800,000*
"National Security Agency	*$1,900,000*	*$2,000,000*	*$2,100,000*
"Agency for Healthcare Research and Quality	*$7,400,000*	*$7,800,000*	*$8,200,000*
"National Oceanic and Atmospheric Administration	*$2,700,000*	*$2,900,000*	*$3,100,000*

"(2) LIMITATIONS.—Funds authorized by paragraph (1) shall be used in a manner that contributes to achieving the goals of the Large Scale Networking Program, including the Next Generation Internet Programs. Research conducted under this program shall be merit-based and peer-reviewed.".

SEC. 105. RURAL INFRASTRUCTURE.

Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is amended by adding at the end thereof the following:

"(e) RURAL INFRASTRUCTURE.—Out of appropriated amounts authorized by subsection (d), not less than 10 percent of the total amounts shall be made available to fund research grants for making high-speed connectivity more accessible to users in geographically-remote areas. The research shall include investigations of wireless, hybrid, and satellite technologies. In awarding grants under this subsection, the administering agency shall give priority to

qualified, post-secondary educational institutions that participate in the Experimental Program to Stimulate Competitive Research.".

SEC. 106. MINORITY AND SMALL COLLEGE INTERNET ACCESS.

Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by section 6, is further amended by adding at the end thereof the following:

"(f) MINORITY AND SMALL COLLEGE INTERNET ACCESS.—Not less than 5 percent of the amounts made available for research under subsection (d) shall be used for grants to institutions of higher education that are Hispanic-serving, Native American, Native Hawaiian, Native Alaskan, Historically Black, or small colleges and universities.".

SEC. 107. DIGITAL DIVIDE STUDY.

(a) IN GENERAL.—The National Academy of Sciences shall conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the uneven ability to access to Internet-related technologies and services by rural and low-income Americans. The study shall include—

(1) an assessment of the existing geographical penalty (as defined in section 7(a)(1) of the Next General Internet Research Act of 1998 (15 U.S.C.

5501 nt.)) and its impact on all users and their ability to obtain secure and reliable Internet access;

(2) a review of all current Federally-funded research to decrease the inequity of Internet access to rural and low-income users; and

(3) an estimate of the potential impact of Next Generation Internet research institutions acting as aggregators and mentors for nearby smaller or disadvantaged institutions.

(b) REPORT.—The National Academy of Sciences shall transmit a report containing the results of the study and recommendations required by subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences such sums as may be necessary to carry out this section.

Title II—Federal Research Investment Act

SECTION 201. SHORT TITLE.

This title may be cited as the "Federal Research Investment Act".

SEC. 202. GENERAL FINDINGS REGARDING FEDERAL INVESTMENT IN RESEARCH.

(a) VALUE OF RESEARCH AND DEVELOPMENT.—The Congress makes the following findings with respect to the value of research and development to the United States:

(1) Federal investment in research has resulted in the development of technology that saved lives in the United States and around the world.

(2) Research and development investment across all Federal agencies has been effective in creating technology that has enhanced the American quality of life.

(3) The Federal investment in research and development conducted or underwritten by both military and civilian agencies has produced benefits that have been felt in both the private and public sector.

(4) Discoveries across the spectrum of scientific inquiry have the potential to raise the standard of living and the quality of life for all Americans.

(5) Science, engineering, and technology play a critical role in shaping the modern world.

(6) Studies show that about half of all United States post-World War II economic growth is a direct result of technical innovation; and science, engineering, and technology contribute to the creation of new goods and services, new jobs and new capital.

(7) Technical innovation is the principal driving force behind the long-term economic growth and increased standards of living of the world's modern industrial societies. Other nations are well aware of the pivotal role of science, engineering, and technology, and they are seeking to exploit it wherever possible to advance their own global competitiveness.

(8) Federal programs for investment in research, which lead to technological innovation and result in economic growth, should be structured to address current funding disparities and develop enhanced capability in States and regions that currently underparticipate in the national science and technology enterprise.

(b) STATUS OF THE FEDERAL INVESTMENT.—The Congress makes the following findings with respect to the status of the Federal Investment in research and development activities:

(1) Federal investment of approximately 13 to 14 percent of the Federal discretionary budget in research and development over the past 11 years has resulted in a doubling of the nominal amount of Federal funding.

