

such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

**(2) Application and approval**

(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

**(3) Protection**

An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2)<sup>1</sup> of this section and shall not be liable to any person for that production.

(Pub. L. 107-279, title I, §183, title IV, §401(a)(6), Nov. 5, 2002, 116 Stat. 1972, 1983.)

CODIFICATION

Subsecs. (a) to (c) of section 9007 of this title, which were transferred to this section and redesignated subsecs. (c) to (e) by Pub. L. 107-279, §401(a)(6), were based on Pub. L. 103-382, title IV, §408(a) to (c), Oct. 20, 1994, 108 Stat. 4034; Pub. L. 107-56, title V, §508, Oct. 26, 2001, 115 Stat. 368; Pub. L. 107-279, title IV, §401(a)(1)–(5), Nov. 5, 2002, 116 Stat. 1983.

AMENDMENTS

2002—Subsecs. (c) to (e). Pub. L. 107-279, §401(a)(6), transferred subsecs. (a) to (c) of section 9007 of this title to this section and redesignated them as subsecs. (c) to (e), respectively. See Codification note above.

**§ 9574. Availability of data**

Subject to section 9573 of this title, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, shall be made available to the public, including through use of the Internet.

(Pub. L. 107-279, title I, §184, Nov. 5, 2002, 116 Stat. 1972.)

**§ 9575. Performance management**

The Director shall ensure that all activities conducted or supported by the Institute or a National Education Center make customer service a priority. The Director shall ensure a high level of customer satisfaction through the following methods:

(1) Establishing and improving feedback mechanisms in order to anticipate customer needs.

(2) Disseminating information in a timely fashion and in formats that are easily accessible and usable by researchers, practitioners, and the general public.

(3) Utilizing the most modern technology and other methods available, including arrangements to use data collected electronically by States and local educational agencies, to ensure the efficient collection and timely

distribution of information, including data and reports.

(4) Establishing and measuring performance against a set of indicators for the quality of data collected, analyzed, and reported.

(5) Continuously improving management strategies and practices.

(6) Making information available to the public in an expeditious fashion.

(Pub. L. 107-279, title I, §185, Nov. 5, 2002, 116 Stat. 1972.)

**§ 9576. Authority to publish**

**(a) Publication**

The Director may prepare and publish (including through oral presentation) such research, statistics (consistent with part C of this subchapter), and evaluation information and reports from any office, board, committee, and center of the Institute, as needed to carry out the priorities and mission of the Institute without the approval of the Secretary or any other office of the Department.

**(b) Advance copies**

The Director shall provide the Secretary and other relevant offices with an advance copy of any information to be published under this section before publication.

**(c) Peer review**

All research, statistics, and evaluation reports conducted by, or supported through, the Institute shall be subjected to rigorous peer review before being published or otherwise made available to the public.

**(d) Items not covered**

Nothing in subsections<sup>1</sup> (a), (b), or (c) of this section shall be construed to apply to—

(1) information on current or proposed budgets, appropriations, or legislation;

(2) information prohibited from disclosure by law or the Constitution, classified national security information, or information described in section 552(b) of title 5; and

(3) review by officers of the United States in order to prevent the unauthorized disclosure of information described in paragraph (1) or (2).

(Pub. L. 107-279, title I, §186, Nov. 5, 2002, 116 Stat. 1973.)

**§ 9577. Vacancies**

Any member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in an office, board, committee, or center of the Institute shall be filled in the manner in which the original appointment was made. This section does not apply to employees appointed under section 9578 of this title.

(Pub. L. 107-279, title I, §187, Nov. 5, 2002, 116 Stat. 1973.)

<sup>1</sup> So in original. Probably means subsection (d)(2).

<sup>1</sup> So in original. Probably should be "subsection".