

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 296

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## AN ACT

To provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Federal Research In-  
5        vestment Act”.

1 **SEC. 2. GENERAL FINDINGS REGARDING FEDERAL INVEST-**  
2 **MENT IN RESEARCH.**

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

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

9 (2) Research and development investment  
10 across all Federal agencies has been effective in cre-  
11 ating technology that has enhanced the American  
12 quality of life.

13 (3) The Federal investment in research and de-  
14 velopment conducted or underwritten by both mili-  
15 tary and civilian agencies has produced benefits that  
16 have been felt in both the private and public sector.

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

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

22 (6) Studies show that about half of all United  
23 States post-World War II economic growth is a di-  
24 rect result of technical innovation; and science, engi-  
25 neering, and technology contribute to the creation of  
26 new goods and services, new jobs and new capital.

1           (7) Technical innovation is the principal driving  
2 force behind the long-term economic growth and in-  
3 creased standards of living of the world's modern in-  
4 dustrial societies. Other nations are well aware of  
5 the pivotal role of science, engineering, and tech-  
6 nology, and they are seeking to exploit it wherever  
7 possible to advance their own global competitiveness.

8           (8) Federal programs for investment in re-  
9 search, which lead to technological innovation and  
10 result in economic growth, should be structured to  
11 address current funding disparities and develop en-  
12 hanced capability in States and regions that cur-  
13 rently underparticipate in the national science and  
14 technology enterprise.

15       (b) STATUS OF THE FEDERAL INVESTMENT.—The  
16 Congress makes the following findings with respect to the  
17 status of the Federal Investment in research and develop-  
18 ment activities:

19           (1) Federal investment of approximately 13 to  
20 14 percent of the Federal discretionary budget in re-  
21 search and development over the past 11 years has  
22 resulted in a doubling of the nominal amount of  
23 Federal funding.

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

1 neering, and technology in a manner that ensures a  
 2 prudent use of limited public resources. There is  
 3 both a long-term problem—addressing the ever-in-  
 4 creasing level of mandatory spending—and a near-  
 5 term challenge—apportioning a dwindling amount of  
 6 discretionary funding to an increasing range of tar-  
 7 gets in science, engineering, and technology. This  
 8 confluence of increased national dependency on tech-  
 9 nology, increased targets of opportunity, and de-  
 10 creased fiscal flexibility has created a problem of na-  
 11 tional urgency. Many indicators show that more  
 12 funding for science, engineering, and technology is  
 13 needed but, even with increased funding, priorities  
 14 must be established among different programs. The  
 15 United States cannot afford the luxury of fully fund-  
 16 ing all deserving programs.

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

19 **SEC. 3. SPECIAL FINDINGS REGARDING HEALTH-RELATED**  
 20 **RESEARCH.**

21 The Congress makes the following findings with re-  
 22 spect to health-related research:

23 (1) **HEALTH AND ECONOMIC BENEFITS PRO-**  
 24 **VIDED BY HEALTH-RELATED RESEARCH.**—Because  
 25 of health-related research, cures for many debili-

1 tating and fatal diseases have been discovered and  
2 deployed. At present, the medical research commu-  
3 nity is on the cusp of creating cures for a number  
4 of leading diseases and their associated burdens. In  
5 particular, medical research has the potential to de-  
6 velop treatments that can help manage the esca-  
7 lating costs associated with the aging of the United  
8 States population.

9 (2) FUNDING OF HEALTH-RELATED RE-  
10 SEARCH.—Many studies have recognized that clinical  
11 and basic science are in a state of crisis because of  
12 a failure of resources to meet the opportunity. Con-  
13 sequently, health-related research has emerged as a  
14 national priority and has been given significantly in-  
15 creased funding by Congress in fiscal year 1999. In  
16 order to continue addressing this urgent national  
17 need, the pattern of substantial budgetary expansion  
18 begun in fiscal year 1999 should be maintained.

19 (3) INTERDISCIPLINARY NATURE OF HEALTH-  
20 RELATED RESEARCH.—Because all fields of science  
21 and engineering are interdependent, full realization  
22 of the nation's historic investment in health will de-  
23 pend on major advances both in the biomedical  
24 sciences and in other science and engineering dis-  
25 ciplines. Hence, the vitality of all disciplines must be

1       preserved, even as special considerations are given to  
2       the health research field.

