Section 4102, Pub. L. 98–511, title VI, § 603, Oct. 19, 1984, 98 Stat. 2401, related to authorization and allocation of appropriations.

Section 4103, Pub. L. 98–511, title VI, § 604, Oct. 19, 1984, 98 Stat. 2402, related to State administrative costs.

Section 4104, Pub. L. 98–511, title VI, § 605, Oct. 19, 1984, 98 Stat. 2402, related to withholding.

Section 4105, Pub. L. 98–511, title VI, § 606, Oct. 19, 1984, 98 Stat. 2402, related to State entitlements.

Section 4106, Pub. L. 98–511, title VI, § 607, Oct. 19, 1984, 98 Stat. 2403, related to uses of funds.

Section 4107, Pub. L. 98–511, title VI, § 608, Oct. 19, 1984, 98 Stat. 2404, related to applications.

Section 4108, Pub. L. 98–511, title VI, § 609, Oct. 19, 1984, 98 Stat. 2405, related to payments.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100–297, set out as an Effective Date note under section 1201 of this title.

SHORT TITLE

Pub. L. 98–511, title VI, § 601, Oct. 19, 1984, 98 Stat. 2401, provided that title VI of Pub. L. 98–511 was to be cited as the ''Emergency Immigrant Education Act of 1984'', prior to repeal by Pub. L. 100–297, title I, § 1003(c), Apr. 28, 1988, 102 Stat. 293.

CHAPTER 54—LEADERSHIP IN EDUCATIONAL ADMINISTRATION

§§ 4201 to 4206. Repealed. Pub. L. 99–498, title V, § 501(b), Oct. 17, 1986, 100 Stat. 1514

Section 4201, Pub. L. 98–558, title IX, § 901, Oct. 30, 1984, 98 Stat. 2902, provided for citation of chapter as ''Leadership on Educational Administration Development Act of 1984'' and contained statement of purpose and declaration of Congressional intent in enacting chapter.

Section 4202, Pub. L. 98–558, title IX, § 902, Oct. 30, 1984, 98 Stat. 2903, authorized appropriations for fiscal years 1985 to 1990 to carry out chapter.

Section 4203, Pub. L. 98–558, title IX, § 903, Oct. 30, 1984, 98 Stat. 2903, provided for establishment of technical assistance centers.

Section 4204, Pub. L. 98–558, title IX, § 904, Oct. 30, 1984, 98 Stat. 2904, set out general criteria for contracts to establish and operate technical assistance centers.

Section 4205, Pub. L. 98–558, title IX, § 905, Oct. 30, 1984, 98 Stat. 2904, authorized Secretary to prescribe regulations to carry out chapter.

Section 4206, Pub. L. 98–558, title IX, § 906, Oct. 30, 1984, 98 Stat. 2904; Pub. L. 99–500, § 101(d) [title I, § 134(a)], Oct. 18, 1986, 100 Stat. 1783–180, 1783–192, and Pub. L. 99–591, § 101(d) [title I, § 134(a)], Oct. 30, 1986, 100 Stat. 3341–180, 3341–192, defined terms used in chapter.

CHAPTER 55—EDUCATION OF THE DEAF

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SUBCHAPTER I—GALLAUDET UNIVERSITY; NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

PART A—GALLAUDET UNIVERSITY

§ 4301. Continuation of Gallaudet College as Gallaudet University

(a) Gallaudet University

The Gallaudet College created by an Act entitled ''An Act to amend the charter of the Co-

lumbia Institution for the Deaf, change its name, define its corporate powers, and provide for its organization and administration, and for other purposes'', approved June 18, 1954, is continued as a body corporate under the name of Gallaudet University. On and after August 4, 1986, Gallaudet College shall be known as Gallaudet University and have perpetual succession and shall have the powers and be subject to the limitations contained in this chapter.

(b) Purpose

The purpose of Gallaudet University shall be to provide education and training to individuals who are deaf and otherwise to further the education of individuals who are deaf.

(Pub. L. 99–371, title I, § 101, Aug. 4, 1986, 100 Stat. 781; Pub. L. 102–421, title I, § 151(a)(1), (4), Oct. 16, 1992, 106 Stat. 2163, 2164; Pub. L. 103–73, title II, § 203(a), Aug. 11, 1993, 107 Stat. 732.)