(2) Fiscal realities now challenge Congress to steer the Federal government's role in science, engi-

neering, and technology in a manner that ensures a prudent use of limited public resources. There is both a long-term problem—addressing the ever-increasing level of mandatory spending—and a near-term challenge—apportioning a dwindling amount of discretionary funding to an increasing range of targets in science, engineering, and technology. This confluence of increased national dependency on technology, increased targets of opportunity, and decreased fiscal flexibility has created a problem of national urgency. Many indicators show that more funding for science, engineering, and technology is needed but, even with increased funding, priorities must be established among different programs. The United States cannot afford the luxury of fully funding all deserving programs.

(3) Current projections of Federal research funding show a downward trend.

SEC. 203. SPECIAL FINDINGS REGARDING HEALTH-RELATED RESEARCH.

The Congress makes the following findings with respect to health-related research:

(1) HEALTH AND ECONOMIC BENEFITS PROVIDED BY HEALTH-RELATED RESEARCH.—Because of health-related research, cures for many debilitating and fatal

diseases have been discovered and deployed. At present, the medical research community is on the cusp of creating cures for a number of leading diseases and their associated burdens. In particular, medical research has the potential to develop treatments that can help manage the escalating costs associated with the aging of the United States population.

(2) FUNDING OF HEALTH-RELATED RESEARCH.—Many studies have recognized that clinical and basic science are in a state of crisis because of a failure of resources to meet the opportunity. Consequently, health-related research has emerged as a national priority and has been given significantly increased funding by Congress in fiscal year 1999. In order to continue addressing this urgent national need, the pattern of substantial budgetary expansion begun in fiscal year 1999 should be maintained.

(3) INTERDISCIPLINARY NATURE OF HEALTH-RELATED RESEARCH.—Because all fields of science and engineering are interdependent, full realization of the nation's historic investment in health will depend on major advances both in the biomedical sciences and in other science and engineering disciplines. Hence, the vitality of all disciplines must be preserved, even as

special considerations are given to the health research field.

SEC. 204. ADDITIONAL FINDINGS REGARDING THE LINK BETWEEN THE RESEARCH PROCESS AND USEFUL TECHNOLOGY.

The Congress makes the following findings:

(1) FLOW OF SCIENCE, ENGINEERING, AND TECHNOLOGY.—The process of science, engineering, and technology involves many steps. The present Federal science, engineering, and technology structure reinforces the increasingly artificial distinctions between basic and applied activities. The result too often is a set of discrete programs that each support a narrow phase of research or development and are not coordinated with one another. The government should maximize its investment by encouraging the progression of science, engineering, and technology from the earliest stages of research up to a pre-commercialization stage, through funding agencies and vehicles appropriate for each stage. This creates a flow of technology, subject to merit review at each stage, so that promising technology is not lost in a bureaucratic maze.

(2) EXCELLENCE IN THE AMERICAN RESEARCH INFRASTRUCTURE.—Federal investment in science,

engineering, and technology programs must foster a close relationship between research and education. Investment in research at the university level creates more than simply world-class research. It creates world-class researchers as well. The Federal strategy must continue to reflect this commitment to a strong geographically-diverse research infrastructure. Furthermore, the United States must find ways to extend the excellence of its university system to primary and secondary educational institutions and to better utilize the community college system to prepare many students for vocational opportunities in an increasingly technical workplace.

(3) COMMITMENT TO A BROAD RANGE OF RESEARCH INITIATIVES.—An increasingly common theme in many recent technical breakthroughs has been the importance of revolutionary innovations that were sparked by overlapping of research disciplines. The United States must continue to encourage this trend by providing and encouraging opportunities for interdisciplinary projects that foster collaboration among fields of research.

(4) PARTNERSHIPS AMONG INDUSTRY, UNIVERSITIES, AND FEDERAL LABORATORIES.—Each of these contributors to the national science and technology

delivery system has special talents and abilities that complement the others. In addition, each has a central mission that must provide their focus and each has limited resources. The nation's investment in science, engineering, and technology can be optimized by seeking opportunities for leveraging the resources and talents of these three major players through partnerships that do not distort the missions of each partner. For that reason, Federal dollars are wisely spent forming such partnerships.

SEC. 205. MAINTENANCE OF FEDERAL RESEARCH EFFORT; GUIDING PRINCIPLES.

(a) MAINTAINING UNITED STATES LEADERSHIP IN SCIENCE, ENGINEERING, AND TECHNOLOGY.—It is imperative for the United States to nurture its superb resources in science, engineering, and technology carefully in order to maintain its own globally competitive position.

(b) GUIDING PRINCIPLES.—Federal research and development programs should be conducted in accordance with the following guiding principles:

(1) GOOD SCIENCE.—Federal science, engineering, and technology programs include both knowledge-driven science together with its applications, and mission-driven, science-based requirements. In general, both types of programs must be focused, peer- and

merit-reviewed, and not unnecessarily duplicative, although the details of these attributes must vary with different program objectives.