3 **SEC. 4. ADDITIONAL FINDINGS REGARDING THE LINK BE-**  
4                   **TWEEN THE RESEARCH PROCESS AND USE-**  
5                   **FUL TECHNOLOGY.**

6       The Congress makes the following findings:

7           (1) **FLOW OF SCIENCE, ENGINEERING, AND**  
8       **TECHNOLOGY.**—The process of science, engineering,  
9       and technology involves many steps. The present  
10       Federal science, engineering, and technology struc-  
11       ture reinforces the increasingly artificial distinctions  
12       between basic and applied activities. The result too  
13       often is a set of discrete programs that each support  
14       a narrow phase of research or development and are  
15       not coordinated with one another. The government  
16       should maximize its investment by encouraging the  
17       progression of science, engineering, and technology  
18       from the earliest stages of research up to a pre-com-  
19       mercialization stage, through funding agencies and  
20       vehicles appropriate for each stage. This creates a  
21       flow of technology, subject to merit review at each  
22       stage, so that promising technology is not lost in a  
23       bureaucratic maze.

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

1 engineering, and technology programs must foster a  
2 close relationship between research and education.  
3 Investment in research at the university level creates  
4 more than simply world-class research. It creates  
5 world-class researchers as well. The Federal strategy  
6 must continue to reflect this commitment to a strong  
7 geographically-diverse research infrastructure. Fur-  
8 thermore, the United States must find ways to ex-  
9 tend the excellence of its university system to pri-  
10 mary and secondary educational institutions and to  
11 better utilize the community college system to pre-  
12 pare many students for vocational opportunities in  
13 an increasingly technical workplace.

14 (3) COMMITMENT TO A BROAD RANGE OF RE-  
15 SEARCH INITIATIVES.—An increasingly common  
16 theme in many recent technical breakthroughs has  
17 been the importance of revolutionary innovations  
18 that were sparked by overlapping of research dis-  
19 ciplines. The United States must continue to encour-  
20 age this trend by providing and encouraging oppor-  
21 tunities for interdisciplinary projects that foster col-  
22 laboration among fields of research.

23 (4) PARTNERSHIPS AMONG INDUSTRY, UNIVER-  
24 SITIES, AND FEDERAL LABORATORIES.—Each of  
25 these contributors to the national science and tech-

1 nology delivery system has special talents and abili-  
2 ties that complement the others. In addition, each  
3 has a central mission that must provide their focus  
4 and each has limited resources. The nation's invest-  
5 ment in science, engineering, and technology can be  
6 optimized by seeking opportunities for leveraging the  
7 resources and talents of these three major players  
8 through partnerships that do not distort the mis-  
9 sions of each partner. For that reason, Federal dol-  
10 lars are wisely spent forming such partnerships.

11 **SEC. 5. MAINTENANCE OF FEDERAL RESEARCH EFFORT;**  
12 **GUIDING PRINCIPLES.**

13 (a) **MAINTAINING UNITED STATES LEADERSHIP IN**  
14 **SCIENCE, ENGINEERING, AND TECHNOLOGY.**—It is im-  
15 perative for the United States to nurture its superb re-  
16 sources in science, engineering, and technology carefully  
17 in order to maintain its own globally competitive position.

18 (b) **GUIDING PRINCIPLES.**—Federal research and de-  
19 velopment programs should be conducted in accordance  
20 with the following guiding principles:

21 (1) **GOOD SCIENCE.**—Federal science, engineer-  
22 ing, and technology programs include both knowl-  
23 edge-driven science together with its applications,  
24 and mission-driven, science-based requirements. In  
25 general, both types of programs must be focused,

1 peer- and merit-reviewed, and not unnecessarily du-  
2 plicative, although the details of these attributes  
3 must vary with different program objectives.

4 (2) FISCAL ACCOUNTABILITY.—The Congress  
5 must exercise oversight to ensure that programs  
6 funded with scarce Federal dollars are well man-  
7 aged. The United States cannot tolerate waste of  
8 money through inefficient management techniques,  
9 whether by government agencies, by contractors, or  
10 by Congress itself. Fiscal resources would be better  
11 utilized if program and project funding levels were  
12 predictable across several years to enable better  
13 project planning; a benefit of such predictability  
14 would be that agencies and Congress can better ex-  
15 ercise oversight responsibilities through comparisons  
16 of a project's and program's progress against care-  
17 fully planned milestones.

