

**§ 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), 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) 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).

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

(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.)

**§ 9578. Scientific or technical employees****(a) In general**

The Director may appoint, for terms not to exceed 6 years (without regard to the provisions of title 5 governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees to carry out the functions of the Institute or the office, board, committee, or center, respectively, if—

(1) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

(2) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS-15, as determined in accordance with section 5376 of title 5, except that not more than 7 individuals appointed under this section may be paid at a rate that does not exceed the rate of basic pay for level III of the Executive Schedule;

(3) the appointment of such employee is necessary (as determined by the Director on the basis of clear and convincing evidence) to provide the Institute or the office, board, committee, or center with scientific or technical expertise which could not otherwise be obtained by the Institute or the office, board, committee, or center through the competitive service; and

(4) the total number of such employees does not exceed 40 individuals or 1/5 of the number of full-time, regular scientific or professional employees of the Institute, whichever is greater.

**(b) Duties of employees**

All employees described in subsection (a) shall work on activities of the Institute or the office, board, committee, or center, and shall not be re-assigned to other duties outside the Institute or the office, board, committee, or center during their term.

(Pub. L. 107-279, title I, §188, Nov. 5, 2002, 116 Stat. 1973.)

## REFERENCES IN TEXT

GS-15, referred to in subsec. (a)(2), is contained in the General Schedule, which is set out under section 5332 of Title 5, Government Organization and Employees.