

106TH CONGRESS  
1ST SESSION

# H. R. 3161

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 1999

Mrs. WILSON (for herself, Mr. DINGELL, Mr. COOK, Ms. ESHOO, Mr. FRANKS of New Jersey, Mr. HOLT, Ms. LOFGREN, Mr. MALONEY of Connecticut, Mr. ROGAN, and Mrs. TAUSCHER) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committees on Commerce, Armed Services, Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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) Approximately half of all United States  
23 post-World War II economic growth is a direct re-  
24 sult of technical innovation; and science, engineer-  
25 ing, and technology contribute to the creation of new  
26 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) Historically, Federal investment in science,  
9           engineering, and technology was largely justified by  
10          the needs of national security or public health.  
11          America's Federal spending in precompetitive  
12          science, engineering, and technology is fully justified  
13          without relying on a compelling national security  
14          need.

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) The increase in national dependency on  
25               technology, the greater breadth of meaningful re-

1 search opportunities, and the continuing need to be  
2 fiscally responsible demands that Congress guide the  
3 Federal Government's role in science, engineering,  
4 and technology in a manner that ensures a prudent  
5 use of public resources. Many indicators show that  
6 more funding for science, engineering, and tech-  
7 nology is needed but, even with increased funding,  
8 priorities must be established among different pro-  
9 grams. Congress must ensure that Federal research  
10 and development investment are justified with long  
11 term results to Americans.

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

14 **SEC. 3. SPECIAL FINDINGS REGARDING HEALTH-RELATED**  
15 **RESEARCH.**

16 The Congress makes the following findings with re-  
17 spect to health-related research:

18 (1) **HEALTH AND ECONOMIC BENEFITS PRO-**  
19 **VIDED BY HEALTH-RELATED RESEARCH.**—Because  
20 of health-related research, cures for many debili-  
21 tating and fatal diseases have been discovered and  
22 deployed. At present, the medical research commu-  
23 nity is on the cusp of creating cures for a number  
24 of leading diseases and their associated burdens. In  
25 particular, medical research has the potential to de-

1        develop treatments that can help manage the esca-  
2        lating costs associated with the aging of the United  
3        States population.

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

14               (3)    INTERDISCIPLINARY NATURE OF HEALTH-  
15        RELATED RESEARCH.—Because all fields of science  
16        and engineering are interdependent, full realization  
17        of the nation's historic investment in health will de-  
18        pend on major advances both in the biomedical  
19        sciences and in other science and engineering dis-  
20        ciplines. Hence, the vitality of all disciplines must be  
21        preserved, even as special considerations are given to  
22        the health research field.

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

4 The Congress makes the following findings:

5 (1) INTERRELATIONSHIP OF SCIENCE, ENGI-  
6 NEERING, AND TECHNOLOGY.—Science, engineering,  
7 and technology rely on many overlapping and inter-  
8 related processes. The present Federal science, engi-  
9 neering, and technology structure reinforces the in-  
10 creasingly artificial distinctions between basic and  
11 applied activities. Such structure is based upon a  
12 model of sequential transition from basic research  
13 through development to focused application that no  
14 longer adequately captures the dynamic research and  
15 innovation. The result too often is a set of discrete  
16 Federal programs that each support a narrow phase  
17 of research or development. There is less inter-  
18 disciplinary interaction than there might be and  
19 some promising discoveries or technologies are not  
20 pursued because they are outside the scope of the  
21 sponsoring Federal program. The government should  
22 maximize its research investment by identifying  
23 areas of priority interest in science, engineering, and  
24 technology from the earliest stages of research up to  
25 a precommercialization stage, through funding agen-  
26 cies and vehicles appropriate for each stage.

