

103^D CONGRESS
1ST SESSION

H. R. 3562

To provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 1993

Mr. KILDEE (for himself and Mr. FORD of Michigan) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “National Education
4 Statistics Act of 1993”.

5 FINDINGS; PURPOSE; DEFINITIONS

6 SEC. 2. (a) FINDINGS.—The Congress finds that—

1 (1) a Department of Education was established
2 in 1867 “for the purpose of collecting such statistics
3 and facts as shall show the condition and progress
4 of education in the several States and Territories,
5 and of diffusing such information respecting the or-
6 ganization and management of schools and school
7 systems and methods of teaching as shall aid the
8 people of the United States in the establishment and
9 maintenance of efficient school systems, and other-
10 wise promote the cause of education throughout the
11 country”;

12 (2) today, while the role of the current Depart-
13 ment of Education is much broader, the National
14 Center for Education Statistics within the Depart-
15 ment’s Office of Educational Research and Improve-
16 ment continues to perform those crucial original
17 purposes; and

18 (3) looking to the 21st Century, the National
19 Center for Education Statistics must be able to de-
20 sign and undertake, effectively and efficiently, statis-
21 tical activities that will aid in reform of our Nation’s
22 educational systems.

23 (b) PURPOSE.—It is the purpose of this Act to ensure
24 the continuation of an effective mechanism for collecting
25 and reporting statistics and information showing the con-

1 dition and progress of education in the United States and
2 other nations in order to promote and accelerate the im-
3 provement of American education.

4 (c) DEFINITIONS.—For the purpose of this Act, the
5 term—

6 (1) “Assistant Secretary” means the Assistant
7 Secretary for Educational Research and Improve-
8 ment, provided for under section 202(b)(1)(E) of the
9 Department of Education Organization Act;

10 (2) “Department” means the Department of
11 Education;

12 (3) “institution of higher education” has the
13 same meaning as that term is used in section 1201
14 of the Higher Education Act of 1965;

15 (4) “local educational agency” has the same
16 meaning as that term is used in section 1471 of the
17 Elementary and Secondary Education Act of 1965;

18 (5) “Secretary” means the Secretary of Edu-
19 cation;

20 (6) “State educational agency” has the same
21 meaning as that term is used in section 1471 of the
22 Elementary and Secondary Education Act of 1965;
23 and

24 (7) “United States” and “State” —

1 (A) mean, other than for the purpose of
2 section 11, each of the 50 States, the District
3 of Columbia, and the Commonwealth of Puerto
4 Rico; and

5 (B) for the purpose of section 11, include
6 Guam, American Samoa, the Virgin Islands, the
7 Commonwealth of the Northern Mariana Is-
8 lands, and the Republic of Palau (until the ef-
9 fective date of the Compact of Free Association
10 with the Government of Palau).

11 NATIONAL CENTER FOR EDUCATION STATISTICS

12 SEC. 3. (a) ESTABLISHMENT.—There is established,
13 within the Office of Educational Research and Improve-
14 ment established under section 209 of the Department of
15 Education Organization Act, a National Center for Edu-
16 cation Statistics (the “Center”).

17 (b) COMMISSIONER AND ASSOCIATE COMMIS-
18 SIONERS.—(1) The Center shall be headed by a Commis-
19 sioner of Education Statistics (the “Commissioner”) who
20 shall be appointed by the President, by and with the advice
21 and consent of the Senate, and who shall—

22 (A) have substantial knowledge of programs en-
23 compassed by the Center;

24 (B) be paid in accordance with section 5315 of
25 title 5, United States Code; and

1 (C) serve for a term of 4 years, with the terms
2 to expire every fourth June 21, beginning in 1995.

3 (2) The Commissioner may appoint such Associate
4 Commissioners as the Commissioner determines are nec-
5 essary and appropriate.