18 (3) PROGRAM EFFECTIVENESS.—The United  
19 States needs to make sure that government pro-  
20 grams achieve their goals. As the Congress crafts  
21 science, engineering, and technology legislation, it  
22 must include a process for gauging program effec-  
23 tiveness, selecting criteria based on sound scientific  
24 judgment and avoiding unnecessary bureaucracy.  
25 The Congress should also avoid the trap of meas-

1       uring the effectiveness of a broad science, engineer-  
2       ing, and technology program by passing judgment  
3       on individual projects. Lastly, the Congress must  
4       recognize that a negative result in a well-conceived  
5       and executed project or program may still be criti-  
6       cally important to the funding agency.

7               (4) CRITERIA FOR GOVERNMENT FUNDING.—

8       Program selection for Federal funding should con-  
9       tinue to reflect the nation's 2 traditional research  
10      and development priorities: (A) basic, scientific, and  
11      technological research that represents investments in  
12      the nation's long-term future scientific and techno-  
13      logical capacity, for which government has tradition-  
14      ally served as the principle resource; and (B) mis-  
15      sion research investments, that is, investments in re-  
16      search that derive from necessary public functions,  
17      such as defense, health, education, environmental  
18      protection, and raising the standard of living, which  
19      may include pre-commercial, pre-competitive engi-  
20      neering research and technology development. Addi-  
21      tionally, government funding should not compete  
22      with or displace the short-term, market-driven, and  
23      typically more specific nature of private-sector fund-  
24      ing. Government funding should be restricted to pre-  
25      competitive activities, leaving competitive activities

1 solely for the private sector. As a rule, the govern-  
2 ment should not invest in commercial technology  
3 that is in the product development stage, very close  
4 to the broad commercial marketplace, except to meet  
5 a specific agency goal. When the government pro-  
6 vides funding for any science, engineering, and tech-  
7 nology investment program, it must take reasonable  
8 steps to ensure that the potential benefits derived  
9 from the program will accrue broadly.

10 **SEC. 6. POLICY STATEMENT.**

11 (a) POLICY.— This Act is intended to—

12 (1) assure a base level of Federal funding for  
13 basic scientific, biomedical, and pre-competitive engi-  
14 neering research, with this base level defined as a  
15 doubling of Federal basic research funding over the  
16 11 year period following the date of enactment of  
17 this Act;

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

21 (3) enhance the quality of life and health for all  
22 people of the United States through expanded sup-  
23 port for health-related research;

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

4           (5) guarantee the leadership of the United  
5 States in science, engineering, medicine, and tech-  
6 nology; and

7           (6) ensure that the opportunity and the support  
8 for undertaking good science is widely available  
9 throughout the United States by supporting a geo-  
10 graphically-diverse research and development enter-  
11 prise.

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

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

19           (2) the National Science Foundation;

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

22           (4) the National Aeronautics and Space Admin-  
23 istration;

24           (5) the National Oceanic and Atmospheric Ad-  
25 ministration, within the Department of Commerce;

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

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

5           (8) the Department of Agriculture;

6           (9) the Department of Transportation;

7           (10) the Department of the Interior;

8           (11) the Department of Veterans Affairs;

9           (12) the Smithsonian Institution;

10          (13) the Department of Education;

11          (14) the Environmental Protection Agency; and

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

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

20          (d) FUTURE FISCAL YEAR ALLOCATIONS.—

21           (1) GOALS.—The long-term strategy for re-  
22 search and development funding under this section  
23 would be achieved by a steady 2.5 percent annual in-  
24 crease above the rate of inflation throughout a 11-  
25 year period.

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

4           (3) AUTHORIZATION.—There are authorized to  
5           be appropriated for civilian research and develop-  
6           ment in the agencies listed in subsection (b)—

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

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

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

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

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

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

13                  (G) \$54,870,000,000 for fiscal year 2006;

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

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

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

17                   and

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

19           (4) ACCELERATION TO MEET NATIONAL  
20           NEEDS.—

21                   (A) IN GENERAL.—If the amount appro-  
22                   priated for any fiscal year to an agency for the  
23                   purposes stated in paragraph (3) increases by  
24                   more than 8 percent over the amount appro-  
25                   priated to it for those purposes for the pre-

1 ceding fiscal year, then the amounts authorized  
2 by paragraph (3) for subsequent fiscal years for  
3 that agency and other agencies shall be deter-  
4 mined under subparagraphs (B) and (C).