1           (2) EXCELLENCE IN THE AMERICAN RESEARCH  
2           INFRASTRUCTURE.—Federal investment in science,  
3           engineering, and technology programs must foster a  
4           close relationship between research and education.  
5           Investment in research at the university level creates  
6           more than simply world-class research. It creates  
7           world-class researchers as well as engineers, sci-  
8           entists, and technicians able to apply the fruits of  
9           research in the world economy. The Federal strategy  
10          must continue to reflect this commitment to a strong  
11          geographically-diverse research infrastructure. Fur-  
12          thermore, the United States must use the excellence  
13          of its university system to inspire primary and sec-  
14          ondary students to pursue further study in math,  
15          science, and engineering, and to strengthen the cur-  
16          ricula of primary and secondary schools in math and  
17          science.

18          (3) COMMITMENT TO A BROAD RANGE OF RE-  
19          SEARCH INITIATIVES.—An increasingly common  
20          theme in many recent technical breakthroughs has  
21          been the importance of revolutionary innovations  
22          that were sparked by overlapping of research dis-  
23          ciplines. The most valuable work is often at the  
24          boundaries between fields. The United States must  
25          continue to encourage this trend by providing and

1 encouraging opportunities for interdisciplinary  
2 projects that foster collaboration among fields of re-  
3 search.

4 (4) PARTNERSHIPS AMONG INDUSTRY, UNIVER-  
5 SITIES, AND FEDERAL LABORATORIES.—Each of  
6 these contributors to the national science and tech-  
7 nology delivery system has special talents and abili-  
8 ties that complement the others. In addition, each  
9 has a central mission that must provide their focus  
10 and each has limited resources. The nation’s invest-  
11 ment in science, engineering, and technology can be  
12 optimized by seeking opportunities for leveraging the  
13 resources and talents of these 3 sectors through  
14 partnerships that do not distort the missions of each  
15 partner. For that reason, Federal dollars are wisely  
16 spent forming such partnerships.

17 **SEC. 5. MAINTENANCE OF FEDERAL RESEARCH EFFORT;**  
18 **GUIDING PRINCIPLES.**

19 (a) MAINTAINING UNITED STATES LEADERSHIP IN  
20 SCIENCE, ENGINEERING, AND TECHNOLOGY.—It is im-  
21 perative for the United States to nurture its superb re-  
22 sources in science, engineering, and technology carefully  
23 in order to maintain its own globally competitive position.



1 (b) GUIDING PRINCIPLES.—Federal research and de-  
2 velopment programs should be conducted in accordance  
3 with the following guiding principles:

4 (1) GOOD SCIENCE.—Federal science, engineer-  
5 ing, and technology programs include both knowl-  
6 edge-driven science together with its applications,  
7 and mission-driven, science-based requirements. In  
8 general, both types of programs must be focused,  
9 peer- and merit-reviewed, and not unnecessarily du-  
10 plicative, although the details of these attributes  
11 must vary with different program objectives.

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

1           (3) PROGRAM EFFECTIVENESS.—The United  
2 States needs to make sure that government pro-  
3 grams achieve their goals. As the Congress crafts  
4 science, engineering, and technology legislation, it  
5 must include a process for gauging program effec-  
6 tiveness, selecting criteria based on sound scientific  
7 judgment and avoiding unnecessary bureaucracy.  
8 The Congress should also avoid the trap of meas-  
9 uring the effectiveness of a broad science, engineer-  
10 ing, and technology program by passing judgment  
11 on individual projects. Lastly, the Congress must  
12 recognize that a negative result in a well-conceived  
13 and executed project or program may still be criti-  
14 cally important to the funding agency.