6 DUTIES OF THE CENTER

7 SEC. 4. (a) DUTIES.—The duties of the Center are
8 to collect, analyze, and disseminate statistics and other in-
9 formation related to education in the United States and
10 in other nations, including—

11 (1) acquiring, compiling (where appropriate, on
12 a State-by-State basis), and disseminating full and
13 complete statistics on the condition and progress of
14 education in the United States, including data on—

15 (A) State and local education reform;

16 (B) student achievement and other edu-
17 cational outcomes (including data on special
18 student populations and data on high school
19 completions, dropouts, and adult literacy);

20 (C) educational access and opportunity (in-
21 cluding data on financial aid to postsecondary
22 students);

23 (D) teaching (including data on curricu-
24 lum, instruction, the conditions of the education
25 workplace, and the supply of, and demand for,
26 teachers);

1 (E) the learning environment (including
2 data on libraries and the incidence of crime, vi-
3 olence, and substance abuse);

4 (F) the financing and management of edu-
5 cation (including data on revenues and expendi-
6 tures); and

7 (G) the social and economic status of chil-
8 dren;

9 (2) conducting and publishing reports and anal-
10 yses of the meaning and significance of such statis-
11 tics;

12 (3) conducting longitudinal studies, as well as
13 regular and special surveys and data collections, nec-
14 essary to report on the condition and progress of
15 education;

16 (4) assisting public and private educational
17 agencies, organizations, and institutions in improv-
18 ing and automating their statistical and data collec-
19 tion activities; and

20 (5) acquiring and disseminating data on edu-
21 cational activities and student achievement in the
22 United States compared with those in foreign na-
23 tions.

24 (b) TRAINING PROGRAM.—The Commissioner may
25 establish a program to train employees of public and pri-

1 vate educational agencies, organizations, and institutions
2 in the use of the Center's standard statistical procedures
3 and concepts and may establish a fellows program to ap-
4 point such employees as temporary fellows at the Center
5 in order to assist the Center in carrying out its duties.

6 PERFORMANCE OF DUTIES

7 SEC. 5. (a) GENERAL.—In carrying out the duties
8 under this Act, the Commissioner may enter into grants,
9 contracts, and cooperative agreements.

10 (b) GATHERING INFORMATION.—(1) The Commis-
11 sioner may use the statistical method known as sampling
12 to carry out the purpose of this Act.

13 (2) The Commissioner may, as he or she considers
14 appropriate, use information collected—

15 (A) from States, local educational agencies,
16 schools, institutions of higher education, libraries,
17 administrators, teachers, students, the general pub-
18 lic, and such other individuals, organizations, agen-
19 cies, and institutions as the Commissioner may con-
20 sider appropriate; and

21 (B) by other offices within the Department and
22 by other Federal departments, agencies, and instru-
23 mentalities.

24 (3) The Commissioner may—

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

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

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

6 (4) In order to maximize the effectiveness of Federal
7 efforts to serve the educational needs of children and
8 youth, the Commissioner shall—

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

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

13 REPORTS

14 SEC. 6. (a) REPORT ON THE CONDITION AND
15 PROGRESS OF EDUCATION.—The Commissioner shall, no
16 later than June 1 of each year, submit to the President
17 and the Congress a statistical report on the condition and
18 progress of education in the United States.

19 (b) STATISTICAL REPORTS.—The Commissioner
20 shall issue regular statistical reports to the President and
21 Congress on such education topics as the Commissioner
22 determines to be appropriate.

23 (c) SPECIAL REPORTS.—The Commissioner may,
24 whenever he or she considers it appropriate, issue special
25 reports on particular education topics.

1 ADVISORY COUNCIL ON EDUCATION STATISTICS

2 SEC. 7. (a) ESTABLISHMENT.—There is established,
3 within the Center, the Advisory Council on Education Sta-
4 tistics (the “Council”).

5 (b) MEMBERSHIP.—(1) The Council shall be com-
6 posed of—

7 (A) 15 voting members who are users of edu-
8 cation data and who are appointed by the Secretary
9 on the basis of their experience and eminence within
10 the field, of whom at least—

11 (i) three shall be educators;

12 (ii) three shall be education policy-makers;

13 (iii) three shall be professional statisti-
14 cians; and

15 (iv) three shall be education researchers;

16 (B) the Director of the Census and the Com-
17 missioner of Labor Statistics, as voting, ex officio
18 members; and

19 (C) the Assistant Secretary and the Commis-
20 sioner, as nonvoting, ex officio members.

21 (2) The Secretary shall appoint the presiding officer
22 of the Council from among the voting members.

23 (3) Members of the Council appointed under para-
24 graph (1)(A) shall be appointed for three-year terms ex-
25 cept that, in the case of initial appointments, the Sec-

1 retary shall make appointments for shorter terms to the
2 extent necessary to avoid the expiration of the terms of
3 more than five members in the same calendar year.