5 (B) EXCLUSION OF AGENCY IN DETER-  
6 MINING OTHER AGENCY AMOUNTS FOR NEXT  
7 FISCAL YEAR.—For the next fiscal year after a  
8 fiscal year described in subparagraph (A), the  
9 amount authorized to be appropriated to other  
10 agencies under paragraph (3) shall be deter-  
11 mined by excluding the agency described in sub-  
12 paragraph (A). Any amount that would, but for  
13 this subparagraph, be authorized to be appro-  
14 priated to that agency shall not be appro-  
15 priated.

16 (C) RESUMPTION OF REGULAR TREAT-  
17 MENT.—Notwithstanding subparagraph (B), an  
18 agency may not be excluded from the deter-  
19 mination of the amount authorized to be appro-  
20 priated under paragraph (3) for a fiscal year  
21 following a fiscal year for which the sum of the  
22 amounts appropriated to that agency for fiscal  
23 year 2000 and all subsequent fiscal years for  
24 the purposes described in paragraph (3) does  
25 not exceed the sum of—

1 (i) the amount appropriated to that  
2 agency for such purposes for fiscal year  
3 2000; and

4 (ii) the amounts that would have been  
5 appropriated for such purposes for subse-  
6 quent fiscal years if the goal described in  
7 paragraph (1) had been met (and not ex-  
8 ceeded) with respect to that agency's fund-  
9 ing.

10 (D) NO LIMITATION ON OTHER FUND-  
11 ING.—Nothing in this paragraph limits the  
12 amount that may be appropriated to any agency  
13 for the purposes described in paragraph (3).

14 (e) CONFORMANCE WITH BUDGETARY CAPS.—Not-  
15 withstanding any other provision of law, no funds may be  
16 made available under this Act in a manner that does not  
17 conform with the discretionary spending caps provided in  
18 the most recently adopted concurrent resolution on the  
19 budget or threatens the economic stability of the annual  
20 budget.

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

1 disciplines, and geographically dispersed throughout the  
2 States.

3 **SEC. 7. PRESIDENT'S ANNUAL BUDGET REQUEST.**

4 The President of the United States shall, in coordina-  
5 tion with the President's annual budget request, include  
6 a report that parallels Congress' commitment to support  
7 federally-funded research and development by providing—

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

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

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

21 (4) specific proposals for infrastructure develop-  
22 ment and research and development capacity build-  
23 ing in States with less concentrated research and de-  
24 velopment resources in order to create a nationwide  
25 research and development community.

1 **SEC. 8. COMPREHENSIVE ACCOUNTABILITY STUDY FOR**  
2 **FEDERALLY-FUNDED RESEARCH.**

3 (a) STUDY.—The Director of the Office of Science  
4 and Technology Policy, in consultation with the Director  
5 of the Office of Management and Budget, shall enter into  
6 agreement with the National Academy of Sciences for the  
7 Academy to conduct a comprehensive study to develop  
8 methods for evaluating federally-funded research and de-  
9 velopment programs. This study shall—

10 (1) recommend processes to determine an ac-  
11 ceptable level of success for federally-funded re-  
12 search and development programs by—

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

15 (B) describing in the different sciences  
16 what measures and what criteria each commu-  
17 nity uses to evaluate the success or failure of a  
18 program, and on what time scales these meas-  
19 ures are considered reliable—both for explor-  
20 atory long-range work and for short-range  
21 goals; and

22 (C) recommending how these measures  
23 may be adapted for use by the Federal govern-  
24 ment to evaluate federally-funded research and  
25 development programs;

1           (2) assess the extent to which agencies incor-  
2           porate independent merit-based review into the for-  
3           mulation of the strategic plans of funding agencies  
4           and if the quantity or quality of this type of input  
5           is unsatisfactory;

6           (3) recommend mechanisms for identifying fed-  
7           erally-funded research and development programs  
8           which are unsuccessful or unproductive;

9           (4) evaluate the extent to which independent,  
10          merit-based evaluation of federally-funded research  
11          and development programs and projects achieves the  
12          goal of eliminating unsuccessful or unproductive pro-  
13          grams and projects; and

14          (5) investigate and report on the validity of  
15          using quantitative performance goals for aspects of  
16          programs which relate to administrative manage-  
17          ment of the program and for which such goals would  
18          be appropriate, including aspects related to—

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

21                 (B) administrative burdens on external  
22                 participants in independent, merit-based evalua-  
23                 tions;

24                 (C) cost and schedule control for construc-  
25                 tion projects funded by the program;

1 (D) the ratio of overhead costs of the pro-  
2 gram relative to the amounts expended through  
3 the program for equipment and direct funding  
4 of research; and

5 (E) the timeliness of program responses to  
6 requests for funding, participation, or equip-  
7 ment use.

