

students for their ongoing contributions to education. They are leading our country to a brighter future for all students, and I am happy to cosponsor this important resolution.

Mr. ROEMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I conclude by stating my very strong support for this resolution. I want to thank the gentleman from Delaware (Mr. CASTLE) for his support on this bipartisan resolution today, as well.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Florida (Mr. KELLER) for his sponsorship of this, and the gentleman from Indiana (Mr. ROEMER).

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 386.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1800

EDUCATION SCIENCES REFORM ACT OF 2002

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3801) to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Education Sciences Reform Act of 2002".

SEC. 102. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 101. Short title.

Sec. 102. Table of contents.

PART A—ACADEMY OF EDUCATION SCIENCES

Sec. 111. Establishment.

Sec. 112. Organization.

Sec. 113. Functions.

Sec. 114. Delegation.

Sec. 115. Office of the Director.

Sec. 116. Priorities.

Sec. 117. National Board for Education Sciences.

Sec. 118. Commissioners of the National Education Centers.

Sec. 119. Office of Educational Resources and Dissemination.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

Sec. 131. Establishment.

Sec. 132. Commissioner for Education Research.

Sec. 133. Duties.

Sec. 134. Biennial report.

Sec. 135. Standards for conduct and evaluation of research.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

Sec. 151. Establishment.

Sec. 152. Commissioner for Education Statistics.

Sec. 153. Duties.

Sec. 154. Performance of duties.

Sec. 155. Reports.

Sec. 156. Dissemination.

Sec. 157. Cooperative education statistics systems.

Sec. 158. State defined.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION

Sec. 171. Establishment.

Sec. 172. Commissioner for Education Evaluation.

Sec. 173. Duties.

PART E—GENERAL PROVISIONS

Sec. 181. Definitions.

Sec. 182. Interagency data sources and formats.

Sec. 183. Prohibitions.

Sec. 184. Confidentiality.

Sec. 185. Availability of data.

Sec. 186. Performance management.

Sec. 187. Authority to publish.

Sec. 188. Vacancies.

Sec. 189. Scientific or technical employees.

Sec. 190. Voluntary service.

Sec. 191. Fellowships.

Sec. 192. Rulemaking.

Sec. 193. Authorization of appropriations.

PART A—ACADEMY OF EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT.

(a) ESTABLISHMENT.—There shall be in the Department an Academy of Education Sciences, to be administered by a Director (as provided in section 115) and a board of directors (as provided in section 117).

(b) MISSION.—The mission of the Academy is to provide national leadership in expanding fundamental knowledge and understanding of education, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about the condition and progress of education in the United States, educational practices that support learning and improve academic achievement for all students, and the effectiveness of Federal and other education programs. In carrying out this mission, the Academy shall conduct research, evaluation, statistics, and dissemination activities supported by Federal funds through the Academy and ensure that such activities—

(1) conform to high standards of quality, integrity, and accuracy; and

(2) are objective, secular, neutral, and non-ideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

SEC. 112. ORGANIZATION.

The Academy consists of the following:

(1) The Office of the Director (as set out in section 115).

(2) The National Board for Education Sciences (as set out in section 117).

(3) The Office of Educational Resources and Dissemination (as set out in section 119).

(4) The National Education Centers, which include—

(A) the National Center for Education Research (as set out in part B);

(B) the National Center for Education Statistics (as set out in part C); and

(C) the National Center for Education Evaluation (as set out in part D).

SEC. 113. FUNCTIONS.

The Academy, directly or through grants, contracts, or cooperative agreements, shall—

(1) conduct and support scientifically valid research activities, including basic and applied research, statistics activities, scientifically valid education evaluation, development, and dissemination;

(2) disseminate the findings and results of scientifically valid research in education;

(3) promote the application of knowledge gained from scientifically valid research activities;

(4) strengthen the national capacity to conduct scientifically valid research in education; and

(5) promote the coordination of scientifically valid research in education within the Department and the Federal Government.

SEC. 114. DELEGATION.

(a) DELEGATION OF AUTHORITY.—Notwithstanding section 412 of the Department of Education Organization Act (20 U.S.C. 3472), the Secretary shall delegate to the Director all functions for carrying out this title (other than administrative and support functions), except that—

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act may be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress from those authorized by the National Education Statistics Act of 1994 immediately before the enactment of this Act;

(2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;

(3) section 302(f)(1) of the National Assessment of Educational Progress Authorization Act shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;

(4) sections 116 and 117(b)(2) shall not apply to the National Assessment of Educational Progress; and

(5) sections 116 and 117 shall not apply to the National Assessment Governing Board.

(b) OTHER ACTIVITIES.—The Secretary may assign the Academy responsibility for administering other activities, if those activities are consistent with—

(1) the Academy's priorities, as approved by the National Board for Education Sciences under section 116; or

(2) the Academy's mission, if the activities are not consistent with such priorities.

SEC. 115. OFFICE OF THE DIRECTOR.

(a) APPOINTMENT.—Except as provided in subsection (b)(2), the President, with the advice and consent of the Senate, shall appoint the Director of the Academy.

(b) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director, but may be removed by the President prior to the expiration of that term.

(2) FIRST DIRECTOR.—The President, without the advice and consent of the Senate, may appoint the Assistant Secretary for the Office of Educational Research and Improvement (as such office existed on the day before the date of enactment of this Act) to serve as the first Director of the Academy.

(3) SUBSEQUENT DIRECTORS.—The Board may make recommendations to the President with respect to the appointment of a

Director, other than a Director appointed under paragraph (2).

(c) **PAY.**—The Director shall receive the rate of basic pay for level III of the Executive Schedule.

(d) **QUALIFICATIONS.**—The Director shall be selected from individuals who are highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, as well as management within such areas, and have a demonstrated capacity for sustained productivity and leadership in these areas.

(e) **ADMINISTRATION.**—The Director shall—

(1) administer, supervise, and coordinate the activities carried out under the Academy, including the activities of the National Education Centers; and

(2) coordinate and approve budgets and operating plans for each of the National Education Centers for submission to the Secretary.

(f) **DUTIES.**—The duties of the Director shall include the following:

(1) To propose to the Board priorities for the Academy, in accordance with section 116(a).

(2) To ensure the methodology applied in conducting research, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

(3) To coordinate education research and related activities carried out by the Academy with such research and activities carried out by other agencies within the Department and the Federal Government.

(4) To advise the Secretary on research, evaluation, and statistics activities relevant to the activities of the Department.

(5) To establish necessary procedures for technical and scientific peer review of the activities of the Academy, consistent with section 117(b)(3).

(6) To ensure that all participants in research conducted or supported by the Academy are afforded their privacy rights and other relevant protections as research subjects, in accordance with section 184 of this title, section 552a of title 5, United States Code, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(7) To ensure that activities conducted or supported by the Academy are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(8) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilized in Federal education research activities in the activities of the Academy, including historically Black colleges and universities and other institutions of higher education with large numbers of minority students.

(9) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Academy and the regional governing boards and regional entities described in section 203 of the Regional Assistance Act of 2002 to ensure collaboration and resource sharing and reduce redundancy in such activities.

(10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Academy's activities.

(11) At the discretion of the Director and in consultation with the National Academy of Sciences, to conduct a study to determine—

(A) a standard by which States may accurately measure the rate at which students drop out of or graduate from secondary

schools in the United States (including on-time graduation); and

(B) the use of alcohol or illegal narcotics as contributing factors to incidents of school violence committed by students during the regular school day and while participating in other school-related activities.

(12) To carry out and support other activities consistent with the priorities and mission of the Academy.

(g) **EXPERT GUIDANCE AND ASSISTANCE.**—The Director may establish technical and scientific peer-review groups and scientific program advisory committees that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall comprise no more than one-fourth of the members of any such group or committee and shall not receive additional compensation for their service as members of such a group or committee. The Director shall ensure that reviewers are highly qualified and capable to appraise education research and development projects. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer-review group or an advisory committee established under this subsection.

SEC. 116. PRIORITIES.

(a) **PROPOSAL.**—The Director shall propose to the Board priorities for the Academy (taking into consideration long-term research and development on core issues conducted through the national research and development centers (as defined in section 181)) identifying topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with the goals and requirements established in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), such as—

(1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and their more advantaged peers; and

(2) ensuring that all children reach, at a minimum, proficiency on challenging State academic achievement standards and assessments.

(b) **APPROVAL.**—The Board shall approve or disapprove the priorities for the Academy proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committee.

(c) **CONSISTENCY.**—The Board shall ensure that priorities of the Academy and the National Education Centers are consistent with the mission of the Academy.

(d) **PUBLIC AVAILABILITY AND COMMENT.**—

(1) **PRIORITIES.**—Before submitting to the Board proposed priorities for the Academy, the Director shall make such priorities available to the public for comment (including by means of the Internet and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

(2) **PLAN.**—Upon approval of such priorities, the Director shall make the Academy's plan for addressing such priorities available for public comment in the same manner as under paragraph (1).

SEC. 117. NATIONAL BOARD FOR EDUCATION SCIENCES.

(a) **ESTABLISHMENT.**—The Academy shall have a board of directors, which shall be known as the National Board for Education Sciences.

(b) **DUTIES.**—The duties of the Board shall be the following:

(1) To advise the Director on the policies of the Academy.

(2) To consider and approve priorities under section 116 to guide the work of the Academy.

(3) To review and approve procedures for scientific peer review of the activities of the Academy.

(4) To advise the Director on the development of activities to be supported by the Academy, including the general areas of research to be carried out by the National Center for Education Research.

(5) To present to the Director such recommendations as it may find appropriate for—

(A) the strengthening of education research; and

(B) the funding of the Academy.

(6) To advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review.

(7) To review and regularly evaluate the work of the Academy, to ensure that scientifically valid research, evaluation, and statistical analysis are consistent with the standards for such activities under this title.

(8) To advise the Director on ensuring that activities conducted or supported by the Academy are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(9) To solicit advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and dissemination of research, consistent with the priorities and mission of the Academy.

(10) To advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of the Academy.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

(12) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(c) **COMPOSITION.**—

(1) **VOTING MEMBERS.**—The Board shall have 15 voting members appointed by the President, with the advice and consent of the Senate.

(2) **ADVICE.**—The President shall solicit advice on individuals to serve on the Board from the National Academy of Sciences, the National Science Foundation, and the Office of Science and Technology Policy.

(3) **NONVOTING EX OFFICIO MEMBERS.**—The Board shall have the following nonvoting ex officio members:

(A) The Director of the Academy of Education Sciences.

(B) Each of the Commissioners of the National Education Centers.

(C) The Director of the National Institute of Child Health and Human Development.