4 (4)(A) The Council shall meet at the call of the pre-
5 siding officer, except that it shall meet—

6 (i) at least two times during each calendar year;

7 and

8 (ii) in addition, whenever eight voting members
9 request in writing that the presiding officer call a
10 meeting.

11 (B) Nine voting members of the Council shall con-
12 stitute a quorum.

13 (5) The Council shall review general policies for the
14 operation of the Center and shall advise the Commissioner
15 on standards to ensure that statistics and other informa-
16 tion disseminated by the Center are of high quality and
17 are not subject to partisan political influence.

18 CONFIDENTIALITY

19 SEC. 8. (a) IN GENERAL.—(1) The Center shall de-
20 velop and enforce standards designed to protect the con-
21 fidentiality of persons in the collection, reporting, and
22 publication of data under this section. The section shall
23 not be construed to protect the confidentiality of informa-
24 tion about institutions, organizations, and agencies that
25 receive grants from, or have contracts or cooperative
26 agreements with, the Federal Government.

1 (2) No person may—

2 (A) use any individually identifiable information
3 furnished under this Act for any purpose other than
4 a statistical purpose;

5 (B) make any publication whereby the data fur-
6 nished by any particular person under this Act can
7 be identified; or

8 (C) permit anyone other than the individuals
9 authorized by the Commissioner to examine the indi-
10 vidual reports.

11 (b) ADMINISTRATION.—(1) No department, bureau,
12 agency, officer, or employee of the government, except the
13 Commissioner in carrying out the purposes of this Act,
14 shall require, for any reason, copies of reports that have
15 been filed under this Act with the Center or retained by
16 any individual respondent. Copies of such reports that
17 have been so filed or retained with the Center or any of
18 its employees, contractors, or agents shall be immune from
19 legal process, and shall not, without the consent of the
20 individual concerned, be admitted as evidence or used for
21 any purpose in any action, suit, or other judicial or admin-
22 istrative proceeding. This paragraph shall apply only to
23 individually identifiable information (as defined in para-
24 graph (4)(A)).

1 (2) Whoever, being or having been an employee or
2 staff member of the Department, having taken or sub-
3 scribed the oath of office, or having sworn to observe the
4 limitations imposed by subsection (a)(2), knowingly pub-
5 lishes or communicates any individually identifiable infor-
6 mation (as defined in paragraph (4)(A)), the disclosure
7 of which is prohibited by subsection (a)(2), and that comes
8 into his or her possession by reason of employment (or
9 otherwise providing services) under this Act, shall be
10 found guilty of a class E felony and imprisoned for not
11 more than five years, or fined as specified in 18 U.S.C.
12 3571, or both.

13 (3) The Commissioner may utilize temporary staff,
14 including employees of Federal, State, or local agencies
15 or instrumentalities including local educational agencies,
16 and employees of private organizations to assist the Cen-
17 ter in performing its responsibilities, but only if such tem-
18 porary staff are sworn to observe the limitations imposed
19 by this section.

20 (4) For the purposes of this section—

21 (A) the term “individually identifiable informa-
22 tion” means any record, response form, completed
23 survey, or aggregation thereof from which informa-
24 tion about particular individuals may be revealed;
25 and

1 (B) the term “report” means a response pro-
2 vided by or about an individual to an inquiry from
3 the Center and does not include a statistical aggre-
4 gation from which individually identifiable informa-
5 tion cannot be revealed.

6 (5) Any person who uses any data provided by the
7 Center, in conjunction with any other information or tech-
8 nique, to identify any individual student, teacher, adminis-
9 trator, or other individual and who knowingly discloses,
10 publishes, or uses such data for a purpose other than a
11 statistical purpose, or who otherwise violates subsections
12 (a)(2) (A) or (B), shall be found guilty of a class E felony
13 and imprisoned for not more than five years, or fined as
14 specified in 18 U.S.C. 3571, or both.

15 (6) Nothing in this section shall restrict the right of
16 the Secretary, the Comptroller General of the United
17 States, the Director of the Congressional Budget Office,
18 and the Librarian of Congress to gain access to any re-
19 ports or other records, including information identifying
20 individuals, in the Center’s possession, except that the
21 same restrictions on disclosure that apply to the Center
22 under subsection (b)(1) and (5) shall apply.