(2) FISCAL ACCOUNTABILITY.—The Congress must exercise oversight to ensure that programs funded with scarce Federal dollars are well managed. The United States cannot tolerate waste of money through inefficient management techniques, whether by government agencies, by contractors, or by Congress itself. Fiscal resources would be better utilized if program and project funding levels were predictable across several years to enable better project planning; a benefit of such predictability would be that agencies and Congress can better exercise oversight responsibilities through comparisons of a project's and program's progress against carefully planned milestones.

(3) PROGRAM EFFECTIVENESS.—The United States needs to make sure that government programs achieve their goals. As the Congress crafts science, engineering, and technology legislation, it must include a process for gauging program effectiveness, selecting criteria based on sound scientific judgment and avoiding unnecessary bureaucracy. The Congress should also avoid the trap of measuring the effectiveness of a broad science, engineering, and technology

program by passing judgment on individual projects. Lastly, the Congress must recognize that a negative result in a well-conceived and executed project or program may still be critically important to the funding agency.

(4) CRITERIA FOR GOVERNMENT FUNDING.—Program selection for Federal funding should continue to reflect the nation's 2 traditional research and development priorities: (A) basic, scientific, and technological research that represents investments in the nation's long-term future scientific and technological capacity, for which government has traditionally served as the principle resource; and (B) mission research investments, that is, investments in research that derive from necessary public functions, such as defense, health, education, environmental protection, and raising the standard of living, which may include pre-commercial, pre-competitive engineering research and technology development. Additionally, government funding should not compete with or displace the short-term, market-driven, and typically more specific nature of private-sector funding. Government funding should be restricted to pre-competitive activities, leaving competitive activities solely for the private sector. As a rule, the government should not invest in com-

mercial technology that is in the product development stage, very close to the broad commercial marketplace, except to meet a specific agency goal. When the government provides funding for any science, engineering, and technology investment program, it must take reasonable steps to ensure that the potential benefits derived from the program will accrue broadly.

SEC. 206. POLICY STATEMENT.

(a) POLICY.— This title is intended to—

(1) assure a base level of Federal funding for basic scientific, biomedical, and pre-competitive engineering research, with this base level defined as a doubling of Federal basic research funding over the 11 year period following the date of enactment of this Act;

(2) invest in the future economic growth of the United States by expanding the research activities referred to in paragraph (1);

(3) enhance the quality of life and health for all people of the United States through expanded support for health-related research;

(4) allow for accelerated growth of agencies such as the National Institutes of Health to meet critical national needs;

(5) guarantee the leadership of the United States in science, engineering, medicine, and technology; and

(6) ensure that the opportunity and the support for undertaking good science is widely available throughout the United States by supporting a geographically-diverse research and development enterprise.

(b) AGENCIES COVERED.—The agencies and trust instrumentality intended to be covered to the extent that they are engaged in science, engineering, and technology activities for basic scientific, medical, or pre-competitive engineering research by this title are—

(1) the National Institutes of Health, within the Department of Health and Human Services;

(2) the National Science Foundation;

(3) the National Institute for Standards and Technology, within the Department of Commerce;

(4) the National Aeronautics and Space Administration;

(5) the National Oceanic and Atmospheric Administration, within the Department of Commerce;

(6) the Centers for Disease Control, within the Department of Health and Human Services;

(7) the Department of Energy (to the extent that it is not engaged in defense-related activities);

(8) the Department of Agriculture;

(9) the Department of Transportation;

(10) the Department of the Interior;

(11) the Department of Veterans Affairs;

(12) the Smithsonian Institution;

(13) the Department of Education;

(14) the Environmental Protection Agency; and

(15) the Food and Drug Administration, within the Department of Health and Human Services.

(c) DAMAGE TO RESEARCH INFRASTRUCTURE.—A continued trend of funding appropriations equal to or lower than current budgetary levels will lead to permanent damage to the United States research infrastructure. This could threaten American dominance of high-technology industrial leadership.

(d) FUTURE FISCAL YEAR ALLOCATIONS.—

(1) GOALS.—The long-term strategy for research and development funding under this section would be achieved by a steady 2.5 percent annual increase above the rate of inflation throughout a 11-year period.

(2) INFLATION ASSUMPTION.—The authorizations contained in paragraph (3) assume that the rate of inflation for each year will be 3 percent.