(D) The Director of the Census.

(E) The Commissioner of Labor Statistics.

(F) The Director of the National Science Foundation.

(4) **APPOINTMENT MEMBERSHIP.**—

(A) **QUALIFICATIONS.**—Members appointed under paragraph (1) shall be highly qualified to appraise education research, statistics, evaluations, or development, and shall include individuals from each of the following groups:

(i) Educators, including classroom teachers, principals, and other school administrators.

(ii) Parents.

(iii) Business leaders.

(iv) Experts and scientists in research, statistics, evaluation, or development, who are recognized in their discipline as highly qualified to represent such discipline.

(B) SPECIAL RULE.—A majority of the voting members of the Board must be appointed from the groups described in clauses (i) and (iv) of subparagraph (A).

(C) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—

(i) each such member may be removed by the President before the expiration of that term;

(ii) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of five members;

(II) 3 years for each of five members; and

(III) 2 years for each of five members; and

(iii) no member appointed under such paragraph shall serve for more than two consecutive terms.

(D) UNEXPIRED TERMS.—Any member appointed to fill a vacancy 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.

(5) CHAIR.—The Board shall elect a chairperson from among the members of the Board.

(6) COMPENSATION.—Members of the Board shall serve without pay for such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(7) TRAVEL EXPENSES.—The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(8) POWERS OF THE BOARD.—

(A) EXECUTIVE DIRECTOR.—The Board shall have an Executive Director who shall be appointed by the Board.

(B) ADDITIONAL STAFF.—The Board shall utilize such additional staff as may be appointed or assigned by the Director, in consultation with the Chair.

(C) DETAIL OF PERSONNEL.—The Board may use the services and facilities of any department or agency of the Federal Government. Upon the request of the Board, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Board to assist the Board in carrying out this Act.

(D) CONTRACTS.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.

(E) INFORMATION.—The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board deems necessary to carry out its functions.

(9) MEETINGS.—The Board shall meet not less than four times each year. The Board shall hold additional meetings at the call of the chairperson or upon the written request of at least six voting members of the Board.

(10) QUORUM.—A majority of the voting members of the Board shall constitute a quorum.

(d) STANDING COMMITTEES.—

(1) ESTABLISHMENT.—The Board may establish standing committees—

(A) to each serve one of the National Education Centers; and

(B) to advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Centers.

(2) MEMBERSHIP.—A majority of the members of each standing committee shall be voting members of the 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) at the discretion of the Board or the standing committee, review and comment 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) periodically report 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 Academy in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, and collecting and reporting accurate education statistics.

(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 could be taken to enhance the ability of the Academy to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.

SEC. 118. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) APPOINTMENT.—The National Education Centers shall each 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, United States Code, 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.

(b) PAY.—The Commissioners shall each receive the rate of basic pay for level IV of the Executive Schedule.

(c) QUALIFICATIONS.—Each Commissioner shall be highly qualified in the field of education research, statistics, or evaluation.

(d) SERVICE AND REMOVAL.—Each Commissioner shall report to the Director and may be removed by the Director. A Commissioner shall serve for a period of no more than 6 years, unless reappointed by the Director, except that a Commissioner may serve for an additional period, not to exceed 1 year, until a successor has been appointed by the Director.

SEC. 119. OFFICE OF EDUCATIONAL RESOURCES AND DISSEMINATION.

(a) ESTABLISHMENT.—There is established within the Academy an Office of Educational Resources and Dissemination.

(b) DUTIES.—The Office of Educational Resources and Dissemination shall—

(1) disseminate information on scientifically valid research, statistics, and evaluation on education to the public, the media, voluntary organizations, and other constituencies, especially with respect to information relating to, at a minimum—

(A) the core academic areas of reading, mathematics, and science;

(B) closing the achievement gap between high-performing students and low-performing students;

(C) educational practices that improve academic achievement and promote learning; and

(D) education technology, including software;

(2) manage the National Library of Education described in subsection (e), and other sources of digital information on education research; and

(3) make such information accessible in a user-friendly, timely, and efficient manner (including through use of a searchable Internet web-based online database) to schools, educators, parents, administrators, policymakers, researchers, public and private entities, entities responsible for carrying out technical assistance through the Department, and the general public.

(c) ADDITIONAL DUTIES.—In carrying out subsection (b), the Office of Educational Resources and Dissemination shall—

(1) ensure that information disseminated under this section is provided in a cost-effective, nonduplicative manner, including the most current research findings, which may include through the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20 U.S.C. 6001 et seq.) (as such Act existed on the day before the date of enactment of this Act) or the clearinghouse authorized under section 2102(b) of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110));

(2) prominently describe the type of scientific evidence that is used to support the findings that are disseminated;

(3) clearly explain the scientifically appropriate and inappropriate uses of—

(A) the findings that are disseminated; and

(B) the types of evidence used to support those findings; and

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

(d) CONTINUATION.—The Director shall continue the existing awards of the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the

date of enactment of this Act)) for the duration of those existing awards, in accordance with the terms and agreements of such awards.

(e) NATIONAL LIBRARY OF EDUCATION.—There is established within the Office of Educational Resources and Dissemination a National Library of Education that shall be headed by an individual who is highly qualified in library science and shall collect and archive information, including products and publications developed through, or supported by, the Academy, and other relevant and useful education-related research, statistics, and evaluation and other information, projects, and publications that are consistent with scientifically valid research or the priorities and mission of the Academy and are developed by the Department, other Federal agencies, or entities (including entities supported under the Regional Educational Technical Assistance Act).

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

SEC. 131. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Academy a National Center for Education Research (in this part referred to as the “Research Center”).

(b) MISSION.—The mission of the Research Center is—

(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, particularly to improve student academic achievement and close the achievement gap between high-performing and low-performing students, including through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects;

(2) to support the synthesis and, as appropriate, the integration of education research;

(3) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions; and

(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.

The Research Center shall be headed by a Commissioner for Education Research (in this part referred to as the “Research Commissioner”) who shall have substantial knowledge of the activities of the Research Center, including a high level of expertise in the fields of research and research management.

SEC. 133. DUTIES.

(a) GENERAL DUTIES.—The Research Center shall—

(1) maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with this part;

(2) propose to the Director a research plan that—

(A) is consistent with the priorities and mission of the Academy and the mission of the Research Center and includes the activities described in paragraph (3); and

(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;

(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Academy, and are approved by the Director;

(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—

(A) uses objective and measurable indicators, including timelines, that are used to as-

sess the progress and results of such research;

(B) meets the procedures for peer review established by the Director under section 115(f)(5) and the standards of research described in section 135; and

(C) includes both basic research and applied research, which shall include research conducted through field-initiated studies and may include ongoing research initiatives;

(5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research initiatives;

(6) ensure that research conducted by the Research Center is relevant to education practice and policy;

(7) synthesize and disseminate, through the Office of Educational Resources and Dissemination, the findings and results of education research conducted or supported by the Research Center;

(8) prepare and submit to the Director for approval a biennial report, as described in section 134, which shall be made available to the public through such means as the Internet; and

(9) carry out research on successful State and local education reform activities that result in increased academic achievement and narrowing of achievement gaps, as approved by the Director.

(b) ELIGIBILITY.—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

(c) NATIONAL RESEARCH AND DEVELOPMENT CENTERS.—

(1) SUPPORT.—In carrying out activities under subsection (a)(3), the Director, acting through the Research Commissioner, shall support national research and development centers.

(2) SCOPE.—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 135(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—

(A) continues to address priorities of the Academy; and

(B) merits renewal (applying the procedures and standards established in section 135).

(3) LIMIT.—No national research and development center may be supported under this subsection for a period of more than 10 years without competition.

(4) CONTINUATION OF AWARDS.—The Director, acting through the Research Commissioner, shall continue awards made to the national research and development centers in effect on the day before the date of enactment of this Act in accordance with the terms of those awards and may renew them in accordance with paragraphs (2) and (3).

SEC. 134. 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 Research Center during the prior fiscal year.

(2) A detailed summary of each grant, contract, and cooperative agreement in excess of \$100,000 funded during the prior fiscal year, including, at a minimum, the amount,

duration, recipient, purpose, and goal of the award and its relationship to the priorities and mission of the Academy, and the reports and publications produced, which shall be available in a user-friendly electronic database.

(3) A description of how the activities of the Research Center are consistent with the principles of scientifically valid research and the priorities and mission of the Academy.

(4) Such additional comments, recommendations, and materials as the Director considers appropriate.

SEC. 135. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

(a) IN GENERAL.—In carrying out this part, the Director, acting through the Research Commissioner, shall—

(1) ensure that all research conducted under the direction of the Research Center follows scientifically based research standards;

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, and dissemination activities carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development and actively solicit recommendations from research organizations and members of the general public in the development of the standards described in paragraph (2); and

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) RESEARCH AWARDS.—

(1) IN GENERAL.—Research carried out under this part through grants, contracts, or cooperative agreements, at a minimum, shall—

(A) be awarded through a process of open competition; and

(B) be subject to a system of peer review of highly qualified individuals with an in-depth knowledge of the subject to be investigated—

(i) for reviewing and evaluating all applications for grants and cooperative agreements and bids for contracts that exceed \$100,000; and

(ii) for evaluating and assessing the performance of all recipients of grants, cooperative agreements, and contracts.

(2) EVALUATION.—The Director, acting through the Research Commissioner, shall—

(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts and specify the criteria and factors which shall be considered in making such evaluations; and

(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the award.

(c) LONG-TERM RESEARCH.—The Director, acting through the Research Commissioner, shall assure that not less than 50 percent of the funds made available for research for each fiscal year shall be used to fund long-term research programs of not less than 5 years, which support the priorities and mission of the Academy and the mission of the Research Center.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 151. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Academy a National Center for Education Statistics (in this part referred to as the “Statistics Center”).

(b) MISSION.—The mission of the Statistics Center shall be—

(1) to collect and analyze education information and statistics in a manner that meets the highest methodological standards;

(2) to report education information and statistics in a timely manner; and

(3) to collect, analyze, and report education information and statistics in a manner that—

(A) is objective, secular, neutral, and non-ideological and is free of partisan political influence and racial, cultural, gender, or regional bias; and

(B) is relevant and useful to practitioners, researchers, policymakers, and the public.

SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the "Statistics Commissioner") who shall have substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

SEC. 153. DUTIES.

