

(ii) whether student achievement levels are reasonable, valid, reliable, and informative to the public;²

(iii) whether any authorized assessment is being administered as a random sample and is reporting the trends in academic achievement in a valid and reliable manner in the subject areas being assessed;

(iv) whether any of the test questions are biased, as described in section 9621(e)(4) of this title; and

(v) whether the appropriate authorized assessments are measuring, consistent with this section, reading ability and mathematical knowledge.

(2) Report

The Secretary shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, the President, and the Nation on the findings and recommendations of such reviews.

(3) Use of findings and recommendations

The Commissioner for Education Statistics and the Assessment Board shall consider the findings and recommendations of such reviews in designing the competition to select the organization, or organizations, through which the Commissioner for Education Statistics carries out the National Assessment.

(g) Coverage agreements

(1) Department of Defense schools

The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary schools and secondary schools operated by the Department of Defense.

(2) Bureau of Indian Affairs schools

The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

(Pub. L. 107-279, title III, §303, formerly Pub. L. 103-382, title IV, §411, Oct. 20, 1994, 108 Stat. 4036; Pub. L. 107-110, title VI, §602(a), Jan. 8, 2002, 115 Stat. 1898; renumbered Pub. L. 107-279, title III, §303, and amended Pub. L. 107-279, title IV, §401(d), Nov. 5, 2002, 116 Stat. 1984.)

CODIFICATION

Section was formerly classified to section 9010 of this title prior to renumbering by Pub. L. 107-279.

PRIOR PROVISIONS

A prior section 303 of Pub. L. 107-279 was renumbered section 305 and is classified to section 9624 of this title.

AMENDMENTS

2002—Pub. L. 107-110 amended section generally, restating and expanding provisions and inserting headings.

Subsec. (a). Pub. L. 107-279, §401(d)(3), substituted “section 9621” for “section 9011” and struck out “and

with the technical assistance of the Advisory Council established under section 9006 of this title,” before “carry out”.

Pub. L. 107-279, §401(d)(2), substituted “Assessment Board” for “National Assessment Governing Board”.

Pub. L. 107-279, §401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner”.

Subsec. (b)(1). Pub. L. 107-279, §401(d)(4)(A), inserted “of” after “academic achievement and reporting”.

Subsec. (b)(2), (3)(A). Pub. L. 107-279, §401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner” in introductory provisions.

Subsec. (b)(3)(A)(i). Pub. L. 107-279, §401(d)(4)(B)(i), substituted “paragraphs (2)(B) and (2)(E)” for “paragraphs (1)(B) and (1)(E)”.

Subsec. (b)(3)(A)(ii). Pub. L. 107-279, §401(d)(4)(B)(ii), substituted “paragraph (2)(C)” for “paragraph (1)(C)”.

Subsec. (b)(3)(A)(iii). Pub. L. 107-279, §401(d)(4)(B)(iii), substituted “paragraph (2)(D)” for “paragraph (1)(D)”.

Subsec. (b)(3)(A)(iv). Pub. L. 107-279, §401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner”.

Subsec. (b)(5). Pub. L. 107-279, §401(d)(4)(C), substituted “subsection (c)(3)” for “subsection (c)(2)” in introductory provisions.

Pub. L. 107-279, §401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner” in introductory provisions.

Subsec. (b)(6). Pub. L. 107-279, §401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner”.

Subsec. (c)(2). Pub. L. 107-279, §401(d)(2), substituted “Assessment Board” for “National Assessment Governing Board” wherever appearing.

Pub. L. 107-279, §401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner” wherever appearing.

Subsec. (c)(2)(D). Pub. L. 107-279, §401(d)(5), substituted “subparagraph (C)” for “subparagraph (B)”.

Subsec. (c)(3). Pub. L. 107-279, §401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner” in subpars. (A) and (B).

Subsec. (c)(3)(B). Pub. L. 107-279, §401(d)(2), substituted “Assessment Board” for “National Board”.

Subsec. (e)(1). Pub. L. 107-279, §401(d)(2), substituted “Assessment Board” for “National Assessment Governing Board”.

Subsec. (e)(2). Pub. L. 107-279, §401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner” wherever appearing.

Subsec. (e)(2)(E). Pub. L. 107-279, §401(d)(2), substituted “Assessment Board” for “National Assessment Governing Board”.

