

Board whose expertise is needed for the functioning of the committee. In addition, the membership of each standing committee may include, as appropriate—

(A) experts and scientists in research, statistics, evaluation, or development who are recognized in their discipline as highly qualified to represent such discipline and who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board;

(B) ex officio members of the Board; and

(C) policymakers and expert practitioners with knowledge of, and experience using, the results of research, evaluation, and statistics who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board.

### (3) Duties

Each standing committee shall—

(A) review and comment, at the discretion of the Board or the standing committee, on any grant, contract, or cooperative agreement entered into (or proposed to be entered into) by the applicable National Education Center;

(B) prepare for, and submit to, the Board an annual evaluation of the operations of the applicable National Education Center;

(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year; and

(D) report periodically to the Board regarding the activities of the committee and the applicable National Education Center.

### (e) Annual report

The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Institute in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, collecting and reporting accurate education statistics, and translating research into practice.

### (f) Recommendations

The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding any actions that may be taken to enhance the ability of the Institute to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after November 5, 2002, and a final report not later than 5 years after such date.

(Pub. L. 107-279, title I, §116, Nov. 5, 2002, 116 Stat. 1948; Pub. L. 108-446, title II, §§201(b)(2)(D), 202, Dec. 3, 2004, 118 Stat. 2802; Pub. L. 110-154, §1(d), Dec. 21, 2007, 121 Stat. 1828; Pub. L. 112-166, §2(cc), Aug. 10, 2012, 126 Stat. 1290.)

### Editorial Notes

#### REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in subsec. (c)(4)(D), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat.

1824, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5, Government Organization and Employees, and Tables.

This Act, referred to in subsec. (c)(8)(C), means Pub. L. 107-279, Nov. 5, 2002, 116 Stat. 1940, which enacted this chapter and section 3419 of this title, amended sections 1232j, 3412, 3461, 6194, 6311, 6312, 7013, 7451, 7703, 7909, 9007, 9010, 9011, 9573, 9623, and 9624 and former sections 6317, 6491, 6932, 7253c, 7283b, and 7283d of this title and section 5315 of Title 5, Government Organization and Employees, transferred sections 9010 and 9011 of this title to sections 9621 and 9622 of this title, respectively, repealed sections 3419, 6011, 6021, 6031, 6041, 6051, 6053 to 6055e, 6054 to 6054b, 6055 to 6055h, 6056, 6056a, 9001 to 9009, and 9012 of this title, enacted provisions set out as notes under section 7703 and 9501 of this title, and repealed provisions set out as notes under sections 1221e and 9001 of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

2012—Subsec. (c)(1). Pub. L. 112-166 struck out “, by and with the advice and consent of the Senate” before period at end.

2004—Subsec. (c)(4)(A)(ii). Pub. L. 108-446, §201(b)(2)(D), inserted “special education experts,” after “early childhood experts.”

Subsec. (c)(9). Pub. L. 108-446, §202, substituted “Meetings of the Board are subject to section 552b of title 5 (commonly referred to as the Government in the Sunshine Act).” for “Meetings of the Board shall be open to the public.”

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

“Eunice Kennedy Shriver National Institute of Child Health and Human Development” substituted for “National Institute of Child Health and Human Development” in subsec. (c)(3)(C), on authority of section 1(d) of Pub. L. 110-154, set out as a note under section 285g of Title 42, The Public Health and Welfare.

##### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

### § 9517. Commissioners of the National Education Centers

#### (a) Appointment of Commissioners

##### (1) In general

Except as provided in subsection (b), each of the National Education Centers shall be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board. The Director may appoint a Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5 governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

##### (2) Pay and qualifications

Except as provided in subsection (b), each Commissioner shall—

- (A) receive the rate of basic pay for level IV of the Executive Schedule; and  
 (B) be highly qualified in the field of education research or evaluation.