(a) **GENERAL DUTIES.**—The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics on the condition and progress of education, at the preschool, elementary, secondary, postsecondary, and adult levels in the United States, including data on—

(A) student achievement in, at a minimum, the core academic areas of reading, mathematics, and science at all levels of education;

(B) secondary school completions, dropouts, and adult literacy and reading skills;

(C) educational access to, and opportunity for, postsecondary education, including data on financial aid to postsecondary students;

(D) teaching, including—

(i) data on in-service professional development, including a comparison of courses taken in the core academic areas of reading, mathematics, and science with courses in noncore academic areas; and

(ii) the percentage of teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in each State and, where feasible, in each local educational agency and school;

(E) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers;

(F) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety, including information regarding—

(i) the relationship between victims and perpetrators;

(ii) demographic characteristics of the victims and perpetrators; and

(iii) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(G) the financing and management of education, including data on revenues and expenditures;

(H) the social and economic status of children, including their academic achievement;

(I) the existence and use of educational technology and access to the Internet in elementary schools and secondary schools;

(J) educational access to, and opportunity for, early childhood education; and

(K) the availability of, and access to, before-school and after-school programs (including such programs during school recesses);

(2) conducting and publishing reports on the meaning and significance of the statistics described in paragraph (1);

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, limited English proficiency, mobility, and disability, when such disaggregated information would facilitate educational and policy decisionmaking;

(4) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, which may include assisting State educational agencies and local educational agencies with the disaggregation of data;

(5) acquiring and disseminating data on educational activities and student achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations; and

(6) conducting longitudinal and special data collections necessary to report on the condition and progress of education.

(b) **TRAINING PROGRAM.**—The Director, acting through the Statistics Commissioner, may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of standard statistical procedures and concepts and may establish a fellowship program to appoint such employees as temporary fellows at the Statistics Center in order to assist the Statistics Center in carrying out its duties.

SEC. 154. PERFORMANCE OF DUTIES.

(a) **GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.**—In carrying out the duties under this part, the Director, acting through the Statistics Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

(b) **GATHERING INFORMATION.**—

(1) **SAMPLING.**—The Statistics Commissioner may use the statistical method known as sampling (including random sampling) to carry out this part.

(2) **SOURCE OF INFORMATION.**—The Statistics Commissioner may, as appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of postsecondary education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) by other offices within the Academy and by other Federal departments, agencies, and instrumentalities.

(3) **COLLECTION.**—The Director, acting through the Statistics Commissioner, may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) **TECHNICAL ASSISTANCE AND COORDINATION.**—In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Commissioner shall—

(A) provide technical assistance to the Department offices that gather data for statistical purposes; and

(B) coordinate with other Department offices in the collection of data.

SEC. 155. REPORTS.

(a) **PROCEDURES FOR ISSUANCE OF REPORTS.**—The Director, acting through the

Statistics Commissioner, shall establish procedures, in accordance with section 187, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review, produced in a timely fashion, and free from any partisan political influence.

(b) **REPORT ON CONDITION AND PROGRESS OF EDUCATION.**—Not later than June 1, 2002, and each succeeding June 1 thereafter, the Director, acting through the Statistics Commissioner, shall submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) **STATISTICAL REPORTS.**—The Director, acting through the Statistics Commissioner, shall issue regular and, as necessary, special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, consistent with the priorities and mission of the Academy and the mission of the Statistics Center.

SEC. 156. DISSEMINATION.

(a) **GENERAL REQUESTS.**—

(1) **IN GENERAL.**—The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) **COMPILATIONS.**—The Statistics Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies.

(b) **CONGRESSIONAL REQUESTS.**—The Statistics Center shall furnish such special statistical compilations and surveys as the relevant congressional committees may request.

(c) **JOINT STATISTICAL PROJECTS.**—The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably.

(d) **FEEES.**—

(1) **IN GENERAL.**—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) **FUNDS RECEIVED.**—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) **ACCESS.**—

(1) **OTHER AGENCIES.**—The Statistics Center shall, consistent with section 184, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Statistics Center.

(2) **INTERESTED PARTIES.**—The Statistics Center shall, in accordance with such terms and conditions as the Center may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Statistics Center may establish one or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information

and data on early childhood education, elementary and secondary education, postsecondary education, adult education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

SEC. 158. STATE DEFINED.

In this part, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION

SEC. 171. ESTABLISHMENT.

(a) **ESTABLISHMENT.**—There is established in the Academy a National Center for Education Evaluation (in this part referred to as the "Evaluation Center").

(b) **MISSION.**—The mission of the Evaluation Center shall be to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science), to support synthesis and dissemination of results of evaluation research, and to encourage the use of scientifically valid education evaluation throughout the United States.

SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION.

(a) **IN GENERAL.**—The Evaluation Center shall be headed by a Commissioner for Education Evaluation (in this part referred to as the "Evaluation Commissioner") who—

(1) shall possess a demonstrated capacity for sustained productivity and leadership in education evaluation, and be technically competent in conducting scientifically valid education evaluations; and

(2) shall oversee all evaluation activities of the Evaluation Center, the development of evaluation methodology, the reporting of findings of evaluations to the public and appropriate congressional committees, and other duties essential to carrying out the mission of the Evaluation Center.

(b) **GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.**—In carrying out the duties under this part, the Director, acting through the Evaluation Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

SEC. 173. DUTIES.

(a) **GENERAL DUTIES.**—

(1) **IN GENERAL.**—The Evaluation Center shall—

(A) conduct or support evaluations consistent with the Evaluation Center's mission as described in section 171(b);

(B) evaluate programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(C) coordinate the activities of the Evaluation Center with other evaluation activities in the Department; and

(D) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations.

(2) **ADDITIONAL REQUIREMENTS.**—Each evaluation conducted by the Evaluation Center pursuant to paragraph (1) shall adhere to the highest possible standards of quality for conducting scientifically valid education evaluation.

(3) **REPORT.**—The Director, acting through the Evaluation Commissioner, shall submit to the President and the appropriate congressional committees a report on the Evaluation Center's evaluation activities on a biennial basis.

(b) **ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY**

EDUCATION ACT OF 1965.—The Director, acting through the Evaluation Commissioner, consistent with the mission of the Evaluation Center under section 171(b), shall administer all operations and contracts associated with evaluations authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) and administered by the Department as of the date of enactment of this Act.

PART E—GENERAL PROVISIONS

SEC. 181. DEFINITIONS.

In this title:

(1) The terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms "freely associated states" and "outlying area" have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6331(c)).

(2) The term "Academy" means the Academy of Education Sciences established under section 111.

(3) The term "applied research" means research—

(A) to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met; and

(B) that is specifically directed to the advancement of practice in the field of education.

(4) The term "basic research" means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

(B) for the advancement of knowledge in the field of education.

(5) The term "Board" means the National Board for Education Sciences established under section 117.

(6) The term "Department" means the Department of Education.

(7) The term "development" means the systematic use of knowledge or understanding gained from the findings of scientifically valid research that may prove useful in areas (such as the preparation of materials and new methods of instruction and practices in teaching), that may lead to the improvement of the academic skills of students, and that are replicable in different educational settings.

(8) The term "Director" means the Director of the Academy of Education Sciences.

(9) The term "dissemination" means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public, through the provision of technical assistance, electronic transfer, and other means.

(10) The term "field-initiated research" means basic research or applied research in which specific questions and methods of study are generated by investigators (including teachers and other practitioners) and that conforms to standards of scientifically valid research.

(11) The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(12) The term "national research and development center" means a research and development center under section 931(c)(1)(B) of the Education Research, Development, Dissemination, and Improvement Act of 1994 (20

U.S.C. 6031(c)(1)(B)) (as such provision existed on the day before the date of enactment of this Act).

(13)(A) The term "scientifically based research standards" means research standards that—

(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs; and

(ii) present findings and make claims that are appropriate to and supported by the methods that have been employed.

(B) The term includes, appropriate to the research being conducted—

(i) employing systematic, empirical methods that draw on observation or experiment;

(ii) involving data analyses that are adequate to support the general findings;

(iii) relying on measurements or observational methods that provide reliable data;

(iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);

(v) ensuring that studies and methods are presented in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) using research designs and methods appropriate to the research question posed.

(14) The term "scientifically valid education evaluation" means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;

(C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and

(E) may study program implementation through a combination of scientifically valid and reliable methods.

(15) The term "scientifically valid research" includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(16) The term "Secretary" means the Secretary of Education.

(17) The term "State" includes (except as provided in section 158 and in the National Assessment of Educational Progress Authorization Act) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(18) The term "technical assistance" means—

(A) assistance in identifying, selecting, or designing solutions (including professional development and training to implement such solutions) leading to—

(i) improved educational practices and classroom instruction based on scientifically valid research; and

(ii) improved planning, design, and administration of programs;

(B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and

(C) other assistance necessary to encourage the adoption or application of scientifically valid research.

SEC. 182. INTERAGENCY DATA SOURCES AND FORMATS.

The Secretary, in consultation with the Director, shall ensure that the Department and the Academy use common sources of data in standardized formats.

SEC. 183. PROHIBITIONS.

(a) NATIONAL DATABASE.—Nothing in this title may be construed to authorize the development of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

(b) FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.—Nothing in this title may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control the curriculum, program of instruction, or allocation of State or local resources of a State, local educational agency, or school, or to mandate a State, or any subdivision thereof, to spend any funds or incur any costs not provided for under this title.

(c) ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided under this title to the Academy, including any office, board, committee, or center of the Academy, may be used by the Academy to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

(d) FEDERALLY SPONSORED TESTING.—

(1) IN GENERAL.—Subject to paragraph (2), no funds provided under this title to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(2) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(5) of this title or section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such section existed on the day before the date of enactment of this Act) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 184. CONFIDENTIALITY.

(a) IN GENERAL.—All collection, maintenance, use, and dissemination of data by the Academy, including each office, board, committee, and center of the Academy, shall conform with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(b) STUDENT INFORMATION.—The Director shall ensure that all individually identifiable information about students, their academic achievements, and their families, and information with respect to individual schools, remains confidential in accordance with section 552a of title 5, United States Code, subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

SEC. 185. AVAILABILITY OF DATA.

Subject to section 184, data collected by the Academy, including any office, board, committee, or center of the Academy, in carrying out the priorities and mission of the Academy, shall be made available to the public, including through use of the Internet.

SEC. 186. PERFORMANCE MANAGEMENT.

The Director shall ensure that all activities conducted or supported by the Academy 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.

SEC. 187. AUTHORITY TO PUBLISH.

(a) PUBLICATION.—The Director may prepare and publish (including through oral presentation) such research, statistics, and evaluation information and reports from any office, board, committee, and center of the Academy as needed to carry out the priorities and mission of the Academy.

(b) PEER REVIEW.—All research, statistics, and evaluation reports conducted by, or supported through, the Academy shall be subjected to rigorous peer review before being published or otherwise made available to the public.