15           (4) CRITERIA FOR GOVERNMENT FUNDING.—  
16 Program selection for Federal funding should con-  
17 tinue to reflect the nation's 2 traditional research  
18 and development priorities: (A) basic, scientific, and  
19 technological research that represents investments in  
20 the nation's long-term future scientific and techno-  
21 logical capacity, for which government has tradition-  
22 ally served as the principal resource; and (B) mis-  
23 sion research investments, that is, investments in re-  
24 search that derive from necessary public functions,  
25 such as defense, health, education, environmental

1 protection, and raising the standard of living, which  
2 may include precommercial, precompetitive engineer-  
3 ing research and technology development. Addition-  
4 ally, government funding should not compete with  
5 or displace the short-term, market-driven, and typi-  
6 cally more specific nature of private-sector funding.  
7 Government funding should be restricted to  
8 precompetitive activities, leaving competitive activi-  
9 ties solely for the private sector. As a rule, the gov-  
10 ernment should not invest in commercial technology  
11 that is in the product development stage, very close  
12 to the broad commercial marketplace, except to meet  
13 a specific agency goal. When the government pro-  
14 vides funding for any science, engineering, and tech-  
15 nology investment program, it must take reasonable  
16 steps to ensure that the potential benefits derived  
17 from the program will accrue broadly.

18 **SEC. 6. POLICY STATEMENT.**

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

- 20 (1) assure a base level of Federal funding for  
21 basic scientific, biomedical, and precompetitive engi-  
22 neering research;
- 23 (2) invest in the future economic growth of the  
24 United States by expanding the research activities  
25 referred to in paragraph (1);

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

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

7           (5) 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 precompetitive 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 of 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 engaged in non-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) FUTURE FISCAL YEAR ALLOCATIONS.—

15           (1) GOALS.—The long-term strategy for re-  
16     search and development funding under this section  
17     would be achieved by a steady annual increase above  
18     the rate of inflation so that by fiscal year 2010, 2.6  
19     percent of the Federal budget is spent on non-de-  
20     fense research and development.

21           (2) AUTHORIZATION.—There are authorized to  
22     be appropriated for civilian research and develop-  
23     ment in the agencies listed in subsection (b)—

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

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

- 1 (C) \$44,290,000,000 for fiscal year 2002;  
2 (D) \$46,720,000,000 for fiscal year 2003;  
3 (E) \$49,290,000,000 for fiscal year 2004;  
4 (F) \$52,000,000,000 for fiscal year 2005;  
5 (G) \$54,870,000,000 for fiscal year 2006;  
6 (H) \$57,880,000,000 for fiscal year 2007;  
7 (I) \$61,070,000,000 for fiscal year 2008;  
8 (J) \$64,420,000,000 for fiscal year 2009;

9 and

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

11 (3) ACCELERATION TO MEET NATIONAL  
12 NEEDS.—

13 (A) IN GENERAL.—If the amount appro-  
14 priated for any fiscal year to an agency for the  
15 purposes stated in paragraph (2) increases by  
16 more than 8 percent over the amount appro-  
17 priated to it for those purposes for the pre-  
18 ceding fiscal year, then the amounts authorized  
19 by paragraph (2) for subsequent fiscal years for  
20 that agency and other agencies shall be deter-  
21 mined under subparagraphs (B) and (C).

22 (B) EXCLUSION OF AGENCY IN DETER-  
23 MINING OTHER AGENCY AMOUNTS FOR NEXT  
24 FISCAL YEAR.—For the next fiscal year after a  
25 fiscal year described in subparagraph (A), the

1 amount authorized to be appropriated to other  
2 agencies under paragraph (2) shall be deter-  
3 mined by excluding the agency described in sub-  
4 paragraph (A). Any amount that would, but for  
5 this subparagraph, be authorized to be appro-  
6 priated to that agency shall not be appro-  
7 priated.

8 (C) RESUMPTION OF REGULAR TREAT-  
9 MENT.—Notwithstanding subparagraph (B), an  
10 agency may not be excluded from the deter-  
11 mination of the amount authorized to be appro-  
12 priated under paragraph (2) for a fiscal year  
13 following a fiscal year for which the sum of the  
14 amounts appropriated to that agency for fiscal  
15 year 2000 and all subsequent fiscal years for  
16 the purposes described in paragraph (2) does  
17 not exceed the sum of—

18 (i) the amount appropriated to that  
19 agency for such purposes for fiscal year  
20 2000; and

21 (ii) the amounts that would have been  
22 appropriated for such purposes for subse-  
23 quent fiscal years if the goal described in  
24 paragraph (1) had been met (and not ex-

1                   ceeded) with respect to that agency's fund-  
2                   ing.