REFERENCES IN TEXT

An Act to amend the charter of the Columbia Institution for the Deaf, change its name, define its corporate powers, and provide for its organization and administration, and for other purposes, referred to in subsec. (a), is act June 18, 1954, ch. 324, 68 Stat. 265, as amended, which was classified generally to subchapter I (§ 691 et seq.) of chapter 20B of this title, and was repealed by Pub. L. 99–371, title IV, § 410(a), Aug. 4, 1986, 100 Stat. 794.

This chapter, referred to in subsec. (a), was in the original ''this Act'', meaning Pub. L. 99–371, Aug. 4, 1986, 100 Stat. 781, known as the Education of the Deaf Act of 1986, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

CODIFICATION

Section is also set out in D.C. Code, § 31–1841.1.

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 691 and 691a of this title prior to repeal by Pub. L. 99–371.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–73 inserted comma after ''Hereafter'' in original, which for purposes of codification had been translated as ''On or after August 4, 1986,'', requiring no change in text.

1992—Subsec. (b). Pub. L. 102–421 substituted ''individuals who are deaf'' for ''deaf individuals'' after ''training to'' and for ''the deaf'' after ''education of''.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 161 of title I of Pub. L. 102–421 provided that: ''The amendments described in this title [enacting sections 4304, 4305, 4357, 4358, and 4359a of this title, amending this section and sections 4303, 4331, 4332, 4351 to 4356, and 4360 of this title, and repealing sections 4311, 4321, 4322, 4341 to 4344, 4357, and 4358 of this title] are made upon October 1, 1992, and take effect upon such date.''

SHORT TITLE OF 1993 AMENDMENT

Section 201(a) of title II of Pub. L. 103–73 provided that: ''This title [amending this section and sections 4302 to 4305, 4331, 4332, 4351, 4353 to 4357, 4359, 4359a, and 4360 of this title] may be cited as the 'Education of the Deaf Act Amendments of 1993'.''

SHORT TITLE OF 1992 AMENDMENT

Section 1 of Pub. L. 102–421 provided that: ''This Act [enacting sections 4304, 4305, 4357, 4358, and 4359a of this title, amending this section and sections 1424a, 1431, 1441, 4303, 4331, 4332, 4351 to 4356, and 4360 of this title, repealing sections 4311, 4321, 4322, 4341 to 4344, 4357, and 4358 of this title, and enacting provisions set out as notes under this section and section 1424a of this title] may be cited as the 'Education of the Deaf Act Amendments of 1992'.''

SHORT TITLE

Section 1 of Pub. L. 99–371 provided: ''That this Act [enacting this chapter, repealing sections 681 to 685, 691 to 691g, 693 to 693b, and 695 to 695c of this title, and repealing provisions set out as notes under sections 681 and 693 of this title] may be cited as the 'Education of the Deaf Act of 1986'.''

§ 4302. Property rights

(a) Property rights described

Gallaudet University is vested with all the property and the rights of property, and shall have and be entitled to use all authority, privileges, and possessions and all legal rights which it has, or which it had or exercised under any former name, including the right to sue and be sued and to own, acquire, sell, mortgage, or otherwise dispose of property it may own now or hereafter acquire. Gallaudet University shall also be subject to all liabilities and obligations now outstanding against the corporation under any former name.

(b) Disposal of real property

(1) With the approval of the Secretary, the Board of Trustees of Gallaudet University may convey fee simple title by deed, convey by quitclaim deed, mortgage, or otherwise dispose of any or all real property title to which is vested in Gallaudet University, Gallaudet College, the Columbia Institution for the Deaf, or any predecessor corporation.

(2) The proceeds of any such disposition shall be considered a part of the capital structure of the corporation, and may be used solely for the acquisition of real estate for the use of the corporation, for the construction, equipment, or improvement of buildings for such use, or for investment purposes, but, if invested, only the income from the investment may be used for current expenses of the corporation.

(Pub. L. 99–371, title I, § 102, Aug. 4, 1986, 100 Stat. 781; Pub. L. 103–73, title II, § 203(b), Aug. 11, 1993, 107 Stat. 733.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1841.2.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 691b of this title, prior to repeal by Pub. L. 99–371.

AMENDMENTS

1993—Subsec. (b)(1). Pub. L. 103–73, § 203(b)(1), substituted ''Secretary'' for ''Secretary of Education''.

Subsec. (b)(2). Pub. L. 103–73, § 203(b)(2), substituted ''but, if invested,'' for ''but if invested''.

REAL PROPERTY PROVISIONS

The following acts contained provisions relating to acquisition, exchange, and adjustment of boundaries of properties of Gallaudet University and its predecessors, Gallaudet College and Columbia Institution for the Deaf:

July 1, 1916, ch. 209, 39 Stat. 310.