(c) ADVANCE COPIES.—The Director shall provide the Secretary an advance copy of any information to be published under this section at least 30 days before publication.

(d) ITEMS NOT COVERED.—Nothing in subsection (a) or (b) 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, United States Code; and

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

SEC. 188. 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 Academy shall be filled in the manner in which the original appointment was made. This section does not apply to employees appointed under section 189.

SEC. 189. SCIENTIFIC OR TECHNICAL EMPLOYEES.

(a) APPOINTMENT AND PAY.—The Director may appoint for limited periods of time and fix the pay of certain scientific or technical employees to carry out the functions of the Academy or the office, board, committee, or center, respectively, without regard to the provisions of title 5, United States Code, 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, provided that—

(1) at least 30 days before the appointment of any employee under this subsection, the Director shall give public notice of the availability of such position and shall provide an opportunity for qualified individuals to apply and compete for the position; and

(2) the Director may not appoint an employee under this subsection unless the em-

ployee is necessary to provide the Academy with scientific or technical expertise that could not otherwise be obtained by the Academy through the competitive service and such necessity can be justified in a clear and convincing fashion.

(b) MAXIMUM NUMBER.—Employees appointed under this section and employed at the Academy at any particular time shall not exceed the greater of 20 percent of the total employees of the Academy or a total of 60 individuals.

(c) MAXIMUM PAY RATE.—An employee appointed under this section may not be paid at a rate that exceeds the rate of basic pay for level V of the Executive Schedule, except that not more than 10 individuals appointed under this section may be paid at a rate that does not exceed the rate of basic pay for level IV of the Executive Schedule.

(d) DURATION.—An employee appointed under this section may not serve longer than 6 years.

SEC. 190. VOLUNTARY SERVICE.

The Secretary, acting through the Director, may accept voluntary and uncompensated services to carry out and support activities that are consistent with the priorities and mission of the Academy.

SEC. 191. FELLOWSHIPS.

In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education, the Director shall establish and maintain research, evaluation, and statistics fellowships in the Academy and institutions of higher education (which may include the establishment of such fellowships in historically Black colleges and universities and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study, particularly for women and minorities, with such stipends and allowances (including travel and subsistence expenses) as the Director may determine necessary to obtain the assistance of highly qualified research, evaluation, and statistics fellows.

SEC. 192. RULEMAKING.

Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the exemption for public property, loans, grants, and benefits in section 553(a)(2) of title 5, United States Code, shall apply to the Academy.

SEC. 193. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title \$400,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

(1) no less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of this Act) for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and

(2) the lesser of 2 percent of such funds or \$1,000,000 shall be made available to carry out section 117 (relating to the National Board for Education Sciences).

(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLE II—REGIONAL EDUCATIONAL APPLIED RESEARCH AND TECHNICAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Regional Assistance Act of 2002".

SEC. 202. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 201. Short title.

Sec. 202. Table of contents.

Sec. 203. Regional educational applied research and technical assistance entities.

Sec. 204. Regional advisory committees.

Sec. 205. Priorities and evaluations.

Sec. 206. Authorization of appropriations.

Sec. 207. General provisions.

SEC. 203. REGIONAL EDUCATIONAL APPLIED RESEARCH AND TECHNICAL ASSISTANCE ENTITIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall support, through competitive contracts, a system of regional educational applied research and technical assistance entities (in this title referred to as “regional entities”) to provide applied research, dissemination, training, technical assistance, and development activities related to the administration and implementation of Federal education programs and other regional education needs to States, local educational agencies, schools, Indian tribes, community-based organizations, and other appropriate entities.

(2) REGIONS.—In establishing geographical regions to be served by the regional entities, the Secretary shall serve the same geographical regions as served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act).

(3) ALLOCATION.—From the funds appropriated under section 206, the Secretary shall allocate for each region for each fiscal year an amount of funds that is comparable in proportion to the amount of funds awarded to serve the needs of that region under prior regional assistance programs under section 3141 and parts A and C of title XIII of the Elementary and Secondary Education Act of 1965 (as such provisions existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)) and section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act).

(b) ACTIVITIES OF THE REGIONAL ENTITIES.—

(1) REGIONAL SUPPORT ACTIVITIES.—The system of regional entities, established under subsection (a)(1), shall support applied research, development, dissemination, and technical assistance activities by—

(A) providing training and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(ii) scientifically valid research in education on teaching methods and assessment tools for use by teachers and administrators in, at a minimum—

(I) the core academic areas of mathematics, science, and reading; and

(II) education technology; and

(iii) the facilitation of communication between education experts, school officials, teachers, parents, and librarians, as appropriate;

(B) disseminating and providing scientifically valid research, information, reports, and publications that are usable for improving academic achievement, narrowing achievement gaps, and encouraging and sustaining school improvement, to—

(i) schools, educators, parents, and policymakers within the applicable region in which the entity is located; and

(ii) the Office of Educational Resources and Dissemination;

(C) carrying out applied research projects that are designed to serve the particular edu-

cational needs of the region, that reflect findings from scientifically valid research, and that result in user-friendly, replicable classroom applications geared toward promoting increased student achievement; and

(D) supporting development activities and contributing to the current base of education knowledge by addressing enduring problems in elementary and secondary education.

(2) COORDINATION AND COLLABORATION.—Each regional entity shall coordinate its activities, collaborate, and regularly exchange information with the Secretary, the Director of the Academy of Education Sciences, the Office of Educational Resources and Dissemination of the Academy, and other appropriate entities (including educational service agencies, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

(3) ALLOCATION OF RESOURCES.—Each regional entity shall direct its resources under this title to, and within, each State in a manner that reflects the need for assistance, taking into account factors such as the proportion of economically disadvantaged students and the cost burden in areas of sparse populations, and giving priority to—

(A) schools with high percentages or numbers of students from low-income families, as determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such schools in rural and urban areas, and schools participating in schoolwide programs under title I of that Act (20 U.S.C. 6301 et seq.);

(B) local educational agencies in which high percentages or numbers of school-age children are from low-income families, as determined under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)), including such local educational agencies in rural and urban areas; and

(C) schools that have been identified for school improvement under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

(4) REPORT TO SECRETARY.—Each regional entity shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(i) The information described in paragraph (5)(E).

(ii) A summary of the entity's activities during the preceding year.

(iii) A listing of the States, local educational agencies, and schools the entity assisted during the preceding year.

(5) REGIONAL CONTRACT BOARDS.—

(A) ESTABLISHMENT.—Not later than 120 days after entering into a contract under this section, a regional entity shall establish a regional contract board.

(B) COMPOSITION.—

(i) IN GENERAL.—The regional contract board shall be composed of—

(I) the chief State school officers (or other State officials in each State served by the regional entity who have primary responsibility under State law for elementary and secondary education in the State), or their designees, in the region served by the regional entity; and

(II) not more than 15 other members who are representative of the educational interests in the region served by the regional entity and are selected jointly by the officials specified in subclause (I) and the Governors of each State within the region, including the following:

(aa) Representatives of local educational agencies, including representatives of local educational agencies serving urban and rural areas.

(bb) Representatives of institutions of higher education.

(cc) Parents.

(dd) Practicing educators, including classroom teachers, principals, and administrators.

(ee) Representatives of business.

(ff) Policymakers, expert practitioners, and researchers with knowledge of, and experience using, the results of research, evaluation, and statistics.

(ii) SPECIAL RULE.—In the case of a State in which the Governor has the primary responsibility under State law for elementary and secondary education in the State, the Governor shall consult with the State educational agency in selecting additional members of the regional contract board under clause (i)(II).

(C) DUTIES.—The regional contract board shall—

(i) oversee, guide, and direct the regional entity's performance of its contract awarded under this section, subject to the Secretary's ultimate authority to enforce the contract;

(ii) ensure that the activities of the regional entity under this section monitor and address the educational needs of the region, on an ongoing basis;

(iii) ensure that the regional entity attains and maintains a high standard of quality in the performance of its activities, consistent with the standards established under section 205(b); and

(iv) ensure that the regional entity carries out its duties in a manner that promotes progress toward reforming schools and educational systems.

(D) ACCEPTANCE OF OTHER ASSISTANCE.—Each regional contract board may accept gifts, in-kind contributions, services, or other assistance to facilitate its activities.

(E) BOARD REPORT.—The regional contract board shall submit to the regional entity, for inclusion in the entity's annual report under paragraph (4), the following:

(i) A summary of the board's activities during the preceding year.

(ii) A description of how well the regional entity is meeting the educational needs of the region.

(iii) Any other information the Secretary may require.

(c) APPLICATION.—

(1) SUBMISSION.—Each regional entity seeking a contract under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in subsection (b) in a manner that addresses the priorities established under section 205(a) and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region, on an ongoing basis.

(3) ELIGIBLE APPLICANTS.—Contracts under this section may be made with private or public, for-profit or nonprofit research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in subsection (b), which may include regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)).

(4) **OUTREACH.**—In conducting competitions for contracts under this section, the Secretary shall—

(A) actively encourage potential applicants to compete for such awards by making widely available information and technical assistance relating to the competition; and

(B) seek input from Governors, chief State school officers, educators, and parents regarding the need for applied research, dissemination, training, technical assistance, and development activities authorized by this title in the regions to be served and how those educational needs would be addressed most effectively.

(5) **OBJECTIVES AND INDICATORS.**—Before entering into a contract under this section, the Secretary shall design specific objectives and measurable indicators, using the results of the survey conducted under section 204(d), to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional entities, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(d) **AUTHORITY.**—

(1) **IN GENERAL.**—To carry out the activities described in subsection (b), the Secretary shall—

(A)(i) enter into contracts for a 5-year period with at least two regional entities for each region described in subsection (a)(2), of which at least one shall be a nonprofit entity;

(ii) ensure that the primary duties of at least one regional entity shall include activities described in subsection (b)(1)(A); and

(iii) ensure that the primary duties of at least one regional entity shall include activities described in subsections (b)(1)(C) and (b)(1)(D); and

(B) ensure that the regional entities have strong and effective governance, organization, management, and administration, and employ qualified staff.

(2) **COORDINATION.**—In order to ensure coordination and prevent unnecessary duplication of activities among the regions, the Secretary shall—

(A) share information about the activities of each regional entity with each other regional entity and with the Department, including the Director of the Academy of Education Sciences and the National Board for Education Sciences;

(B) create a strategic plan for ensuring that each regional entity increases collaboration and resource-sharing in such activities;

(C) where appropriate, ensure that the activities of each regional entity also serve national interests; and

(D) ensure that each of the regional entities funded under this title coordinates its activities with the activities of the other regional entities.