23 DISSEMINATION

24 SEC. 9. (a) GENERAL REQUESTS.—(1) The Center
25 may furnish transcripts or copies of tables and other sta-
26 tistical records and make special statistical compilations

1 and surveys for State and local officials, public and private
2 organizations, and individuals.

3 (2) The Center shall provide State and local edu-
4 cational agencies opportunities to suggest the development
5 of particular compilations of statistics, surveys, and analy-
6 ses that would assist those educational agencies.

7 (b) CONGRESSIONAL REQUESTS.—The Center shall
8 furnish such special statistical compilations and surveys
9 as the Congress may request.

10 (c) JOINT STATISTICAL PROJECTS.—The Secretary
11 may engage in joint statistical projects related to the pur-
12 poses of this Act, or other statistical purposes authorized
13 by law, with nonprofit organizations or agencies, and the
14 cost of such projects shall be shared equitably as deter-
15 mined by the Secretary.

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

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

1 (e) ACCESS.—(1) The Center shall, consistent with
2 section 8, participate with other Federal agencies having
3 a need for educational data in providing access to edu-
4 cational data received by the Center.

5 (2) The Center shall, in accordance with such terms
6 and conditions as the Secretary may prescribe, provide all
7 interested parties, including public and private agencies
8 and individuals, direct access to data collected by the Cen-
9 ter for the purposes of research and acquiring statistical
10 information.

11 COOPERATIVE EDUCATION STATISTICS SYSTEMS

12 SEC. 10. The Commissioner may establish one or
13 more national cooperative education statistics systems for
14 the purpose of producing and maintaining, with the co-
15 operation of the States, comparable and uniform informa-
16 tion and data on elementary and secondary education,
17 postsecondary education, and libraries that are useful for
18 policymaking at the Federal, State, and local levels. In
19 carrying out this section, the Commissioner may provide
20 technical assistance and make grants and enter into con-
21 tracts and cooperative agreements.

22 NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

23 SEC. 11. (a) ESTABLISHMENT.—The Commissioner
24 shall, with the advice of the National Assessment Govern-
25 ing Board established by section 12, carry out, through
26 grants, contracts, or cooperative agreements with one or

1 more qualified organizations, or consortia thereof, a Na-
2 tional Assessment of Educational Progress (the “National
3 Assessment”).

4 (b) PURPOSE; CONTENTS.—(1) The purpose of the
5 National Assessment is to provide a fair and accurate
6 presentation of educational achievement in reading, writ-
7 ing, and the other subjects included in National Education
8 Goal Three. The Commissioner, in carrying out the Na-
9 tional Assessment, shall use sampling techniques that
10 produce data that are representative on a national and
11 regional basis and on a State basis pursuant to paragraph
12 (2). In addition, the Commissioner shall—

13 (A) collect and report data on a periodic basis,
14 but at least once every two years, on students at
15 ages 9, 13, and 17 and in grades 4, 8, and 12;

16 (B) report achievement data on a basis that en-
17 sures valid and reliable trend reporting;

18 (C) include information on special groups; and

19 (D) ensure that achievement data are made
20 available on a timely basis following official report-
21 ing, in a manner that facilitates further analysis.

22 (2)(A) The Commissioner, in carrying out the Na-
23 tional Assessment, may conduct State assessments of stu-
24 dent achievement in grades 4, 8, and 12.

1 (B) States wishing to participate in State assess-
2 ments shall enter into an agreement with the Secretary
3 pursuant to subsection (d)(2). Such agreement shall con-
4 tain information sufficient to give States full information
5 about the process for consensus decisionmaking on objec-
6 tives to be tested, required in section 12(e)(5), and of the
7 standards for sampling, test administration, test security,
8 data collection, validation, and reporting.

9 (C) A participating State shall review and give per-
10 mission for the release of results from any test of its stu-
11 dents administered as a part of a State assessment prior
12 to the release of such data. Refusal by a State to release
13 its data shall not restrict the release of data from other
14 States that have approved the release of such data.

15 (3) In carrying out the National Assessment, the
16 Commissioner shall not collect any data that are not di-
17 rectly related to the appraisal of educational performance,
18 achievement, and traditional demographic reporting vari-
19 ables, or to the fair and accurate presentation of such
20 information.