Aug. 3, 1939, ch. 414, 53 Stat. 1179.
Sept. 13, 1960, Pub. L. 86–776, §§1, 2, 74 Stat. 916, 917.
Nov. 20, 1981, Pub. L. 97–80, title II, §202(a)(1), 95 Stat. 1082.

§ 4303. Board of Trustees

(a) Composition of Board

(1) Gallaudet University shall be under the direction and control of a Board of Trustees, composed of twenty-one members who shall include—

(A) three public members of whom (i) one shall be a United States Senator appointed by the President of the Senate, and (ii) two shall be Representatives appointed by the Speaker of the House of Representatives; and

(B) eighteen other members, all of whom shall be elected by the Board of Trustees and of whom one shall be elected pursuant to regulations of the Board of Trustees, on nomination by the Gallaudet University Alumni Association, for a term of three years.

(2) The members appointed from the Senate and House of Representatives shall be appointed for a term of two years at the beginning of each Congress, shall be eligible for reappointment, and shall serve until their successors are appointed.

(3) The Board of Trustees shall have the power to fill any vacancy in the membership of the Board except for public members. Nine trustees shall constitute a quorum to transact business. The Board of Trustees, by vote of a majority of its membership, is authorized to remove any member of their body (except the public members) who may refuse or neglect to discharge the duties of a trustee, or whose removal would, in the judgment of said majority, be to the interest and welfare of said corporation.

(b) Powers of Board

The Board of Trustees is authorized to—

(1) make such rules, policies, regulations, and bylaws, not inconsistent with the Constitution and laws of the United States, as may be necessary for the good government of Gallaudet University, for the management of the property and funds of such corporation (including the construction of buildings and other facilities), and for the admission, instruction, care, and discharge of students;

(2) provide for the adoption of a corporate seal and for its use;

(3) fix the date of holding their annual and other meetings;

(4) appoint a president and establish policies, guidelines, and procedures related to the appointments, the salaries, and the dismissals of professors, instructors, and other employees of Gallaudet University, including the adoption of a policy of outreach and recruitment to employ and advance in employment qualified individuals with disabilities, particularly individuals who are deaf or hard of hearing;

(5) elect a chairperson and other officers and prescribe their duties and terms of office, and appoint an executive committee to consist of five members, and vest the committee with such of its powers during periods between meetings of the Board as the Board deems necessary;

(6) establish such schools, departments, and other units as the Board of Trustees deems necessary to carry out the purpose of Gallaudet University;

(7) confer such degrees and marks of honor as are conferred by colleges and universities generally, and issue such diplomas and certificates of graduation as, in its opinion, may be deemed advisable, and consistent with academic standards;

(8) subject to section 4353 of this title, control expenditures of all moneys appropriated by Congress for the benefit of Gallaudet University; and

(9) control the expenditure and investment of any moneys or funds or property which Gallaudet University may have or may receive from sources other than appropriations by Congress.

(Pub. L. 99–371, title I, §103, Aug. 4, 1986, 100 Stat. 782; Pub. L. 102–421, title I, §§101(c), 111, Oct. 16, 1992, 106 Stat. 2152; Pub. L. 103–73, title II, §203(c), Aug. 11, 1993, 107 Stat. 733.)

CODIFICATION

Section is also set out in D.C. Code, §31–1841.3.

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 691d and 691e of this title prior to repeal by Pub. L. 99–371.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–73, §203(c)(1), in par. (1) substituted ''members who shall include—'' for ''members selected as follows:'' in introductory provisions and inserted comma after ''Association'' in subpar. (B), redesignated second sentence of par. (1) as par. (2), and redesignated former par. (2) as (3).

Subsec. (b). Pub. L. 103–73, §203(c)(2), inserted comma after ''facilities)'' in par. (1), substituted ''or hard of hearing;'' for ''or individuals who are hard of hearing.'' in par. (4), and struck out ''the provisions of'' before ''section 4353'' in par. (8).

1992—Subsec. (a)(1)(B). Pub. L. 102–421, §111(1), struck out '', who on August 4, 1986, shall include those individuals serving as nonpublic members of the Board of Trustees of Gallaudet College immediately prior to August 4, 1986,'' after ''elected by the Board of Trustees''.

Subsec. (b)(1). Pub. L. 102–421, §111(2)(A), inserted ''(including the construction of buildings and other facilities)'' after ''corporation''.