(e) **CONTINUATION.**—In order to carry out this title and facilitate the transition to regional entities, the Secretary—

(1) shall continue the existing awards of the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act), the Eisenhower Regional Mathematics and Science Education Consortia established under part M of such Act (as such part existed on the day before the date of enactment of this Act), and the Regional Technology in Education Consortia under section 3141 of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act

of 2001 (Public Law 107-110)), for the duration of those existing awards in accordance with the terms and agreements of such awards; and

(2) may extend for no more than 2 years the awards of the Comprehensive Regional Assistance Centers established under part K of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act).

SEC. 204. REGIONAL ADVISORY COMMITTEES.

(a) **ESTABLISHMENT.**—The Secretary shall establish a regional advisory committee for each region described in section 203(a)(2).

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The membership of each regional advisory committee shall—

(A) not exceed 25 members;

(B) contain a balanced representation of States in the region; and

(C) include not more than one representative of each State educational agency geographically located in the region.

(2) **ELIGIBILITY.**—The membership of each regional advisory committee may include the following:

(A) Representatives of local educational agencies, including rural and urban local educational agencies.

(B) Representatives of institutions of higher education, including individuals representing university-based education research and university-based research on subjects other than education.

(C) Parents.

(D) Practicing educators, including classroom teachers, principals, administrators, school board members, and other local school officials.

(E) Representatives of business.

(F) Researchers.

(3) **RECOMMENDATIONS.**—In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations from, the Governors, chief State school officers, and education stakeholders within the applicable region.

(4) **SPECIAL RULE.**—The total number of members on each committee who are selected under subparagraphs (A), (C), and (D) of paragraph (2), collectively, shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(c) **DUTIES.**—Each regional advisory committee shall advise the Secretary on the following:

(1) The educational needs of its region (using the results of the survey conducted under subsection (d)), in order to assist in making decisions regarding the priorities established under section 205(a) and the priorities established under section 116 of the Education Sciences Reform Act of 2002.

(2) The quality of the applications submitted under section 203(c).

(3) The quality of the regional entity's performance of its contract.

(d) **REGIONAL SURVEYS.**—Each regional advisory committee shall—

(1) conduct a survey of the educational needs, strengths, and weaknesses within the region to be served;

(2) in conducting the survey under paragraph (1), seek input from Governors, chief State school officers, educators, and parents (including through a process of open hearings to solicit the views and needs of schools (including public charter schools), teachers, administrators, parents, local educational agencies, librarians, businesses, State educational agencies, and other customers (such as adult education programs) within the region) regarding the need for the activities

described in section 203(b)(1) and how those needs would be most effectively addressed; and

(3) submit the survey to the Secretary and to the Director of the Academy of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

SEC. 205. PRIORITIES AND EVALUATIONS.

(a) **PRIORITIES.**—The Secretary may establish priorities for the regional entities to address. The priorities shall directly correspond with the educational needs of the region, using the regional survey conducted under section 204(d).

(b) **STANDARDS.**—The Secretary shall establish standards, consistent with those established under section 135(a) of the Education Sciences Reform Act of 2001, for the conduct of research and development and the dissemination of scientifically based research by the regional entities.

(c) **EVALUATIONS.**—The Secretary shall provide for ongoing independent evaluations of the regional entities receiving contracts under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Academy of Education Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the regional entities meets the objectives of its respective plan (as submitted in its application under section 203(c)(2)), and whether such services meet the educational needs of State educational agencies and local educational agencies and schools in the region.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$189,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) **LIMITATION.**—Not more than 5 percent of the funds appropriated under subsection (a) for a fiscal year may be used to establish and administer the regional advisory committees required under section 204 and to conduct the evaluations required under section 205(c).

SEC. 207. GENERAL PROVISIONS.

Part E of the Education Sciences Reform Act of 2002 applies to this title, as appropriate, except that any duty of the Director of the Academy of Education Sciences under that part shall be a duty of Secretary under this title.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.

This title may be referred to as the “National Assessment of Educational Progress Authorization Act”.

SEC. 302. DEFINITIONS.

In this title:

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

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

SEC. 303. 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 302 (relating to the National Assessment Governing Board); and

(B) \$107,500,000 to carry out section 303 (relating to the National Assessment of Educational Progress); and

(2) such sums as may be necessary for each of the 5 succeeding fiscal years to carry out sections 302 and 303.

(b) **AVAILABILITY.**—Amounts made available under this section shall remain available until expended.

TITLE IV—AMENDATORY PROVISIONS**SEC. 401. REDESIGNATIONS.**

(a) **CONFIDENTIALITY.**—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—

(1) by striking “center”, “Center”, and “Commissioner” each place any such term appears and inserting “Director”;

(2) in subsection (a)(2)(A), by striking “statistical purpose” and inserting “research, statistics, or evaluation purpose under this title”;

(3) so that paragraph (1) of subsection (b) reads as follows:

“(1) **IN GENERAL.**—

“(A) **DISCLOSURE.**—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Academy to disclose individually identifiable information that has been collected or retained under this title.

“(B) **IMMUNITY.**—Individually identifiable information collected or retained under this title shall be immune from legal process and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

“(C) **APPLICATION.**—This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.”;

(4) in paragraphs (2) and (6) of subsection (b), by striking “subsection (a)(2)” each place such term appears and inserting “subsection (c)(2)”;

(5) in paragraphs (3) and (7) of subsection (b), by striking “Center’s” each place such term appears and inserting “Director’s”; and

(6) by striking the section heading and transferring all the subsections (including subsections (a) through (c)) and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 184 of this Act.

(b) **CONFORMING AMENDMENT.**—Sections 302 and 303 of this Act are redesignated as sections 304 and 305, respectively.

(c) **NATIONAL ASSESSMENT GOVERNING BOARD.**—Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—

(1) in subsection (a), by striking “referred to as the ‘Board’” and inserting “referred to as the ‘Assessment Board’”;

(2) by striking “Board” each place such term appears (other than in subsection (a)) and inserting “Assessment Board”;

(3) by striking “Commissioner” each place such term appears and inserting “Commissioner for Education Statistics”;

(4) in subsection (a) by inserting “(carried out under section 303)” after “for the National Assessment”;

(5) in subsection (b)(2)—

(A) by striking “ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH” in the heading and inserting “DIRECTOR OF THE ACADEMY OF EDUCATION SCIENCES”; and

(B) by striking “Assistant Secretary for Educational Research and Improvement” and inserting “Director of the Academy of Education Sciences”;

(6) in subsection (e)(1)(A), by striking “section 411(b)” and inserting “section 303(b)”;

(7) in subsection (e)(1)(B), by striking “section 411(e)” and inserting “section 303(e)”;

(8) in subsection (e)(1)(E), by striking “, including the Advisory Council established under section 407”;

(9) in subsections (e)(1)(F) and (e)(1)(I), by striking “section 411” each place such term appears and inserting “section 303”;

(10) in subsection (e)(5), by striking “and the Advisory Council on Education Statistics”;

(11) in subsection (e)(6), by striking “section 411(e)” and inserting “section 303(e)”;

and

(12) by transferring and redesignating the section as section 302 (following section 301) of title III of this Act.

(d) **NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.**—Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by striking “Commissioner” each place such term appears and inserting “Commissioner for Education Statistics”;

(2) by striking “National Assessment Governing Board” and “National Board” each place either such term appears and inserting “Assessment Board”;

(3) in subsection (a)—

(A) by striking “section 412” and inserting “section 302”;

(B) by striking “and with the technical assistance of the Advisory Council established under section 407,”; and

(C) by inserting “(awarded by the Director, acting through the Commissioner for Education Statistics)” after “cooperative agreements”;

(4) in subsection (b)(1), by inserting “of” after “academic achievement and reporting”;

(5) in subsection (b)(3)(A)—

(A) in clause (i), by striking “paragraphs (1)(B) and (1)(E)” and inserting “paragraphs (2)(B) and (2)(E)”;

(B) in clause (ii), by striking “paragraph (1)(C)” and inserting “paragraph (2)(C)”;

and (C) in clause (iii), by striking “paragraph (1)(D)” and inserting “paragraph (2)(D)”;

(6) in subsection (b)(5), by striking “(c)(2)” and inserting “(c)(3)”;

(7) in subsection (c)(2)(D), by striking “subparagraph (B)” and inserting “subparagraph (C)”;

(8) in subsection (e)(4), by striking “subparagraph (2)(C)” and inserting “paragraph (2)(C) of such subsection”;

(9) in subsection (f)(1)(B)(iv), by striking “section 412(e)(4)” and inserting “section 302(e)(4)”;

(10) by transferring and redesignating the section as section 303 (following section 302) of title III of this Act.

SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended as follows:

(1) Paragraph (4) of section 202(b) (20 U.S.C. 3412(b)) is amended to read as follows:

“(4) There shall be in the Department a Director of the Academy of Education Sciences who shall be appointed in accordance with section 115(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.”.

(2) Section 208 (20 U.S.C. 3419) is amended to read as follows:

“ACADEMY OF EDUCATION SCIENCES

“SEC. 208. There shall be in the Department of Education an Academy of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 115(a) of that Act.”.

(3) In the table of contents in section 1 (20 U.S.C. 3401 note), the item relating to section 208 is amended to read as follows:

“Sec. 208. Academy of Education Sciences.”.

SEC. 403. REPEALS.

The following provisions of law are repealed:

(1) The National Education Statistics Act of 1994 (title IV of the Improving America’s Schools Act of 1994; 20 U.S.C. 9001 et seq.).

(2) Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act) (20 U.S.C. 6001 et seq.).

(3) Paragraph (2) of section 401(b) of the Department of Education Organization Act (20 U.S.C. 3461(b)(2)).

SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.

(a) **GOALS 2000: EDUCATE AMERICA ACT.**—The table of contents in section 1(b) of the Goals 2000: Educate America Act (20 U.S.C. 5801 note) is amended by striking the items relating to parts A through E of title IX (including the items relating to sections within those parts).

(b) **TITLE 5, UNITED STATES CODE.**—Title 5, United States Code, is amended—

(1) in section 5314, by inserting a period after “Under Secretary of Education”; and

(2) in section 5315, by striking the following:

“Commissioner, National Center for Education Statistics.”.

(c) **GENERAL EDUCATION PROVISIONS ACT.**—Section 447(b) of the General Education Provisions Act (20 U.S.C. 1232j) is amended by striking “section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))” and inserting “section 153(a)(5) of the Education Sciences Reform Act of 2002”.

(d) **ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

(1) Section 1111(c)(2) is amended by striking “section 411(b)(2) of the National Education Statistics Act of 1994” and inserting “section 303(b)(2) of the National Assessment of Educational Progress Authorization Act”.

