

(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 formulation 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 program 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 acceptable 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,”.

##### **AMENDMENT NO. 4176**

(Purpose: To increase the Federal investment in civilian research and development)

Mr. SMITH of New Hampshire. Mr. President, Senators FRIST and ROCKEFELLER have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. FRIST, for himself and Mr. ROCKEFELLER, proposes an amendment numbered 4176.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. SMITH of New Hampshire. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4176) was agreed to.

Mr. SMITH of New Hampshire. I ask unanimous consent the committee amendment, as amended, be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

The bill (S. 2046) was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

#### **MEASURE READ THE FIRST TIME—S. 3095**

Mr. SMITH of New Hampshire. Mr. President, I understand that S. 3095, introduced earlier today by Senator KENNEDY, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 3095) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

Mr. SMITH of New Hampshire. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

#### **UNANIMOUS CONSENT AGREEMENT—NOMINATIONS**

Mr. SMITH of New Hampshire. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations and that they be placed on the Calendar:

Luis J. Laurodo, of Florida, to be Permanent Representative of the United States to the Organization of American States with the rank of Ambassador, to which position he was appointed during the last recess of the Senate; and

Mark L. Schneider, of California, to be Director of the Peace Corps, vice Mark D. Gearan, resigned, to which position he was appointed during the last recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **ORDERS FOR FRIDAY, SEPTEMBER 22, 2000, AND MONDAY, SEPTEMBER 25, 2000**

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent

that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, September 22. I further ask unanimous consent that on Friday and Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator HAGEL, or his designee, 30 minutes; Senator DORGAN, or his designee, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that the Senate convene at 12 noon on Monday and that the Senate be in a period for morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, in control of the first hour, and Senator THOMAS, or his designee, in control of the second hour. Following morning business, I ask unanimous consent that the Senate resume debate on the motion to proceed to S. 2045, the H-1B visa bill, and at 3:50 p.m., the Senate resume debate on S. 2796, the Water Resources Development Act, for 1 hour equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SMITH of New Hampshire. Mr. President, when the Senate convenes at 10 a.m. tomorrow, the Senate will be in a period for morning business throughout the day. The Senate may also resume debate on the motion to proceed to S. 2045, the H-1B visa bill, as well as any other items available for action. As previously announced, no votes will occur during tomorrow's session. The next vote will occur at 4:50 p.m. on Monday, September 25, on final passage of the Water Resources Development Act.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:15 p.m., adjourned until Friday, September 22, 2000, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 21, 2000:

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

### To be lieutenant general

LT. GEN. KEVIN P. BYRNES, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

### To be brigadier general

COL. KERRY G. DENSON, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

### To be brigadier general

COL. WILLIAM W. GOODWIN, 0000

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C. SECTIONS 624 AND 531:

### To be colonel

GEORGE M ABERNATHY, 0000  
BRUCE H ACKER, 0000  
DANIEL S ADAMS JR., 0000  
DAVID A ADAMS, 0000  
SCOTT A ADAMS, 0000  
WILLIAM M AHRENDT, 0000  
STANLEY E ALBAUGH, 0000  
NORMAN R ALBERT, 0000  
JOHN E ALEXANDER, 0000  
GAIL C ALLEN, 0000  
JOHN R ALLEN, 0000  
THOMAS L ALSTON, 0000  
GLENN N ALTSCHULD JR., 0000  
KEVIN C ANDERSEN, 0000  
BENJAMIN ANDERSON, 0000  
MARK ANDERSON, 0000  
RICHARD L ANDERSON, 0000  
SILVIA S ANDERSON, 0000  
HAROLD J ARATA III, 0000  
FRANK P ARENA JR., 0000  
JEFFREY C ARMSTRONG, 0000  
RICHARD C ARVIN, 0000  
ERIC A ASH, 0000  
JOHN R ATKINS, 0000  
MARK A ATKINSON, 0000  
GREGORY D AUGST, 0000  
CHARLES H AYALA, 0000  
LOYD A BADSKY, 0000  
ALAN K BAKER, 0000  
JOHN E BALL, 0000  
JONATHAN E BANCROFT, 0000  
KENNETH W BARKER, 0000  
DANIEL P BARNETT, 0000  
PAUL T BARNICOTT, 0000  
LEAH J BARRERA, 0000  
MARK A BARRETT, 0000  
JOSEPH F BARTON, 0000  
MICHAEL C BARTON, 0000  
EMERSON A BASCOMB, 0000  
WILLIAM B BECKER, 0000  
LORENZA M BEDGOOD, 0000  
KEVIN A BELL, 0000  
WILLIAM J BENDER, 0000  
KENNETH L BENNETT, 0000  
WILLIAM C BENNETT JR., 0000  
BRYAN J BENSON, 0000  
SANDRA A BEST, 0000  
EDWARD R BEZDZIECKI, 0000  
DEBORAH A BIELING, 0000  
HENRI J BIGO, 0000  
JEFFREY J BLESSING, 0000  
THOMAS M BLUME, 0000  
MICHAEL R BOERA, 0000  
CHRISTOPHER C BOGDAN, 0000  
JOSE M BOLUDA, 0000  
HOWARD L BORST, 0000  
PAUL E BOTTS, 0000  
THOMAS J BOUTHILLER, 0000  
STEVEN M BOWER, 0000  
ALBERT J BOWLEY JR., 0000  
JOSEPH F BOYLE, 0000  
ANDREA A BRACKETT, 0000  
JAMES S BRADLEY, 0000  
RAYMOND C BRADBURY, 0000  
MICHAEL D BRADLEY, 0000  
MATTHEW P BRANIGAN, 0000  
EDWARD M BREEN, 0000  
GEORGE D BREMER JR., 0000  
REX S BRENNAN, 0000  
TIMOTHY K BRIDGES, 0000  
JAMES E BRIGGS, 0000  
LARRY W BRITTENHAM, 0000  
ERIC J BROOKS, 0000  
FRANK K BROOKS JR., 0000  
JAMES D BROPHY II, 0000  
BRIAN M BROWN, 0000  
JAMES D BROWN, 0000  
KATHERINE L BROWN, 0000  
THOMAS H BROWN, 0000  
JAMES M BROWNE, 0000  
JOSEPH J BROZENA JR., 0000  
MARK S BRUGH, 0000  
WILLIAM W BRUNER III, 0000  
STEVEN P BRUNIN, 0000  
GARY C BRYSON, 0000  
MARK A BUCKNAM, 0000

