

## **SEC. 802. NATIONAL CENTER FOR RESEARCH IN ADVANCED INFORMATION AND DIGITAL TECHNOLOGIES.**

- (a) *ESTABLISHMENT.*—*There shall be established, during the first fiscal year for which appropriations are made available under subsection (c), a nonprofit corporation to be known as the National Center for Research in Advanced Information and Digital Technologies, which shall not be an agency or establishment of the Federal Government. The Center shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (sec. 29–501 et seq., D.C. Official Code).*
- (b) *PURPOSE.*—*The purpose of the Center shall be to support a comprehensive research and development program to harness the increasing capacity of advanced information and digital technologies to improve all levels of learning and education, formal and informal, in order to provide Americans with the knowledge and skills needed to compete in the global economy.*
- (c) *FUNDING.*—
- (1) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be appropriated to the Center such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.*
- (2) *ADDITIONAL FUNDS.*—*The Center is authorized—*
- (A) *to accept funds from any Federal agency or entity;*
- (B) *to accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made to the Center; and*
- (C) *to enter into competitive contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Center.*
- (3) *PROHIBITION.*—*The Center shall not accept gifts, devises, or bequests from a foreign government or foreign source.*
- (d) *BOARD OF DIRECTORS; VACANCIES; COMPENSATION.*—
- (1) *IN GENERAL.*—*A Board of the Center shall be established to oversee the administration of the Center.*
- (2) *INITIAL COMPOSITION.*—*The initial Board shall consist of nine members to be appointed by the Secretary of Education from recommendations received from the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate, who—*
- (A) *reflect representation from the public and private sectors;*
- (B) *shall provide, as nearly as practicable, a broad representation of various regions of the United States, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities*

*of the Center;*

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

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

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

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

*(B) soliciting recommendations from the public.*

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

*(5) ORGANIZATION AND OPERATION.—The Board shall incorporate and operate the Center in accordance with the laws governing tax exempt organizations in the District of Columbia.*

*(e) DIRECTOR AND STAFF.—*

*(1) DIRECTOR.—The Board shall appoint a Director of the Center after conducting a national, competitive search to find an individual with the appropriate expertise, experience, and knowledge to oversee the operations of the Center.*

*(2) STAFF.—In accordance with procedures established by the Board, the Director shall employ individuals to carry out the functions of the Center.*

*(3) COMPENSATION.—In no case shall the Director or any employee of the Center receive annual compensation that exceeds an amount equal to the annual rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.*

*(f) CENTER ACTIVITIES.—*

*(1) USES OF FUNDS.—The Director, after consultation with the Board, shall use the funds made available to the Center—*

*(A) to support research to improve education, teaching, and learning that is in the public interest, but that is determined unlikely to be undertaken entirely with private funds;*

*(B) to support—*

*(i) precompetitive research, development, and demonstrations;*

*(ii) assessments of prototypes of innovative digital learning and information technologies, as well as the components and tools needed to create such technologies; and*

*(iii) pilot testing and evaluation of prototype systems described in clause (ii); and*

*(C) to encourage the widespread adoption and use of effective, innovative digital approaches to improving education, teaching, and learning.*

*(2) CONTRACTS AND GRANTS.—*

*(A) IN GENERAL.—To carry out the activities described*

*in paragraph (1), the Director, with the agreement of twothirds of the members of the Board, may award, on a competitive basis, contracts and grants to four-year institutions of higher education, museums, libraries, nonprofit organizations, public institutions with or without for-profit partners, for-profit organizations, and consortia of any such entities.*

*(B) PUBLIC DOMAIN.—*

*(i) IN GENERAL.—The research and development properties and materials associated with any project funded by a grant or contract under this section shall be freely and nonexclusively available to the general public in a timely manner, consistent with regulations prescribed by the Secretary of Education.*

*(ii) EXEMPTION.—The Director may waive the requirements of clause (i) with respect to a project funded by a grant or contract under this section if—*

*(I) the Director and the Board (by a unanimous vote of the Board members) determine that the general public will benefit significantly due to the project not being freely and nonexclusively available to the general public in a timely manner; and*

*(II) the Board issues a public statement as to the specific reasons of the determination under subclause (I).*

*(C) PEER REVIEW.—Proposals for grants or contracts shall be evaluated on the basis of comparative merit by panels of experts who represent diverse interests and perspectives, and who are appointed by the Director based on recommendations from the fields served and from the Board.*

*(g) ACCOUNTABILITY AND REPORTING.—*

*(1) REPORT.—*

*(A) IN GENERAL.—Not later than December 30 of each year beginning in fiscal year 2009, the Director shall prepare and submit to the Secretary of Education and the authorizing committees a report that contains the information described in subparagraph (B) with respect to the preceding fiscal year.*

*(B) CONTENTS.—A report under subparagraph (A) shall include—*

*(i) a comprehensive and detailed report of the Center's operations, activities, financial condition, and accomplishments, and such recommendations as the Director determines appropriate;*

*(ii) evidence of coordination with the Department of Education, the National Science Foundation, Office of the Director of Defense Research and Engineering in the Department of Defense, and other related Federal agencies to carry out the operations and activities of the Center;*

*(iii) a comprehensive and detailed inventory of funds distributed from the Center during the fiscal year for which the report is being prepared; and*

*(iv) an independent audit of the Center's finances*

*and operations, and of the implementation of the goals established by the Board.*

*(C) STATEMENT OF THE BOARD.—Each report under subparagraph (A) shall include a statement from the Board containing—*

*(i) a clear description of the plans and priorities of the Board for the subsequent year for activities of the Center; and*

*(ii) an estimate of the funds that will be expended by the Center for such year.*

*(2) TESTIMONY.—The Director and principal officers of the Center shall testify before the authorizing committees and the Committees on Appropriations of the House of Representatives and the Senate, upon request of such committees, with respect to—*

*(A) any report required under paragraph (1)(A); and*

*(B) any other matter that such committees may determine appropriate.*

*(h) USE OF FUNDS SUBJECT TO APPROPRIATIONS.—The authority to award grants, enter into contracts, or otherwise expend funds under this section is subject to the availability of amounts deposited into the Center under subsection (c), or amounts otherwise appropriated for such purposes by an Act of Congress.*

*(i) DEFINITIONS.—For purposes of this section:*

*(1) AUTHORIZING COMMITTEES.—The term “authorizing committees” has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).*

*(2) BOARD.—The term “Board” means the Board of the Center appointed under subsection (d)(1).*

*(3) CENTER.—The term “Center” means the National Center for Research in Advanced Information and Digital Technologies established under subsection (a).*

*(4) DIRECTOR.—The term “Director” means the Director of the Center appointed under subsection (e)(1).*