(2) Section 1112(b)(1)(F) is amended by striking “section 411(b)(2) of the National Education Statistics Act of 1994” and inserting “section 303(b)(2) of the National Assessment of Educational Progress Authorization Act”.

(3) Section 1117(a)(3) is amended—

(A) by inserting “(as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)” after “Act of 1994”; and

(B) by inserting “regional educational applied research and technical assistance entities established under section 203 of the Regional Assistance Act of 2002 and” after “assistance from”.

(4) Section 1501(a)(3) is amended by striking “section 411 of the National Education Statistics Act of 1994” and inserting “section 303 of the National Assessment of Educational Progress Authorization Act”.

(5) The following provisions are each amended by striking “Office of Educational Research and Improvement” and inserting “Academy of Education Sciences”:

(A) Section 3222(a) (20 U.S.C. 6932(a)).

(B) Section 3303(1) (20 U.S.C. 7013(1)).

(C) Section 5464(e)(1) (20 U.S.C. 7253c(e)(1)).

(D) Paragraphs (1) and (2) of section 5615(d) (20 U.S.C. 7283d(d)).

(E) Paragraphs (1) and (2) of section 7131(c) (20 U.S.C. 7451(c)).

(6) Paragraphs (1) and (2) of section 5464(e) (20 U.S.C. 7253c(e)) are each amended by striking “such Office” and inserting “such Academy”.

(7) Section 5613 (20 U.S.C. 7283b) is amended—

(A) in subsection (a)(5), by striking “Assistant Secretary of the Office of Educational Research and Improvement” and inserting “Director of the Academy of Education Sciences”; and

(B) in subsection (b)(2)(B), by striking “research institutes of the Office of Educational Research and Improvement” and inserting

"National Education Centers of the Academy of Education Sciences".

(8) Sections 5615(d)(1) and 7131(c)(1) (20 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by striking "the Office" and inserting "the Academy".

(9) Section 9529(b) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994" and inserting "section 153(a)(5) of the Education Sciences Reform Act of 2002".

(e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting "(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994".

SEC. 405. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 2002.

SEC. 406. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which the provision is held invalid, shall not be affected thereby.

SEC. 407. ORDERLY TRANSITION.

The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, boards, committees, and centers (and their various functions and responsibilities) established or authorized by this Act, and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous information on H.R. 3801.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3801, the Education Science Reform Act Legislation, which transforms the Office of Education Research into a streamlined, more independent Academy of Education Sciences.

Earlier this year President Bush signed landmark education reforms into law, demanding new and more challenging standards of accountability from our States and improved student achievement from our schools. Recognizing that any successful education reform effort requires the best information on how children learn, the words "scientifically-based research" appear more than 100 times in the new law.

The reason for the focus on scientific research is simple: Educators need to know what works if they are to improve student achievement and narrow the gap between our lowest and highest performing students. Unfortunately, too much of what we recognize as education research is simply opinion buttressed by anecdotes. Consider the following examples:

Recently Congress established a national panel to evaluate existing research on the most effective way to teach children to read. They examined more than 100,000 federally-funded studies on reading, some written as far back as 1966, and concluded only 10,000 met their standards for scientific rigor.

From 1967 to 1976, the Federal Government managed the largest education research project ever conducted in the United States, comparing more than 20 different teaching programs on more than 70,000 students in 180 schools. Yet at the end of the study, all of the programs, those that were successful and those that failed, were recommended for distribution to schools. Today schools invest untold time and resources in one education fad after another. Without sound science to back program claims, teachers and school administrators are forced to use guesswork to determine the best classroom practices in students and students' achievement often suffers.

Even when scientific research is conducted, news of the findings seldom reaches teachers in the classrooms. When it does, it is often not relevant to the needs or it is not translated into understandable classroom applications. Two years ago I introduced legislation to improve the rigor and relevance of education research and to provide educators and policy-makers access to unbiased and reliable information.

The legislation before us today, H.R. 3801, picks up where that bill left off. It ensures that tried and true scientific information, not fads or fiction, form the basis for setting education policy and improving education practice. Specifically, H.R. 3801 attempts to address what I have come to know as serious shortcomings in the fields of education research, including the creeping influence of short-lived partisan or political operatives, the funding and dissemination of questionable studies, programs, and practices, and an overly bureaucratic office with no real sense of mission, mired by duplicative programs and competing interests.

Among other things, H.R. 3801 replaces the current Office of Education Research and Improvement with the new streamlined Academy of Education Science; insulates the new academy from inappropriate partisan or political influences; ensures that high quality standards put an end to education fads that masquerade as sound science; and creates a culture of science by allowing the new director to attract and retain the best researchers, evaluators and statisticians to the academy. It ensures that the research activities of the

academy are driven by the needs of parents, teachers and school administrators, not ivory tower researchers; and ensures that technical assistance, including help in implementing the No Child Left Behind Act, is accountable to States and schools.

For more than 30 years, we have heard excuses on why education could not be held to the same standards as other professions, and for 30 years Federal research conducted by the Office of Educational Research and Improvement has been, to a large extent, a disappointment.

If we are to lift those who are struggling to achieve proficiency in reading, math and science, we must give our educators the information they need to help their students learn. For that to happen, we must expect more from our Federal investment in education research. We must expect scientific rigor and we must ensure that what works in education informs classroom practice.

To that end, H.R. 3801 makes long overdue changes to the Office of Education Research and Improvement. I urge my colleagues to support this bipartisan common sense legislation and send a strong message to the other body that the successful implementation of No Child Left Behind Act requires a Federal office that can deliver a high quality education research product.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today's consideration of H.R. 3801 marks an important step in this committee's addressing the equal and effectiveness of education research and technical assistance. I believe our work on this legislation over the last 2 years has produced a good bipartisan product that warrants our support today. I do want to thank the gentleman from Delaware (Mr. CASTLE) and the gentleman from Ohio (Mr. BOEHNER) for their willingness to address Democratic concerns on this legislation.

This legislation addresses several critical issues in the area of education research. First is adequate resources. H.R. 3801 authorizes over \$700 million for the department's research and technical assistance activities, nearly double existing funding. This level of funding is vital in the research academy created under this legislation to become a top flight education research organization.

This bill also includes the provisions sought by the gentleman from New York (Mr. OWENS), long a leader in Congress on education issues, to increase outreach and involvement of historically black colleges and universities and Hispanic-serving institutions, and to permit fellowships to build research, knowledge and experience.

In addition, H.R. 3801 ensures that research is conducted through national research and development centers and

that 50 percent of research funding is for long-term research, both critical elements necessary to ensure high quality and effective research. This legislation also seeks to maintain the current governance relationship between the national assessment of educational process, the Department of Education, and the national assessment governing board, and in no way undermines any present authority provided to the board.

It is my intent that the changes made by this bill do not modify the manner in which the National Center for Education Statistics administers the national assessment.

Lastly, the bill ensures that we have a strong regional development and technical assistance focus that allows the continuation of existing life quality regional laboratories in comprehensive centers. Each region will competitively fund entities similar to the existing regional education laboratories and comprehensive assistance centers.

Our colleague, the gentleman from Wisconsin (Mr. KIND), has worked hard to ensure the bill's technical assistance focus would be responsive to local needs.

Mr. Speaker, a strong research focus at the Department of Education is vital to improving the educational achievement of our children. Coupled with the elements of the recently passed reauthorization of the Elementary and Secondary Education Act, this legislation can play a critical role in providing high quality research, technical assistance, and developmental activities. It is my belief that this legislation moves us in the right direction to accomplish these feats, and I urge Members to support it today.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER) the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, the reauthorization of the Office of Education Research and Improvement has been waiting for more than 3 years to receive action on the floor of the House. And today we have the Education Science Reform Act of 2002 here through the hard work of the chairman of the subcommittee, the gentleman from Delaware (Mr. CASTLE), the ranking Democrat on the subcommittee, the gentleman from Michigan (Mr. KILDEE), who have done a marvelous job in bringing this bill together through subcommittee and full committee and here on the floor today. And without the leadership of the gentleman from Delaware (Mr. CASTLE), it just would not have happened at all.

Providing high quality, scientifically based education research is vital if we are going to improve our Nation's schools. The Education Science Act of 2002 does just that. In addition, it provides technical assistance to regions,

States, districts, and schools that is accountable, customer-driven and focused on the implementation of the No Child Left Behind Act. Let me emphasize that the reforms in this bill will greatly assist in helping the No Child Left Behind Act, successfully transform and reform our schools.

Mr. Speaker, I especially want to thank the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) for their bipartisan leadership in working out this agreement. This is no small task since we have so few legislative days this year and I want to thank both of them very much. But they are not alone. The gentleman from Florida (Mr. KELLER), the gentleman from Colorado (Mr. SCHAFFER), the gentleman from Michigan (Mr. EHLERS), the gentleman from Virginia (Mr. SCOTT), the gentleman from Wisconsin (Mr. KIND), the gentleman from New York (Mr. OWENS) and others have rolled up their sleeves and worked out the many differences that were in this bill.

The result was the bill went through both the subcommittee and the full committee by unanimous consent, and we expect the same level of support today here on the House floor. The President and the administration also support this bill. I especially want to thank Assistant Secretaries Russ Whitehurst and Becky Campoverde who, with their staff, worked closely with us as we brought this legislation forward. My thanks also to Jay Lefkowitz and Noel Francisco from the Office of Policy Development at the White House for their help.

Once again, I want to thank my colleague, the ranking Democrat on our committee, the gentleman from California (Mr. GEORGE MILLER), for making this bipartisan process work. We have continued the good relationship we had during the year-long work on the No Child Left Behind Act, and I am hopeful that we have set a new tone and a new example for the Congress, and that the approval of the House today of the Education Sciences Reform Act of 2002 demonstrates once again that we can do great things when we work together. The staff of the committee on both sides of the aisle is to be commended as well for all of their efforts in working with the Members and really doing the grunt work that brings us to a successful conclusion today. With that, I am going to thank my colleagues once again.

Mr. KILDEE. Mr. Speaker, I yield two minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. ROEMER. Mr. Speaker, I rise to commend the gentleman from Delaware's (Mr. CASTLE) and the gentleman from Michigan's (Mr. KILDEE) contributions, particularly on our side from the gentleman from New York (Mr. OWENS), and the gentleman from Wis-

consin (Mr. KIND), to improve the underlying bill to address the research and reform needed in this country to better share best practices throughout the United States to improve our school system.