MARIO C BUDA, 0000  
DAVID A BUJOLD, 0000  
WILLIAM F BURNETTE, 0000  
STEVEN G BURRIS, 0000  
RICHARD A BUSCHELMAN, 0000  
STEVEN G BUTEAU, 0000  
JAMES P CALLAHAN, 0000  
JOHN T CALVIN, 0000  
JOHN E CAMPBELL, 0000  
MICHAEL D CARDENAS, 0000  
MICHAEL J CAREY, 0000  
GARY L CARLSON, 0000  
MICHAEL L CARLSON, 0000  
MICHAEL F CARROLL, 0000  
MICHAEL J CARTER, 0000  
WILLETTE P CARTER, 0000  
LOURDES A CASTILLO, 0000  
VINCENT CATERINA, 0000  
TIMOTHY C CETERAS, 0000  
YUNHYOK CHANG, 0000  
ROBERT E CHAPMAN II, 0000  
DANIEL J CHARCHIAN, 0000  
JOSEPH F CHENEY, 0000  
JAMES S CHESNUT, 0000  
DONALD B CHEW, 0000  
PHILIP B CHILSON, 0000  
BARBARA E CHINE, 0000  
SHELLEY DIANE CHRISTIAN, 0000  
WILLIAM H CILEK, 0000  
JESSE J CITIZEN JR., 0000  
PORTER B CLAPP JR., 0000  
JIMMY R CLARK, 0000  
JOHN S CLARK JR., 0000  
PAUL M CLARK, 0000  
THOMAS R CLAY, 0000  
MICHAEL A CLEVELAND, 0000  
MICHAEL J CLOSE, 0000  
CATHY C CLOTHIER, 0000  
DONALD M COHICK, 0000  
GREGORY W COKER, 0000  
LARRY C COLEMAN, 0000  
EUGENE COLLINS, 0000  
BILLY R COLWELL, 0000  
JOSEPH B CONNELL, 0000  
JOHN F CONROY, 0000  
GREGORY P COOK, 0000  
GLORIA A L COPELAND, 0000  
MARK A CORRELL, 0000  
DAVID P COTE, 0000  
DAVID A COTTON, 0000  
JOHN F COURTNEY, 0000  
WILLIAM V COX, 0000  
DAVID A CROCKETT, 0000  
JORI N CROMWELL, 0000  
KELLEY W CROOKS, 0000  
LAURIE K CROSS, 0000  
GARY L CROWDER, 0000  
FRANCIS P CROWLEY, 0000  
RICHARD J CROWLEY, 0000  
THURLOW E CRUMMETT JR., 0000  
BRIAN J CULLIS, 0000  
LINDA M CUNNINGHAM, 0000  
MAUREEN CUNNINGHAM, 0000  
KAREN W CURRIE, 0000  
MICHAEL P CURTIS, 0000  
GREGORY E CUSTER, 0000  
CHRISTIAN C DAEHNICK, 0000  
BILLY G DAVIS, 0000  
DEBORAH L DAVIS, 0000  
DON D DAVIS, 0000  
KEVIN J DAVIS, 0000  
MARK S DAVIS, 0000  
MARTHA L DAVIS, 0000  
TIMOTHY A DAVIS, 0000  
STEPHEN ELLIS DAWSON, 0000  
SCOTT K DEACON, 0000  
WILLIAM G DEAN, 0000  
SHERYL L DEAN, 0000  
JAMES DEFRANK III, 0000  
ROBERT E DEGRAPHENREID, 0000  
DALE L DEKINDER, 0000  
WILLIAM J DELGREGO, 0000  
MICHAEL P DELMAN, 0000  
JAY T DENNEY, 0000  
DWYER L DENNIS, 0000  
RAKESH N DEWAN, 0000  
GERALD DIAZ, 0000  
RALPH J DICICCO JR., 0000  
STEVEN P DICKMAN, 0000  
ROBERT A DICKMEYER, 0000  
JOSEPH N DICKSON, 0000  
GARY W DIERINGER, 0000  
MICHAEL L DILLARD, 0000  
JERRY LEE DILLON, 0000  
RAYMOND E DINSMORE, 0000  
TERESA A H DJURIC, 0000  
DEBRA D DONNAHO, 0000  
BRUCE E DOSS, 0000  
STEVE R DOSS, 0000  
WILLIAM P DOYLE JR., 0000  
CHERYL L DOZIER, 0000  
STEVEN F DREYER, 0000  
CURTIS S DRIGGERS, 0000  
COLLEEN M DUFFY, 0000  
PATRICK E DUFFY, 0000  
JOHN N DUFRESNE, 0000  
SHARON K G DUNBAR, 0000  
PETER F DURAND, 0000  
ORVILLE A EARL JR., 0000  
SHEILA MILLER EARLE, 0000  
MICHAEL L EASTMAN, 0000  
DAVID A EASTON, 0000  
THEODORE W EATON, 0000  
MARTY J EDMONDS, 0000  
MELINDA M EDWARDS, 0000  
THOMAS P EHRHARD, 0000  
JOHN H ELDER III, 0000