(3) AUTHORIZATION.—There are authorized to be appropriated for civilian research and development in the agencies listed in subsection (b)—

(A) $39,790,000,000 for fiscal year 2000;

(B) $41,980,000,000 for fiscal year 2001;

(C) $44,290,000,000 for fiscal year 2002;

(D) $46,720,000,000 for fiscal year 2003;

(E) $49,290,000,000 for fiscal year 2004;

(F) $52,000,000,000 for fiscal year 2005;

(G) $54,860,000,000 for fiscal year 2006;

(H) $57,880,000,000 for fiscal year 2007;

(I) $61,070,000,000 for fiscal year 2008;

(J) $64,420,000,000 for fiscal year 2009; and

(K) $67,970,000,000 for fiscal year 2010.

(4) ACCELERATION TO MEET NATIONAL NEEDS.—

(A) IN GENERAL.—If the amount appropriated for any fiscal year to an agency for the purposes stated in paragraph (3) increases by more than 8 percent over the amount appropriated to it for those purposes for the preceding fiscal year, then the amounts authorized by paragraph (3) for subsequent fiscal years for that

agency and other agencies shall be determined under subparagraphs (B) and (C).

(B) EXCLUSION OF AGENCY IN DETERMINING OTHER AGENCY AMOUNTS FOR NEXT FISCAL YEAR.—For the next fiscal year after a fiscal year described in subparagraph (A), the amount authorized to be appropriated to other agencies under paragraph (3) shall be determined by excluding the agency described in subparagraph (A). Any amount that would, but for this subparagraph, be authorized to be appropriated to that agency shall not be appropriated.

(C) RESUMPTION OF REGULAR TREATMENT.—Notwithstanding subparagraph (B), an agency may not be excluded from the determination of the amount authorized to be appropriated under paragraph (3) for a fiscal year following a fiscal year for which the sum of the amounts appropriated to that agency for fiscal year 2000 and all subsequent fiscal years for the purposes described in paragraph (3) does not exceed the sum of—

(i) the amount appropriated to that agency for such purposes for fiscal year 2000; and

(ii) the amounts that would have been appropriated for such purposes for subsequent fiscal years if the goal described in paragraph (1) had been met (and not exceeded) with respect to that agency's funding.

(D) NO LIMITATION ON OTHER FUNDING.—Nothing in this paragraph limits the amount that may be appropriated to any agency for the purposes described in paragraph (3).

(e) CONFORMANCE WITH BUDGETARY CAPS.—Notwithstanding any other provision of law, no funds may be made available under this title in a manner that does not conform with the discretionary spending caps provided in the most recently adopted concurrent resolution on the budget or threatens the economic stability of the annual budget.

(f) BALANCED RESEARCH PORTFOLIO.—Because of the interdependent nature of the scientific and engineering disciplines, the aggregate funding levels authorized by the section assume that the Federal research portfolio will be well-balanced among the various scientific and engineering disciplines, and geographically dispersed throughout the States.

SEC. 207. PRESIDENT'S ANNUAL BUDGET REQUEST.

The President of the United States shall, in coordination with the President's annual budget request, include a report that parallels Congress' commitment to support Federally-funded research and development by providing—

(1) a detailed summary of the total level of funding for research and development programs throughout all civilian agencies;

(2) a focused strategy that reflects the funding projections of this title for each future fiscal year until 2010, including specific targets for each agency that funds civilian research and development;

(3) an analysis which details funding levels across Federal agencies by methodology of funding, including grant agreements, procurement contracts, and cooperative agreements (within the meaning given those terms in chapter 63 of title 31, United States Code); and

(4) specific proposals for infrastructure development and research and development capacity building in States with less concentrated research and development resources in order to create a nationwide research and development community.

SEC. 208. COMPREHENSIVE ACCOUNTABILITY STUDY FOR FEDERALLY-FUNDED RESEARCH.

(a) STUDY.—The Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget, shall enter into agreement with the National Academy of Sciences for the Academy to conduct a comprehensive study to develop methods for evaluating Federally-funded research and development programs. This study shall—

(1) recommend processes to determine an acceptable level of success for Federally-funded research and development programs by—

(A) describing the research process in the various scientific and engineering disciplines;

(B) describing in the different sciences what measures and what criteria each community uses to evaluate the success or failure of a program, and on what time scales these measures are considered reliable—both for exploratory long-range work and for short-range goals; and

(C) recommending how these measures may be adapted for use by the Federal government to evaluate Federally-funded research and development programs;