The chairman mentioned one aspect of this bill that I have a caveat and a concern about, and that is the money that is provided for carrying out the No Child Left Behind Act, actually to provide training and technical assistance that will begin to take the first steps for the No Child Left Behind Act. The chairman said, I think, very articulately that that act was a bipartisan act, the Democrats and Republicans working with the President to maybe pass some of the most significant reforms in the past 20 years. I agree with that as well. However, if we do not provide the resources and the money to go along with the reforms to improve Title I programs, to support the teacher development, to help the schools in corrective action, then that bill starts to fall apart.

I would include after my statement an article by David Broder from this Sunday's Washington Post that says this: "The gap between the reality and the Washington rhetoric about raising standards in school while ensuring that no child is left behind is alarmingly large."

If the appropriators do not appropriate the significant funds and the sufficient funds to ensure that we can lock in these reforms, and the States are cutting their budgets and not providing us money to the State schools, then this reform, no child left behind, grows increasingly in peril of backsliding and going backwards on its commitments to children in this country.

I hope we keep our eye on the appropriations process.

The article mentioned is as follows:

[From The Washington Post]

A MATTER OF MONEY . . .

(By David S. Broder)

Last week Oregon newspapers carried an Associated Press report that more than 4,600 taxpayers had voluntarily donated almost \$700,000 of their tax refunds from the state to a newly created fund for support of public schools.

It was a small percentage of the \$240 million automatically rebated when revenue for the 1999-2001 biennium exceeded estimates. But with the economic slowdown now causing a budget crunch in Oregon, as in more than 40 other states, these taxpayers recognized that education is in jeopardy. A recent special session found the Oregon legislature cutting the schools' budget by \$112 million.

What is happening in Oregon is happening across the country. The National Conference of State Legislatures reported last week that in the current fiscal year, 17 states faced reductions in their budgets for elementary and secondary schools, and 29 faced cuts for colleges and universities.

The gap between this reality and the Washington rhetoric about raising standards in schools while ensuring that "no child is left behind" is alarmingly large.

In just the past few days, parents and students in state after state have heard disturbing news about the schools. The Massachusetts House of Representatives received a

committee-approved budget that would cut school spending 10 percent across the board, reducing state aid to local districts by \$320 million.

In Tennessee, seven "Governor's Schools," where gifted and talented high school students lived together in dormitories for a month of challenging summer studies of science, the arts and even international relations, have been canceled. The \$15 million cost apparently is more than the state can afford to invest in its most promising young people.

At the other end of the educational spectrum, the administration of freshman New Jersey Gov. Jim McGreevey has petitioned for relief from the court order requiring the state to put extra funds in to the 30 poorest school districts. These districts—urban areas with low property-tax bases—were supposed to get \$83 million extra in state funds to help them repair buildings, hire teachers and improve instruction. Instead, like every other district, they will be level-funded next year.

No governors or legislators want to damage the schools their constituents use. But the requirement to balance budgets in a time of slumping revenues has left them little choice. While Washington goes blithely on its way, cutting taxes, running up deficits and borrowing from Social Security, the states are in a jam.

What is happening to elementary and secondary schools is minor compared with the hit on higher education. In the face of rising enrollments, Pennsylvania is cutting its higher ed budget by almost 5 percent. Penn State students, who were hit with an 8 percent tuition increase this year, will face another tuition boost and a fee increase of up to \$600 when they come back to school.

They are better off than students at the University of Washington, where the budget calls for a 16 percent tuition increase. And in education-conscious Iowa, the presidents of the three largest state universities said in a joint statement that the legislature's cuts "will unquestionably compromise the quality of our educational programs." State funding, which once paid 77 percent of the bills, now pays 60 percent, and most of the falloff has been made up by raising tuition.

The irony is that even as all this is happening, a poll released last week reaffirms the importance of education to most voters. The Public Education Network and Education Week newspaper reported that when it comes to balancing state budgets, voters overwhelmingly say that schools are the top priority. Education leads the No. 2 choice, health care, by a 3-to-1 margin. Law enforcement, welfare, services for seniors, transportation and economic development lag far behind.

But that is not what the budgets reflect. Medicaid payments are the fastest-growing state expenditures, and those costs leave little room for education or other programs.

Washington is not helping much. The federal government is still falling far short on its promise to pay 40 percent of the bills for special education students, whose needs are a crippling cost for local school districts.

After boosts in education spending by healthy double-digit percentages in the last year of the Clinton administration and the first year of the Bush administration, this year's federal budget calls for only a 2.8 percent increase.

With the feds preferring tax cuts to education aid, and the states cutting back because of their budget squeeze, America is in serious danger of backsliding on the promise to improve its schools.

Mr. CASTLE. Mr. Speaker, I have no further speakers and I continue to reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield four minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the bill H.R. 3801 which restructures and refocuses the research branch of the Department of Education. I would like to thank the committee chairman, the gentleman from Delaware (Mr. CASTLE), and the ranking member, the gentleman from Michigan (Mr. KILDEE), for their leadership in crafting this bipartisan bill.

The bill before us significantly restructures the current research office, known as the Office of Educational Research and Improvement, into a new Academy of Educational Sciences.

□ 1815

The reformation of Federal educational research is absolutely essential if we are to close the achievement gaps and assure that all children have an opportunity of an equal educational opportunity. The work that we are doing on this issue will be critical in helping educators meet these challenges set forth in H.R. 1, the newly signed education bill.

As the Assistant Secretary of Education noted in his testimony before the Committee on Education and the Workforce, H.R. 1 mentions scientifically-based research over 110 times as it relates to educational programs. Yet there are significant deficits in what we know about how children learn and which programs work, especially when it comes to children who are disadvantaged, have limited English proficiency or have disabilities.

While our present educational system serves most children fairly well, it struggles to meet the needs of children with special challenges in their paths. The newly structured academy can help us figure out how to better serve all children, close achievement gaps and ensure that all children get a quality education.

In crafting this legislation, we paid special attention to making sure that the research conducted by the academy was focused on producing useful findings, that is, teaching methodologies that we could actually put into practice. We need to find programs that are scientifically proven to be effective in educating students who have traditionally been disadvantaged so that they, and their schools, can meet the standards set forth in H.R. 1.

Structuring the academy so that it concentrates on research that can be put into practice will be beneficial to all 15,000 school districts in the United States. The academy will serve as a national resource so that valuable time is not lost by each individual school and each individual teacher trying to reinvent the wheel and come up with educational programs to serve their students.

I am especially pleased that we are authorizing \$400 million, double the funds now available for OERI. Funding

for educational research has been anemic over the years, and no amount of restructuring will achieve the needed results if appropriate resources are not applied.

I would again like to thank the subcommittee chair and the ranking member for a chance to work on this bipartisan bill that restructures Federal educational research that empowers teachers and schools to be better able to do their jobs.

Mr. CASTLE. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Just briefly, I want to thank the gentleman from Delaware (Mr. CASTLE) for our work together. He has always been open and frank, honest, and we had some very fruitful discussions, sometimes some differences with which we were determined to work out. It is always a pleasure to work with Governor CASTLE, and when the President signs this bill into law, he will be able to add another item to an already illustrious record, both as governor and as a Member of this House.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Let me just return the compliment to the gentleman from Michigan (Mr. KILDEE). Disagreeing with the gentleman is better than agreeing with most people I have learned. He is a great pleasure to work with. We have worked together on a number of issues now, and these are contentious issues I might add, and have been able to work them out, greatly to his credit, and I appreciate that.

I would also like to take this time to extend my heartfelt thanks to the many Members, staff and administration officials that made this bipartisan reform effort possible.

Although education research is not an area that commands the attention of many Americans, or even many Members of Congress for all that matter, I was fortunate to work with a group of dedicated professionals who wanted to make education research better. They include obviously the Subcommittee on Education Reform ranking member, the gentleman from Michigan (Mr. KILDEE); but also the gentleman from Colorado (Mr. SCHAFER), the vice-chairman; the gentleman from California (Mr. GEORGE MILLER), full committee ranking member; as well as the gentleman from Florida (Mr. KELLER), the gentleman from Wisconsin (Mr. KIND), the gentleman from Georgia (Mr. ISAKSON), the gentleman from Virginia (Mr. SCOTT); the gentleman from Colorado (Mr. TANCREDO), and the gentleman from New York (Mr. OWENS). I thank all of them for their important contributions.

I also want to extend my gratitude to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Education and Workforce Committee. Without his leadership and thoughtful

counsel, we would not be on the floor today.

I would also be remiss if I did not thank President Bush, Secretary Paige and Under Secretary Hickock and Assistant Secretary Russ Whitehurst and Becky Campoverde. I am indebted to them all for raising the profile of this issue and for their year-long counsel and unwavering support of the principles embodied in this bill.

Last but certainly not least, I want to thank the staff for their hard work and abiding interest in education reform. Often vacations were sacrificed and family dinners were put on hold to get us to the floor of the House of Representatives. I think one has to be a Member of the House to understand how important staffs are to us and the extraordinary work they did.

Although many offered a helping hand, I want to especially thank Sally Lovejoy, the boss in all this; Doug Mesecar, who is to my left; Bob Sweet, Patrick Lyden, Jo-Marie St. Martin; on the other side, Alex Nock, Denise Forte and Charlie Barone, all of whom did a superb job. This team really went above and beyond the call of duty, and I am grateful to them for their efforts.

I would particularly like to thank Kara Haas of my staff who has dedicated all the recent years to education issues and has done a wonderful job of pulling all of this together.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 3801, the Education Science Reform Act of 2002.

H.R. 3801 marks a significant step forward in the Congress' effort to improve the research, evaluation, and technical assistance focus of the Department of Education. High quality research, statistics, development, and technical assistance is critical to improving education in the 21st century.

H.R. 3801 authorizes a total of \$700 million for the Department of Education's research, statistics, evaluations, and technical assistance activities. This is nearly double the current funding and ensures that almost 1 percent, or \$400 million, of the Department's budget will be reserved for research activities. This ensures that the Academy of Education Sciences that the bill creates will become a premier education research organization that is capable of producing high quality research.

H.R. 3801 also creates the Regional Development and Technical Assistance program that provides funds for two entities per region. One entity will provide applied research and development while the other will provide technical assistance. These entities are governed by a local regional board that incorporates all States in the region and whose membership is chosen by the chief State school officer of each State.

I am pleased that H.R. 3801 will continue to allow all four states of the Federated States of Micronesia (FSM) (Chuuk, Kosrae, Pohnpei, and Yap) to participate in the program and be fully represented on the regional boards. Hawaii's educational laboratory, research, and technical assistance provider, the Pacific Resources for Education and Learning (PREL), has been successful and effective in meeting the needs of all the States in Hawaii's region, which includes Hawaii, the outlying area

(Guam, American Samoa, and the Northern Mariana Islands) and the freely associated states (FAS)(Palau, the Marshall Islands, and the four States of the FSM, Chuuk, Kosrae, Pohnpei, and Yap) because of the participation of all the chief State school officers.