8 (6) examine the extent to which program selec-  
9 tion for Federal funding across all agencies exempli-  
10 fies our nation's historical research and development  
11 priorities—

12 (A) basic, scientific, and technological re-  
13 search in the long-term future scientific and  
14 technological capacity of the nation; and

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

17 (b) ALTERNATIVE FORMS FOR PERFORMANCE  
18 GOALS.—Not later than 6 months after transmitting the  
19 report under subsection (a) to Congress, the Director of  
20 the Office of Management and Budget, after public notice,  
21 public comment, and approval by the Director of the Of-  
22 fice of Science and Technology Policy and in consultation  
23 with the National Science and Technology Council shall  
24 promulgate one or more alternative forms for performance  
25 goals under section 1115(b)(10)(B) of title 31, United

1 States Code, based on the recommendations of the study  
2 under subsection (a) of this section. The head of each  
3 agency containing a program activity that is a research  
4 and development program may apply an alternative form  
5 promulgated under this section for a performance goal to  
6 such a program activity without further authorization by  
7 the Director of the Office of Management and Budget.

8 (c) STRATEGIC PLANS.—Not later than one year  
9 after promulgation of the alternative performance goals in  
10 subsection (b) of this section, the head of each agency car-  
11 rying out research and development activities, upon updat-  
12 ing or revising a strategic plan under subsection 306(b)  
13 of title 5, United States Code, shall describe the current  
14 and future use of methods for determining an acceptable  
15 level of success as recommended by the study under sub-  
16 section (a).

17 (d) DEFINITIONS.—In this section:

18 (1) DIRECTOR.—The term “Director” means  
19 the Director of the Office of Science and Technology  
20 Policy.

21 (2) PROGRAM ACTIVITY.—The term “program  
22 activity” has the meaning given that term by section  
23 1115(f)(6) of title 31, United States Code.

24 (3) INDEPENDENT MERIT-BASED EVALUA-  
25 TION.—The term “independent merit-based evalua-

1       tion” means review of the scientific or technical  
 2       quality of research or development, conducted by ex-  
 3       perts who are chosen for their knowledge of sci-  
 4       entific and technical fields relevant to the evaluation  
 5       and who—

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

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

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

16       **SEC. 9. EFFECTIVE PERFORMANCE ASSESSMENT PROGRAM**  
 17               **FOR FEDERALLY-FUNDED RESEARCH.**

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

21       **“§ 1120. Accountability for research and develop-**  
 22               **ment programs**

23               “(a) IDENTIFICATION OF UNSUCCESSFUL PRO-  
 24       GRAMS.—Based upon program performance reports for  
 25       each fiscal year submitted to the President under section

1 1116, the Director of the Office of Management and  
2 Budget shall identify the civilian research and develop-  
3 ment program activities, or components thereof, which do  
4 not meet an acceptable level of success as defined in sec-  
5 tion 1115(b)(1)(B). Not later than 30 days after the sub-  
6 mission of the reports under section 1116, the Director  
7 shall furnish a copy of a report listing the program activi-  
8 ties or component identified under this subsection to the  
9 President and the Congress.

10       “(b) ACCOUNTABILITY IF NO IMPROVEMENT  
11 SHOWN.—For each program activity or component that  
12 is identified by the Director under subsection (a) as being  
13 below the acceptable level of success for 2 fiscal years in  
14 a row, the head of the agency shall no later than 30 days  
15 after the Director submits the second report so identifying  
16 the program, submit to the appropriate congressional com-  
17 mittees of jurisdiction:

18               “(1) a concise statement of the steps necessary  
19       to—

20                       “(A) bring such program into compliance  
21       with performance goals; or

22                       “(B) terminate such program should com-  
23       pliance efforts fail; and

24               “(2) any legislative changes needed to put the  
25       steps contained in such statement into effect.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) The chapter analysis for chapter 11 of title  
3 31, United States Code, is amended by adding at  
4 the end thereof the following:

“1120. Accountability for research and development programs”.

5 (2) Section 1115(f) of title 31, United States  
6 Code, is amended by striking “through 1119,” and  
7 inserting “through 1120”.

Passed the Senate July 26, 1999.

Attest:

*Secretary.*

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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**S. 296**

**AN ACT**

To provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S 296 ES—2

S 296 ES—3

S 296 ES—4

S 296 ES—5