

AMENDMENT TO H.R. 4137
OFFERED BY MR. YARMUTH OF KENTUCKY

National Center

At the end of title VIII of the bill, add the following
new section:

1 **“SEC. 810. NATIONAL CENTER FOR LEARNING SCIENCE**
2 **AND TECHNOLOGY TRUST FUND.**

3 “(a) **ESTABLISHMENT.**—There is established a non-
4 profit corporation to be known as the ‘National Center for
5 Learning Science and Technology’ (referred to in this Act
6 as the ‘Center’) which shall not be an agency or establish-
7 ment of the United States Government. The Center shall
8 be subject to the provisions of this section, and, to the
9 extent consistent with this section, to the District of Co-
10 lumbia Nonprofit Corporation Act (D.C. Code, section 29-
11 501 et seq.).

12 “(b) **FUNDING.**—

13 “(1) **IN GENERAL.**—There is established in the
14 Treasury a separate fund to be known as the ‘Na-
15 tional Center for Learning Science and Technology
16 Trust Fund’ (referred to in this Act as the ‘Trust
17 Fund’). The Trust Fund shall contain such amounts

1 as are credited to the Trust Fund under paragraph
2 (2) and other funds obtained under paragraph (3).

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—
4 There are authorized to be appropriated to the
5 Trust Fund such sums as may be necessary for the
6 fiscal years 2008 and each of the 4 succeeding fiscal
7 years.

8 “(3) ADDITIONAL FUNDS.—The Trust Fund is
9 authorized—

10 “(A) to accept funds from any Federal
11 agency or entity;

12 “(B) to accept, hold, administer, invest,
13 and spend any gift, devise, or bequest of real or
14 personal property made to the Center; and

15 “(C) to enter into contracts with individ-
16 uals, public or private organizations, profes-
17 sional societies, and government agencies for
18 the purpose of carrying out the functions of the
19 Center.

20 “(c) BOARD OF DIRECTORS; FUNCTIONS, AND DU-
21 TIES.—

22 “(1) IN GENERAL.—A board of directors of the
23 Center (referred to in this Act as the ‘Board’) shall
24 be established to oversee the administration of the

1 Center. Such Board shall consist of 9 members to be
2 appointed by the Secretary of Education, who—

3 “(A) reflect representation from the public
4 and private sectors; and

5 “(B) shall provide, as nearly as prac-
6 ticable, a broad representation of various re-
7 gions of the United States, various professions
8 and occupations, and various kinds of talent
9 and experience appropriate to the functions and
10 responsibilities of the Center.

11 “(2) ORGANIZATION AND OPERATION.—The
12 board shall incorporate and operate the center in ac-
13 cordance with the laws governing tax exempt organi-
14 zations in the District of Columbia.

15 “(d) TRUST FUND USES.—

16 “(1) USES OF FUNDS.—To achieve the objec-
17 tives of this Act, the Director of the Center, after
18 consultation with the Board, may use Trust funds—

19 “(A) to support basic and applied research
20 development and demonstrations of innovative
21 learning and assessment systems as well as the
22 components and tools needed to create them;

23 “(B) to support the testing and evaluation
24 of these systems; and

1 “(C) to encourage the widespread adoption
2 and use of effective approaches to learning.

3 “(2) CONTRACTS AND GRANTS.—

4 “(A) IN GENERAL.—In order to carry out
5 the activities described in paragraph (1), the
6 Director of the Center, with the agreement of
7 a majority of the members of the Board, may
8 award contracts and grants to colleges and uni-
9 versities, museums, libraries, public broad-
10 casting entities and similar nonprofit organiza-
11 tions and public institutions (with or without
12 private partners).

13 “(B) PUBLIC DOMAIN.—

14 “(i) IN GENERAL.—The research and
15 development properties and materials asso-
16 ciated with a project in which a majority
17 of the funding used to carry out the
18 project is from a grant or contract under
19 this Act shall be freely and nonexclusively
20 available to the general public in a timely
21 manner.

22 “(ii) EXEMPTION.—The Director of
23 the Center may exempt specific projects
24 from the requirement of clause (i) if the
25 Director of the Center and a majority of

1 the members of the Board determine that
2 the general public will benefit significantly
3 due to the project not being freely and
4 nonexclusively available to the general pub-
5 lic in a timely manner.

6 “(C) PEER REVIEW.—To the extent prac-
7 ticable, proposals for grants or contracts shall
8 be evaluated on the basis of comparative merit
9 by panels of experts who represent diverse in-
10 terests and perspectives, and who are appointed
11 by the Director of the Center from rec-
12 ommendations from the fields served and from
13 the Board of Directors.

14 “(e) ACCOUNTABILITY AND REPORTING.—

15 “(1) REPORT.—

16 “(A) IN GENERAL.—Not later than April
17 30 of each year, the Director of the Center
18 shall prepare a report for the preceding fiscal
19 year that contains the information described in
20 subparagraph (B).

21 “(B) CONTENTS.—A report under sub-
22 paragraph (A) shall include—

23 “(i) a comprehensive and detailed re-
24 port of the Center’s operations, activities,
25 financial condition, and accomplishments,

1 and such recommendations as the Director
2 of the Center determines appropriate;

3 “(ii) a comprehensive and detailed in-
4 ventory of funds distributed from the
5 Trust Fund during the fiscal year for
6 which the report is being prepared; and

7 “(iii) an independent audit of the
8 Trust Fund’s finances and operations, and
9 of the implementation of the goals estab-
10 lished by the Board.

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

14 “(i) a clear description of the plans
15 and priorities of the Board for the subse-
16 quent 5-year period for expenditures from
17 the Trust Fund; and

18 “(ii) an estimate of the funds that will
19 be available for such expenditures from the
20 Trust Fund.

21 “(D) SUBMISSION TO THE PRESIDENT AND
22 CONGRESS.—A report under this subsection
23 shall be submitted to the President and the
24 Committee on Education and Labor of the
25 House of Representatives and the Committee

1 on Health, Education, Labor, and Pensions of
2 the Senate.

3 “(2) TESTIMONY.—The Director and principal
4 officers of the Center shall testify before the appro-
5 priate committees of Congress, upon request of such
6 committees, with respect to—

7 “(A) a report prepared under paragraph
8 (1)(A); and

9 “(B) any other matter that such commit-
10 tees may determine appropriate.

11 “(f) USE OF FUNDS SUBJECT TO APPROPRIA-
12 TIONS.—The authority to award grants, enter into con-
13 tracts, or otherwise to expend funds under this section is
14 subject to the availability of amounts deposited into the
15 Trust Fund under subsection (b)(3)(A) or (B), or
16 amounts otherwise appropriated for such purposes by an
17 Act of Congress.”.