3                   (D) NO LIMITATION ON OTHER FUND-  
4                   ING.—Nothing in this paragraph limits the  
5                   amount that may be appropriated to any agency  
6                   for the purposes described in paragraph (2).

7           (d) CONFORMANCE WITH BUDGETARY CAPS.—Not-  
8   withstanding any other provision of law, no funds may be  
9   made available under this Act in a manner that does not  
10 conform with the discretionary spending caps provided in  
11 the most recently adopted concurrent resolution on the  
12 budget.

13          (e) BALANCED RESEARCH PORTFOLIO.—Because of  
14 the interdependent nature of the scientific and engineering  
15 disciplines, the aggregate funding levels authorized by this  
16 section assume that the Federal research portfolio will be  
17 well-balanced among the various scientific and engineering  
18 disciplines, and geographically dispersed throughout the  
19 States.

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

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



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

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

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

14          (4) specific proposals for infrastructure develop-  
15          ment and research and development capacity build-  
16          ing in States with less concentrated research and de-  
17          velopment resources in order to create a nationwide  
18          research and development community.

19 **SEC. 8. COMPREHENSIVE ACCOUNTABILITY STUDY FOR**  
20 **FEDERALLY-FUNDED RESEARCH.**

21          (a) STUDY.—The Director of the Office of Science  
22          and Technology Policy, in consultation with the Director  
23          of the Office of Management and Budget, shall enter into  
24          agreement with the National Academy of Sciences for the  
25          Academy to conduct a comprehensive study to develop

1 methods for evaluating federally-funded research and de-  
2 velopment programs. This study shall—

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

6 (A) describing the research process in the  
7 various scientific and engineering disciplines  
8 and characterizing how these processes evolved;

9 (B) describing in the different sciences  
10 what measures and what criteria each commu-  
11 nity uses to evaluate the success or failure of a  
12 program, and on what time scales these meas-  
13 ures are considered reliable—both for explor-  
14 atory long-range work and for short-range  
15 goals; and

16 (C) recommending how these measures  
17 may be adapted for use by the Federal govern-  
18 ment to evaluate federally-funded research and  
19 development programs;

20 (2) assess the extent to which agencies incor-  
21 porate independent merit-based review into the for-  
22 mulation of the strategic plans of funding agencies  
23 and if the quantity or quality of this type of input  
24 is satisfactory;

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

4           (4) evaluate the extent to which independent,  
5           merit-based evaluation of federally-funded research  
6           and development programs and projects achieves the  
7           goal of eliminating unsuccessful or unproductive pro-  
8           grams and projects;

9           (5) investigate and report on the validity of  
10          using quantitative performance goals for aspects of  
11          programs which relate to administrative manage-  
12          ment of the program and for which such goals would  
13          be appropriate, including aspects related to—

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

16                (B) administrative burdens on external  
17                participants in independent, merit-based evalua-  
18                tions;

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

21                (D) the ratio of overhead costs of the pro-  
22                gram relative to the amounts expended through  
23                the program for equipment and direct funding  
24                of research; and

1 (E) the timeliness of program responses to  
2 requests for funding, participation, or equip-  
3 ment use;

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

8 (A) basic, scientific, and technological re-  
9 search in the long-term future scientific and  
10 technological capacity of the nation; and

11 (B) mission research derived from a high-  
12 priority public function; and

13 (7) examine the conceptual scientific model  
14 which assumes a progression from basic research  
15 through technological application, including—

16 (A) whether it adequately describes the  
17 process of scientific discovery and innovation at  
18 the cusp of the 21st century;

19 (B) whether it encourages an investment  
20 strategy or research infrastructure that hinders  
21 discovery and innovation;

22 (C) whether there is a better model which  
23 is likely to yield improved results; and

1 (D) what changes would need to be made  
2 in Federal funding mechanisms, agencies, and  
3 programs to align with this different model.