Mr. Speaker, I am pleased that Congress is committing to creating a strong office of research, statistics, evaluation, development, and technical assistance in the Department of Education. The Academy will be vital to future increases in student achievement and in the management and operation of our Nation's schools. H.R. 3801 makes the needed changes and adds the necessary resources to making this office a reality. I urge my colleagues to support this bill.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 3801, the Education Sciences Reform Act of 2002. As a member of the Education and Workforce committee, I am proud to have been a part of the bipartisan effort to strengthen the quality of public education in all regions of the country. This bill restructures the Office of Education Research and Improvement, OERI, first authorized in 1994, maintaining the regional support structures to help our schools succeed.

This issue is of special importance to the people of my district in western Wisconsin. The small, rural schools of my district strive to provide quality educational opportunities for their students, but need a support structure to help implement the many changes recently required by the Federal Government in the No Child Left Behind Act. OERI provides such a structure through regional laboratories and comprehensive centers. During reauthorization, I advocated for the continued funding of these regional entities that provide applied research and development along with technical assistance to schools in rural areas. At the same time, I support the need for a competitive environment geared toward performance-oriented funding for these regional entities. Without this type of regional structure, there would be no guarantee that schools such as those in my district would continue to receive these services.

The comprehensive centers and regional educational laboratories are invaluable resources for providing quality education to children in our small, rural schools. The mission of the regional comprehensive center is to provide technical assistance to schools and districts, while the regional labs create strategies to promote student improvement through applied research. Schools in rural areas are often faced with the challenges of serving a community with a small population, making it difficult to maintain adequate funding and a strong technology infrastructure. The labs and comprehensive centers offer the assistance needed to meet the needs of students in these areas. By supporting these entities, children in rural schools can be afforded the same types of educational tools that their counterparts in large, more urban schools receive: access to educational technologies, enrichment in math and science, and gifted and talented education, all of which help prepare our children everywhere for the workforce of the future.

In particular, the Wisconsin Center for Education Research, located in my home State, is able to provide schools with the tools they need for success. This comprehensive center at the University of Wisconsin-Madison School of Education provides services to Iowa, Michi-

gan, Minnesota, North Dakota, South Dakota, and Wisconsin. All of these States contain a large number of small, rural schools in need of the technical assistance and applied research to continue providing quality education to the students of their districts. The Wisconsin Center provides proven, quality research dedicated to improving education for students of all ages, and is indeed one of the premier comprehensive centers in the Nation.

Mr. Speaker, I am proud to have been a part of the committee that recognized the importance of strong research and evaluation in providing quality education to students of our country. I would like to thank the subcommittee chairman from Delaware, Mr. CASTLE, the ranking member from Michigan, Mr. KILDEE, and the other members of the subcommittee for the continued efforts to make this bipartisan bill as strong as possible. Through our efforts we will continue to ensure that no child is left behind in our education system.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to first applaud the achievement of Chairman CASTLE and Congressman KILDEE and their staffs for their work on this bill. Both members have championed the need for quality education research and this legislation reflects their leadership on this issue.

H.R. 3801 complements the bipartisan effort that started with the No Child Left Behind Act. In that landmark reform measure, states and schools district are now accountable for providing a quality education to all children. And, the availability of scientifically based research that demonstrates what works and what doesn't work will be critical in this effort. H.R. 3801 establishes the framework to make this happen.

This legislation injects a much needed culture of science into education research through the newly established Academy of Education Sciences.

The Academy will be responsible for ensuring that the research used by school districts in their reform efforts will be of the highest quality and meet the highest standards. The Academy will also conduct new research and be the arm through which this research is disseminated to the field.

H.R. 3801 will bring research directly into the classroom where it is needed the most. Through a system of regional technical assistance, school districts will be able to receive support tailored to their needs.

And, perhaps most important this legislation authorizes a new level of investment in education research to match the demand for quality science on what works to improve education.

Again, I commend the work of my colleagues Congressmen CASTLE and KILDEE and look forward to working with them as it continues through the legislative process.

Again, I want to applaud the work of the chairman and ranking member.

Mr. SMITH of Michigan. Mr. Speaker, I rise in support of the Education Science Reform Act.

As one famous scientist observed, "It is nothing short of a miracle that the modern methods of instruction have not yet entirely strangled the holy curiosity of enquiry." That scientist was Albert Einstein, and its apparent that since his day things haven't changed all that much.

Our colleges and universities are still the best in the world, but as international tests

show, U.S.K.—12 students do not measure up to their peers in other industrialized countries.

As Chairman of the Subcommittee on Research, we have been advocating that we devote more of our education research funding to research on how kids learn. Our current knowledge of how children acquire such academic skills as reading and math is not well advanced. Further, we know very little about the how to link fundamental research and educational practice in the classroom.

We have to find out what works in the classroom, and what doesn't. In hearings before my subcommittee, we have found that new teaching methods and technologies are often introduced into classrooms with little or no data showing that they are effective.

This is unfortunate, and it means that many of our kids will not be prepared for the high-tech future. If we want to do a better job of imparting to students the skills they need to be successful in science and math, we have to employ the most effective teaching methods from kindergarten to college. To help do that, we must conduct the kind of research and data collections to better discover what works.

Currently, federal funding for education research is a fraction of a percent of all education spending. It stands to reason that increasing funding in this area will allow us to develop policies and programs that will spend the other 99+ percent of funding on education programs more effectively.

I am pleased that National Mathematics and Science Partnerships Act, which passed the House last summer, contains language I proposed to have NSF establish centers for education research. These multidisciplinary centers will focus on research that has the potential to transform education research and teaching practice.

Complementing this effort is the work being done by the Department of Education authorized in this bill. I am particularly pleased that the bill establishes "scientifically-based research standards" for this program. Witnesses before my subcommittee testified to the shortcomings of the research being conducted by the Education Department. This legislation brings scientific rigor to an area of research that often lacks it, and I want to commend the gentleman from Delaware, Mr. CASTLE, and the Chairman of the Education Committee, Mr. BOEHNER, for their work in making this needed reform.

Mr. Speaker, it is in this country's best interest to see that students receive the education they will need to compete and win in the global marketplace of the future. This bill will help us achieve that goal.

Mr. HOLT. Mr. Speaker, I rise today to speak on HR 3801, the Education Sciences Reform Act. The bill restructures the current statute governing the Office of Educational Research and Improvement by creating the Academy of Education Sciences.

While there are many positive things in this bill, it also has a number of weaknesses that should be addressed. Unfortunately, because this bill is on the suspension calendar, we will not get a chance to amend it. This legislation is missing two important initiatives, the Eisenhower Regional Mathematics and Science Consortia and the Eisenhower National Clearinghouse.

We must continue to make science education a priority in order to be prepared to compete in the global market place.

One way of doing this is the Eisenhower Regional Mathematics and Science Consortia. Currently, the 10 regional Eisenhower Mathematics and Science Consortia provide expert, research-based advice to teachers, schools, and states on how to improve their math and science programs and accountability systems.

The Consortia have economies of scale for expert staff and programs that most school districts could never duplicate; and as a network, their use of Federal resources is even more efficient.

With their regional partners, the Consortia provide professional development and technical assistance that enables teachers and policymakers learn from math and science research in their efforts to improve math and science teaching and learning.

The Consortia work with National Science Foundation to disseminate exemplary teaching methods for science and math.

The Consortia coordinate resources on math and science within their regions to maximize their collective impact.

The Consortia deliver customized services without red tape. Without the Consortia, teachers and administrators must procure other funds with the associated paperwork for assistance that the Consortia proactively supply without administrative burdens.

The other important science and mathematics institution is the Eisenhower National Clearinghouse.

The Eisenhower National Clearinghouse acquires and catalogs mathematics and science curriculum resources, creating the most comprehensive collection in the nation.

The clearinghouse provides the best selection of math and science education resources on the Internet.

The clearinghouse also supports teachers' professional development in math, science, and the effective use of technology.

Most importantly it serves all K–12 educators, parents, and students with free products and services. To help them do the best possible job of teaching math and science to our kids.

We must supply the resources for our schools and teachers for math and science education. Giving all children an understanding of science is one of the greatest challenges facing our nation today. The degree to which our children acquire these important skills will help determine their future economic success and, in turn, will help shape the productivity and economic future of the entire United States.

A quality science education is important for reasons of economics or national security. But it is also important for personal well-being and for the well-being of our democracy.

Science brings order, harmony, and balance to our lives. It teaches us that our world is intelligible and not capricious. They give us the skill for lifelong learning, for creating progress itself.

Mr. Speaker, this bill will pass today, but as it moves forward we should correct this oversight regarding the Eisenhower Regional Mathematics and Science Consortia and the Eisenhower National Clearinghouse.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from

Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3801, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 3801, EDUCATION SCIENCES REFORM ACT OF 2002

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3801, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

HONORING UNIVERSITY OF MINNESOTA GOLDEN GOPHERS MEN'S HOCKEY AND WRESTLING TEAMS AND UNIVERSITY OF MINNESOTA-DULUTH BULLDOGS WOMEN'S HOCKEY TEAM FOR WINNING 2002 NCAA CHAMPIONSHIPS

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 391) honoring the University of Minnesota Golden Gophers men's hockey and wrestling teams and the University of Minnesota-Duluth Bulldogs women's hockey team for winning the 2002 National Collegiate Athletic Association championships.

The Clerk read as follows:

H. CON. RES. 391

Whereas the University of Minnesota Gophers men's hockey team recently won the 2002 National Collegiate Athletic Association championship for the 4th time in the university's history;

Whereas the Minnesota Gophers men's hockey team had an impressive overall record of 32–8–4;

Whereas all but 1 of the players on the Minnesota Gophers men's hockey team are from Minnesota;

Whereas the Minnesota Gophers wrestling team won their second consecutive NCAA championship in 2002;

Whereas the Minnesota Gophers wrestling team was undefeated in the 2002 season and won the Big 10 Conference tournament;

Whereas the Minnesota Gophers wrestling team finished in the top 3 in the Nation for the 6th consecutive year;

Whereas 7 members of the Minnesota Gophers wrestling team earned All-American honors;

Whereas the Minnesota Gophers wrestling team produced 2 individual national championships;

Whereas on March 24, 2002, the defending NCAA Women's Ice Hockey National Champion, the University of Minnesota-Duluth Bulldogs, won the national championship for the second straight year;

Whereas the Minnesota-Duluth Bulldogs women's hockey team defeated Brown University in the championship game by the