Subsec. (b)(4), (6). Pub. L. 102–421, §111(2)(B), (C), amended pars. (4) and (6) generally. Prior to amendment, pars. (4) and (6) read as follows:

''(4) appoint a president, professors, instructors, and other necessary employees for Gallaudet University, delegate to them such duties as it may deem advisable, fix their compensation, and remove them when, in their judgment, the interest of Gallaudet University shall require it;

''(6) establish such departments and other units, including a department of higher learning for the deaf, a department of elementary education for the instruction of deaf children, a graduate department, and a research department, as the Board deems necessary to carry out the purpose of Gallaudet University;''.

Subsec. (b)(8). Pub. L. 102–421, §101(c), made technical amendment to reference to section 4353 of this title to reflect change in reference to corresponding section of original act.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–421 effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as a note under section 4301 of this title.

§ 4304. Elementary and secondary education programs

(a) General authority

(1)(A) The Board of Trustees of Gallaudet University is authorized, in accordance with the agreement under section 4305 of this title, to maintain and operate exemplary elementary and secondary education programs, projects, and activities for the primary purpose of developing, evaluating, and disseminating innovative curricula, instructional techniques and strategies, and materials that can be used in various educational environments serving individuals who are deaf or hard of hearing throughout the Nation.

(B) The elementary and secondary education programs described in subparagraph (A) shall serve students with a broad spectrum of needs, including students who are lower achieving academically, who come from non-English-speaking homes, who have secondary disabilities, who are members of minority groups, or who are from rural areas.

(C) The elementary and secondary education programs described in subparagraph (A) shall include—

(i) the Kendall Demonstration Elementary School, to provide day facilities for elementary education for students who are deaf from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent, to provide such students with the vocational, transitional, independent living, and related services they need to function independently, and to prepare such students for high school and other secondary study; and

(ii) the Model Secondary School for the Deaf, to provide day and residential facilities for secondary education for students who are deaf from grades nine through twelve, inclusive, to provide such students with the vocational, transitional, independent living, and related services they need to function independently, and to prepare such students for college, other postsecondary opportunities, or the workplace.

(2) The Model Secondary School for the Deaf may provide residential facilities for students enrolled in the school—

(A) who live beyond a reasonable commuting distance from the school; or

(B) for whom such residency is necessary for them to receive a free appropriate public education within the meaning of part B of the Individuals with Disabilities Education Act [20 U.S.C. 1411 et seq.].

(b) Administrative requirements

(1) The elementary and secondary education programs shall—

(A) provide technical assistance and outreach throughout the Nation to meet the training and information needs of parents of infants, children, and youth who are deaf or hard of hearing;

(B) provide technical assistance and training to personnel for use in teaching (i) students who are deaf or hard of hearing, in various educational environments, and (ii) students who are deaf or hard of hearing with a broad spectrum of needs as described in subsection (a) of this section; and

(C) establish and publish priorities for research, development, and demonstration through a process that allows for public input.

(2) To the extent possible, the elementary and secondary education programs shall provide the services required under paragraph (1) in an equitable manner, based on the national distribution of students who are deaf or hard of hearing in educational environments as determined by the Secretary for purposes of section 618(b)[1] of the Individuals with Disabilities Education Act. Such educational environments shall include—

(A) regular classes;

(B) resource rooms;

(C) separate classes;

(D) separate, public or private, nonresidential schools; and

(E) separate, public or private, residential schools and homebound or hospital environments.

(3) If a local educational agency, intermediate educational unit, or State educational agency refers a child to, or places a child in, one of the elementary or secondary education programs to meet its obligation to make available a free appropriate public education under part B of the Individuals with Disabilities Education Act [20 U.S.C. 1411 et seq.], the agency or unit shall be responsible for ensuring that the special education and related services provided to the child by the education program are in accordance with part B of that Act and that the child is provided the rights and procedural safeguards under section 615 of that Act [20 U.S.C. 1415].

(4) If the parents or guardian places a child in one of the elementary or secondary education programs, the University shall—

(A) notify the appropriate local educational agency, intermediate educational unit, or State educational agency of that child's attendance in the program;

(B) work with local educational agencies, intermediate educational units, and State educational agencies, where appropriate, to ensure a smooth transfer of the child to and from that program; and

(C) provide the child a free appropriate public education in accordance with part B of the Individuals with Disabilities Education Act [20 U.S.C. 1411 et seq.] and procedural safeguards in accordance with the following provisions of section 615 of such Act [20 U.S.C. 1415]:

(i) Subparagraphs (A), (C), (D), and (E) of paragraph (1) of subsection (b), and paragraph (2) of such subsection.