4 (b) ALTERNATIVE FORMS FOR PERFORMANCE  
5 GOALS.—Not later than 6 months after transmitting the  
6 report under subsection (a) to Congress, the Director of  
7 the Office of Management and Budget, after public notice,  
8 public comment, and approval by the Director of the Of-  
9 fice of Science and Technology Policy and in consultation  
10 with the National Science and Technology Council shall  
11 promulgate one or more alternative forms for performance  
12 goals under section 1115(b)(1)(B) of title 31, United  
13 States Code, based on the recommendations of the study  
14 under subsection (a) of this section. The head of each  
15 agency containing a program activity that is a research  
16 and development program may apply an alternative form  
17 promulgated under this section for a performance goal to  
18 such a program activity without further authorization by  
19 the Director of the Office of Management and Budget.

20 (c) STRATEGIC PLANS.—Not later than 1 year after  
21 promulgation of the alternative performance goals in sub-  
22 section (b) of this section, the head of each agency car-  
23 rying out research and development activities, upon updat-  
24 ing or revising a strategic plan under subsection 306(b)  
25 of title 5, United States Code, shall describe the current

1 and future use of methods for determining an acceptable  
2 level of success as recommended by the study under sub-  
3 section (a).

4 (d) DEFINITIONS.—In this section:

5 (1) PROGRAM ACTIVITY.—The term “program  
6 activity” has the meaning given that term by section  
7 1115(f)(6) of title 31, United States Code.

8 (2) INDEPENDENT MERIT-BASED EVALUA-  
9 TION.—The term “independent merit-based evalua-  
10 tion” means review of the scientific or technical  
11 quality of research or development, conducted by ex-  
12 perts who are chosen for their knowledge of sci-  
13 entific and technical fields relevant to the evaluation  
14 and who—

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

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

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

1 **SEC. 9. EFFECTIVE PERFORMANCE ASSESSMENT PROGRAM**  
2 **FOR FEDERALLY-FUNDED RESEARCH.**

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

6 **“§ 1120. Accountability for research and develop-**  
7 **ment programs**

8 “(a) IDENTIFICATION OF UNSUCCESSFUL PRO-  
9 GRAMS.—Based upon program performance reports for  
10 each fiscal year submitted to the President under section  
11 1116, the Director of the Office of Management and  
12 Budget shall identify the civilian research and develop-  
13 ment program activities, or components thereof, which do  
14 not meet an acceptable level of success as defined in sec-  
15 tion 1115(b)(1). Not later than 30 days after the submis-  
16 sion of the reports under section 1116, the Director shall  
17 furnish a copy of a report listing the program activities  
18 or component identified under this subsection to the Presi-  
19 dent and the Congress.

20 “(b) ACCOUNTABILITY IF NO IMPROVEMENT  
21 SHOWN.—For each program activity or component that  
22 is identified by the Director under subsection (a) as being  
23 below the acceptable level of success for 2 fiscal years in  
24 a row, the head of the agency shall, no later than 30 days  
25 after the Director submits the second report so identifying

1 the program, submit to the appropriate congressional com-  
 2 mittees of jurisdiction—

3 “(1) a concise statement of the steps necessary  
 4 to—

5 “(A) bring such program into compliance  
 6 with performance goals; or

7 “(B) terminate such program should com-  
 8 pliance efforts fail; and

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

11 (b) CONFORMING AMENDMENTS.—

12 (1) The chapter analysis for chapter 11 of title  
 13 31, United States Code, is amended by adding at  
 14 the end thereof the following:

“1120. Accountability for research and development programs.”.

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

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