**(3) Service**

Except as provided in subsection (b), each Commissioner shall report to the Director. A Commissioner shall serve for a period of not more than 6 years, except that a Commissioner—

- (A) may be reappointed by the Director; and  
 (B) may serve after the expiration of that Commissioner's term, until a successor has been appointed, for a period not to exceed 1 additional year.

**(b) Appointment of Commissioner for Education Statistics**

The National Center for Education Statistics shall be headed by a Commissioner for Education Statistics who shall be appointed by the President and who shall—

- (1) have substantial knowledge of programs assisted by the National Center for Education Statistics;  
 (2) receive the rate of basic pay for level IV of the Executive Schedule; and  
 (3) serve for a term of 6 years, with the term to expire every sixth June 21, beginning in 2003.

**(c) Coordination**

Each Commissioner of a National Education Center shall coordinate with each of the other Commissioners of the National Education Centers in carrying out such Commissioner's duties under this subchapter.

**(d) Supervision and approval**

Each Commissioner, except the Commissioner for Education Statistics, shall carry out such Commissioner's duties under this subchapter under the supervision and subject to the approval of the Director.

(Pub. L. 107-279, title I, §117, Nov. 5, 2002, 116 Stat. 1952; Pub. L. 112-166, §2(d)(2), Aug. 10, 2012, 126 Stat. 1284.)

**Editorial Notes**

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsecs. (a)(2)(A) and (b)(2), is set out in section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-166 struck out “, by and with the advice and consent of the Senate,” after “President” in introductory provisions.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

**§ 9518. Agreements**

The Institute may carry out research projects of common interest with entities such as the

National Science Foundation and the Eunice Kennedy Shriver National Institute of Child Health and Human Development through agreements with such entities that are in accordance with section 1231 of this title.

(Pub. L. 107-279, title I, §118, Nov. 5, 2002, 116 Stat. 1953; Pub. L. 110-154, §1(d), Dec. 21, 2007, 121 Stat. 1828.)

**Statutory Notes and Related Subsidiaries**

CHANGE OF NAME

“Eunice Kennedy Shriver National Institute of Child Health and Human Development” substituted for “National Institute of Child Health and Human Development” in text, on authority of section 1(d) of Pub. L. 110-154, set out as a note under section 285g of Title 42, The Public Health and Welfare.

**§ 9519. Biennial report**

The Director shall, on a biennial basis, transmit to the President, the Board, and the appropriate congressional committees, and make widely available to the public (including by means of the Internet), a report containing the following:

- (1) A description of the activities carried out by and through the National Education Centers during the prior fiscal years.  
 (2) A summary of each grant, contract, and cooperative agreement in excess of \$100,000 funded through the National Education Centers during the prior fiscal years, including, at a minimum, the amount, duration, recipient, purpose of the award, and the relationship, if any, to the priorities and mission of the Institute, which shall be available in a user-friendly electronic database.  
 (3) A description of how the activities of the National Education Centers are consistent with the principles of scientifically valid research and the priorities and mission of the Institute.  
 (4) Such additional comments, recommendations, and materials as the Director considers appropriate.

(Pub. L. 107-279, title I, §119, Nov. 5, 2002, 116 Stat. 1953.)

**§ 9520. Competitive awards**

Activities carried out under this Act through grants, contracts, or cooperative agreements, at a minimum, shall be awarded on a competitive basis and, when practicable, through a process of peer review.

(Pub. L. 107-279, title I, §120, Nov. 5, 2002, 116 Stat. 1953.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 107-279, Nov. 5, 2002, 116 Stat. 1940, which enacted this chapter and section 3419 of this title, amended sections 1232j, 3412, 3461, 6194, 6311, 6312, 7013, 7451, 7703, 7909, 9007, 9010, 9011, 9573, 9623, and 9624 and former sections 6317, 6491, 6932, 7253c, 7283b, and 7283d of this title and section 5315 of Title 5, Government Organization and Employees, transferred sections 9010 and 9011 of this title to sections 9621 and 9622 of this title, respectively, repealed sections 3419, 6011, 6021, 6031, 6041, 6051, 6053 to 6053e, 6054