21 (4) In carrying out the National Assessment, the
22 Commissioner may provide technical assistance to States,
23 localities, and other parties.

1 (c) ACCESS.—(1) Except as provided in paragraph
2 (2), the public shall have access to all data, questions, and
3 test instruments of the National Assessment.

4 (2)(A) The Commissioner shall ensure that all per-
5 sonally identifiable information about students, their edu-
6 cational performance, and their families, and that infor-
7 mation with respect to individual schools, remains con-
8 fidential, in accordance with section 552a of title 5, United
9 States Code.

10 (B) Notwithstanding any other provision of law, the
11 Secretary may decline to make available to the public for
12 a period, not to exceed 10 years following their initial use,
13 cognitive questions that the Secretary intends to reuse in
14 the future.

15 (C) The Secretary may, upon the request of a State
16 educational agency or a local educational agency, make
17 National Assessment test instruments available for assess-
18 ing aggregate student achievement at the school or district
19 level. Before receiving such instruments, an agency shall
20 provide assurances, satisfactory to the Secretary, that se-
21 curity requirements and testing protocols, prescribed by
22 the Commissioner, will be complied with in the use of such
23 instruments.

1 (d) PARTICIPATION.—(1) Participation in the na-
2 tional and regional assessments by State and local edu-
3 cational agencies shall be voluntary.

4 (2) Participation in assessments made on a State
5 basis shall be voluntary. The Secretary shall enter into an
6 agreement with any State that desires to carry out an as-
7 sessment for the State under this subsection. Each such
8 agreement shall contain provisions designed to ensure that
9 the State will—

10 (A) participate in the assessment; and

11 (B) pay from non-Federal sources the non-Fed-
12 eral share of participation.

13 (3)(A) For each fiscal year, the non-Federal share
14 for the purpose of paragraph (2)(B) shall be—

15 (i) the cost of conducting the assessment at the
16 school level for all public schools in the State sam-
17 ple;

18 (ii) the cost of coordination within the State;

19 and

20 (iii) other reasonable costs specified by the Sec-
21 retary in the agreement described in paragraph (2).

22 (B) The non-Federal share of payments under this
23 paragraph may be in cash or in kind, fairly valued.

24 (C) The agreement described in paragraph (2) shall
25 describe the manner in which the costs of administering

1 the assessment to private non-profit schools included in
2 the State sample may be met.

3 (e) REVIEW OF NATIONAL AND STATE ASSESS-
4 MENTS.—The Secretary shall provide for continuing re-
5 views of both national and State assessments, including
6 evaluation studies by the Center and solicitation of public
7 comment on the conduct and usefulness of the National
8 Assessment. The Secretary shall report to the Congress,
9 the President, and the Nation on the findings and rec-
10 ommendations of such reviews. The Commissioner shall
11 consider the findings and recommendations in designing
12 the competition to select the organization, or organiza-
13 tions, through which the Office carries out the National
14 Assessment.

15 (f) COVERAGE AGREEMENTS.—(1) The Secretary
16 and the Secretary of Defense may enter into an agree-
17 ment, including such terms as are mutually satisfactory,
18 to include in the National Assessment elementary and sec-
19 ondary schools operated by the Department of Defense.

20 (2) The Secretary and the Secretary of the Interior
21 may enter into an agreement, including such terms as are
22 mutually satisfactory, to include in the National Assess-
23 ment schools for Indian children operated or supported by
24 the Bureau of Indian Affairs.

1 NATIONAL ASSESSMENT GOVERNING BOARD

2 SEC. 12. (a) ESTABLISHMENT.—There is established
3 the National Assessment Governing Board (the “Board”),
4 which shall formulate policy guidelines for the National
5 Assessment.

6 (b) MEMBERSHIP.—(1) The Board shall be appointed
7 by the Secretary and be composed of—

8 (A) two Governors, or former Governors, who
9 shall not be members of the same political party;

10 (B) two State legislators, who shall not be
11 members of the same political party;

12 (C) two chief State school officers;

13 (D) one superintendent of a local educational
14 agency;

15 (E) one member of a State board of education;

16 (F) one member of a local board of education;

17 (G) three classroom teachers representing the
18 grade levels at which the National Assessment is
19 conducted;

20 (H) one representative of business or industry;

21 (I) two curriculum specialists;

22 (J) three testing and measurement experts, who
23 shall have training and experience in the field of
24 testing and measurement;

1 (K) one nonpublic school administrator or pol-
2 icymaker;

3 (L) two school principals, one elementary and
4 one secondary; and

5 (M) four additional members who are represent-
6 atives of the general public, including parents.