(2) assess the extent to which agencies incorporate independent merit-based review into the for-

mulation of the strategic plans of funding agencies and if the quantity or quality of this type of input is unsatisfactory;

(3) recommend mechanisms for identifying Federally-funded research and development programs which are unsuccessful or unproductive;

(4) evaluate the extent to which independent, merit-based evaluation of Federally-funded research and development programs and projects achieves the goal of eliminating unsuccessful or unproductive programs and projects; and

(5) investigate and report on the validity of using quantitative performance goals for aspects of programs which relate to administrative management of the program and for which such goals would be appropriate, including aspects related to—

(A) administrative burden on contractors and recipients of financial assistance awards;

(B) administrative burdens on external participants in independent, merit-based evaluations;

(C) cost and schedule control for construction projects funded by the program;

(D) the ratio of overhead costs of the program relative to the amounts expended through

the program for equipment and direct funding of research; and

(E) the timeliness of program responses to requests for funding, participation, or equipment use.

(6) examine the extent to which program selection for Federal funding across all agencies exemplifies our nation's historical research and development priorities—

(A) basic, scientific, and technological research in the long-term future scientific and technological capacity of the nation; and

(B) mission research derived from a high-priority public function.

(b) ALTERNATIVE FORMS FOR PERFORMANCE GOALS.—Not later than 6 months after transmitting the report under subsection (a) to Congress, the Director of the Office of Management and Budget, after public notice, public comment, and approval by the Director of the Office of Science and Technology Policy and in consultation with the National Science and Technology Council shall promulgate one or more alternative forms for performance goals under section 1115(b)(10)(B) of title 31, United States Code, based on the recommendations of the study under subsection (a) of this section. The head of each agency containing a pro-

gram activity that is a research and development program may apply an alternative form promulgated under this section for a performance goal to such a program activity without further authorization by the Director of the Office of Management and Budget.

(c) STRATEGIC PLANS.—Not later than one year after promulgation of the alternative performance goals in subsection (b) of this section, the head of each agency carrying out research and development activities, upon updating or revising a strategic plan under subsection 306(b) of title 5, United States Code, shall describe the current and future use of methods for determining an acceptable level of success as recommended by the study under subsection (a).

(d) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Science and Technology Policy.

(2) PROGRAM ACTIVITY.—The term "program activity" has the meaning given that term by section 1115(f)(6) of title 31, United States Code.

(3) INDEPENDENT MERIT-BASED EVALUATION.—The term "independent merit-based evaluation" means review of the scientific or technical quality of research or development, conducted by experts who are

chosen for their knowledge of scientific and technical fields relevant to the evaluation and who—

(A) in the case of the review of a program activity, do not derive long-term support from the program activity; or

(B) in the case of the review of a project proposal, are not seeking funds in competition with the proposal.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the study required by subsection (a) $600,000 for the 18-month period beginning October 1, 2000.

SEC. 209. EFFECTIVE PERFORMANCE ASSESSMENT PROGRAM FOR FEDERALLY-FUNDED RESEARCH.

(a) IN GENERAL.—Chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:

"§ 1120. Accountability for research and development programs

"(a) IDENTIFICATION OF UNSUCCESSFUL PROGRAMS.—Based upon program performance reports for each fiscal year submitted to the President under section 1116, the Director of the Office of Management and Budget shall identify the civilian research and development program activities, or components thereof, which do not meet an accept-

able level of success as defined in section 1115(b)(1)(B). Not later than 30 days after the submission of the reports under section 1116, the Director shall furnish a copy of a report listing the program activities or component identified under this subsection to the President and the Congress.

"(b) ACCOUNTABILITY IF NO IMPROVEMENT SHOWN.—For each program activity or component that is identified by the Director under subsection (a) as being below the acceptable level of success for 2 fiscal years in a row, the head of the agency shall no later than 30 days after the Director submits the second report so identifying the program, submit to the appropriate congressional committees of jurisdiction—

"(1) a concise statement of the steps necessary to—

"(A) bring such program into compliance with performance goals; or

"(B) terminate such program should compliance efforts fail; and

"(2) any legislative changes needed to put the steps contained in such statement into effect.".

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:

"1120. Accountability for research and development programs".

(2) Section 1115(f) of title 31, United States Code, is amended by striking "section and sections 1116 through 1119," and inserting "section, sections 1116 through 1120,".

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106TH CONGRESS
2D SESSION

S. 2046

[Report No. 106–310]

A BILL

To reauthorize the Next Generation Internet Act, and for other purposes.

JUNE 16, 2000

Reported with an amendment in the nature of a substitute