Subsec. (e)(3). Pub. L. 107-279, §401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner”.

Subsec. (e)(4). Pub. L. 107-279, §401(d)(6), substituted “paragraph (2)(C) of such subsection” for “subparagraph (2)(C)”.

Pub. L. 107-279, §401(d)(2), substituted “Assessment Board” for “National Assessment Governing Board”.

Subsec. (f)(1)(B)(iv). Pub. L. 107-279, §401(d)(7), substituted “section 9621(e)(4)” for “section 9011(e)(4)”.

Subsec. (f)(3). Pub. L. 107-279, §401(d)(2), substituted “Assessment Board” for “National Assessment Governing Board”.

Pub. L. 107-279, §401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner” in two places.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

§ 9623. Definitions

In this subchapter:

² So in original.

(1) The term “Director” means the Director of the Institute of Education Sciences.

(2) The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 107–279, title III, §304, formerly §302, Nov. 5, 2002, 116 Stat. 1982; renumbered §304, Pub. L. 107–279, title IV, §401(b), Nov. 5, 2002, 116 Stat. 1983.)

§ 9624. Authorization of appropriations

(a) In general

There are authorized to be appropriated—

(1) for fiscal year 2003—

(A) \$4,600,000 to carry out section 9621 of this title; and

(B) \$107,500,000 to carry out section 9622 of this title; and

(2) such sums as may be necessary for each of the 5 succeeding fiscal years to carry out sections 9621 and 9622 of this title.

(b) Availability

Amounts made available under this section shall remain available until expended.

(Pub. L. 107–279, title III, §305, formerly §303, Nov. 5, 2002, 116 Stat. 1982; renumbered §305, Pub. L. 107–279, title IV, §401(b), Nov. 5, 2002, 116 Stat. 1983.)

SUBCHAPTER IV—NATIONAL CENTER FOR RESEARCH IN ADVANCED INFORMATION AND DIGITAL TECHNOLOGIES

§ 9631. National Center for Research in Advanced Information and Digital Technologies

(a) Establishment

There shall be established, during the first fiscal year for which appropriations are made available under subsection (c), a nonprofit corporation to be known as the National Center for Research in Advanced Information and Digital Technologies, which shall not be an agency or establishment of the Federal Government. The Center shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (sec. 29–501 et seq., D.C. Official Code).

(b) Purpose

The purpose of the Center shall be to support a comprehensive research and development program to harness the increasing capacity of advanced information and digital technologies to improve all levels of learning and education, formal and informal, in order to provide Americans with the knowledge and skills needed to compete in the global economy.

(c) Funding

(1) Authorization of appropriations

There are authorized to be appropriated to the Center such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(2) Additional funds

The Center is authorized—

(A) to accept funds from any Federal agency or entity;

(B) to accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made to the Center; and

(C) to enter into competitive contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Center.

(3) Prohibition

The Center shall not accept gifts, devises, or bequests from a foreign government or foreign source.

(d) Board of Directors; vacancies; compensation

(1) In general

A Board of the Center shall be established to oversee the administration of the Center.

(2) Initial composition

The initial Board shall consist of nine members to be appointed by the Secretary of Education from recommendations received from the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate, who—

(A) reflect representation from the public and private sectors;

(B) shall provide, as nearly as practicable, a broad representation of various regions of the United States, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Center;

(C) shall not be in a position to benefit financially directly from the contracts and grants to eligible institutions under subsection (f)(2); and

(D) may not be officers or employees of the Federal Government or a Members of Congress serving at the time of such appointment.

(3) Vacancies and subsequent appointments

To the extent not inconsistent with paragraph (2), in the case of a vacancy on the Board due to death, resignation, or removal, the vacancy shall be filled through nomination and selection by the sitting members of the Board after—

(A) taking into consideration the composition of the Board; and

(B) soliciting recommendations from the public.

(4) Compensation

Members of the Board shall serve without compensation but may be reimbursed for reasonable expenses for transportation, lodging, and other expenses directly related to their duties as members of the Board.

(5) Organization and operation

The Board shall incorporate and operate the Center in accordance with the laws governing tax exempt organizations in the District of Columbia.

(e) Director and staff

(1) Director

The Board shall appoint a Director of the Center after conducting a national, competi-