7 (2) The Assistant Secretary for Educational Re-
8 search and Improvement shall serve as an ex officio,
9 nonvoting member of the Board.

10 (3) The Secretary and the Board shall ensure at all
11 times that the membership of the Board reflects regional,
12 racial, gender, and cultural balance and diversity and that
13 it exercises its independent judgment, free from inappro-
14 priate influences and special interests.

15 (c) TERMS.—Members of the Board shall serve for
16 terms not to exceed four years which shall be staggered,
17 as determined by the Secretary. Any appointed member
18 of the Board who changes status under subsection (b) dur-
19 ing the term of the appointment of the member may con-
20 tinue to serve as a member until the expiration of such
21 term.

22 (d) VACANCIES.—As vacancies occur, new members
23 of the Board shall be appointed by the Secretary from
24 among individuals who are nominated by the Board after
25 consultation with representatives of the groups listed in

1 subsection (b)(1). For each vacancy, the Board shall nomi-
2 nate at least three individuals who, by reason of experience
3 or training, are qualified in that particular Board vacancy.

4 (e) DUTIES.—(1) In carrying out its functions under
5 this section the Board shall—

6 (A) select subject areas to be assessed (consist-
7 ent with section 11(b)(1));

8 (B) identify appropriate achievement goals for
9 each age and grade in each subject area to be tested
10 under the National Assessment;

11 (C) develop assessment objectives;

12 (D) develop test specifications;

13 (E) design the methodology of the assessment;

14 (F) develop guidelines for analysis plans and
15 for reporting and disseminating results;

16 (G) develop standards and procedures for inter-
17 state, regional, and national comparisons; and

18 (H) take appropriate actions needed to improve
19 the form and use of the National Assessment.

20 (2) The Board may delegate any of its procedural and
21 administrative functions to its staff.

22 (3) The Board shall have final authority on the ap-
23 propriateness of cognitive items.

1 (4) The Board shall take steps to ensure that all
2 items selected for use in the National Assessment are free
3 from racial, cultural, gender, or regional bias.

4 (5) Each learning area assessment shall have goal
5 statements devised through a national consensus ap-
6 proach, providing for active participation of teachers, cur-
7 riculum specialists, local school administrators, parents,
8 and concerned members of the general public.

9 (f) PERSONNEL.—(1) In the exercise of its respon-
10 sibilities, the Board shall be independent of the Secretary
11 and the other offices and officers of the Department of
12 Education.

13 (2) The Secretary may appoint, at the direction of
14 the Board, such staff as the Board requires. Such appoint-
15 ments may include, for terms not to exceed three years,
16 without regard to the provisions of title 5, United States
17 Code, governing appointments in the competitive service,
18 not more than six technical employees to administer this
19 subsection, who may be paid without regard to the provi-
20 sions of chapter 51 and subchapter III of chapter 53 of
21 such title relating to classification and General Schedule
22 pay rates.

23 (g) COMMISSIONER REPORTS.—The Commissioner
24 shall report to the Board at regular intervals on the De-

1 partment's actions to implement the decisions of the
2 Board.

3 (h) ADMINISTRATION.—(1) Not to exceed ten percent
4 of the funds available for the National Assessment for any
5 fiscal year may be used for administrative expenses (in-
6 cluding staff, consultants, and contracts) and to carry out
7 the Board's functions described in subsection (e).

8 (2) For the purposes of its administrative functions,
9 the Board shall have the authorities authorized by the
10 Federal Advisory Committee Act and shall be subject to
11 the open meeting provisions of that law.

12 AUTHORIZATIONS OF APPROPRIATIONS

13 SEC. 13. There are authorized to be appropriated
14 such sums as may be necessary for each of the fiscal years
15 1995 through 1999 to carry out this Act.

16 REPEAL

17 SEC. 14. Section 406 of the General Education Provi-
18 sions Act (20 U.S.C. 1221e-1) is repealed.

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