(ii) Subsection (d), except the portion of paragraph (4) requiring that findings and decisions be transmitted to a State advisory panel.

(iii) Paragraphs (1) through (3) of subsection (e). Paragraph (3) of such subsection is not applicable to a decision by the University to refuse to admit or to dismiss a child, except that, before dismissing any child, the University shall give at least 60 days notice to the child's parents and to the local educational agency in which the child resides.

[1] See References in Text note below.

(iv) Subsection (f).

(Pub. L. 99–371, title I, § 104, as added Pub. L. 102–421, title I, § 112, Oct. 16, 1992, 106 Stat. 2152; amended Pub. L. 103–73, title II, § 203(d), Aug. 11, 1993, 107 Stat. 733.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsecs. (a)(2)(B) and (b)(3), (4)(C), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended. Part B of the Act is classified generally to subchapter II (§ 1411 et seq.) of chapter 33 of this title. Section 618 of the Act was classified to section 1418 of this title and was omitted in the general amendment of subchapter II of chapter 33 of this title by Pub. L. 105–17, title I, § 101, June 4, 1997, 111 Stat. 37. Pub. L. 105–17 enacted a new section 618 of the Act, which is classified to section 1418 of this title. Provisions similar to those formerly appearing in subsec. (b) of that section are now contained in subsec. (a). For complete classification of this Act to the Code, see section 1400 of this title and Tables.

CODIFICATION

Section is also set out in D.C. Code, § 31–1841.3a.

AMENDMENTS

1993—Pub. L. 103–73, § 203(d)(1), substituted ''education'' for ''educational'' in section catchline.

Subsec. (a)(1). Pub. L. 103–73, § 203(d)(2), in subpar. (A) substituted ''deaf or hard'' for ''deaf and individuals who are hard'', in subpar. (B) inserted ''education'' after ''elementary and secondary'' and substituted ''non-English-speaking'' for ''non-English speaking'', and in subpar. (C), in introductory provisions, inserted ''education'' after ''elementary and secondary'', in cl. (i) substituted ''students'' for ''individuals'' wherever appearing and ''deaf from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent,'' for ''deaf,'', and in cl. (ii) substituted ''students'' for ''individuals'' wherever appearing and ''deaf from grades nine through twelve, inclusive,'' for ''deaf,''.

Subsec. (b)(1). Pub. L. 103–73, § 203(d)(3), substituted ''infants, children, and youth'' for ''infants and children'' in subpar. (A) and a period for the semicolon at end of subpar. (C).

Subsec. (b)(4). Pub. L. 103–73, § 203(d)(4), substituted ''program'' for ''programs'' in subpar. (A), ''the child to and from that program'' for ''students to and from those programs'' in subpar. (B), and ''a decision'' for ''decisions'' in subpar. (C)(iii).

EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as an Effective Date of 1992 Amendment note under section 4301 of this title.

§ 4305. Agreement with Gallaudet University

(a) General authority

The Secretary and Gallaudet University shall establish, within 1 year after October 16, 1992, a new agreement governing the operation and national mission activities, including construction and provision of equipment, of the elementary and secondary education programs at the University. The Secretary and the University shall periodically update the agreement as determined to be necessary by the Secretary or the University.

(b) Provisions of agreement

The agreement shall—

(1) provide that Federal funds appropriated for the benefit of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf will be used only for the purposes for which appropriated and in accordance with the applicable provisions of this chapter and such agreement;

(2) provide that the University will make an annual report, to be part of the report required under section 4354 of this title, to the Secretary on the operations and national mission activities of the elementary and secondary education programs, including such other information as the Secretary may consider necessary;

(3) provide that in the design and construction of any facilities, maximum attention will be given to innovative auditory and visual devices and installations appropriate for the educational functions of such facilities;

(4) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds appropriated for the benefit of the Kendall Demonstration Elementary School or the Model Secondary School for the Deaf will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a–5) commonly referred to as the Davis-Bacon Act; except that the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 276c of title 40; and

(5) include such other conditions as the Secretary or the University considers necessary to carry out the purposes of this part.

(Pub. L. 99–371, title I, § 105, as added Pub. L. 102–421, title I, § 113, Oct. 16, 1992, 106 Stat. 2154; amended Pub. L. 103–73, title II, § 203(e), Aug. 11, 1993, 107 Stat. 734.)

REFERENCES IN TEXT

Act of March 3, 1931 (40 U.S.C. 276a—276a–5) commonly referred to as the Davis-Bacon Act, referred to in subsec. (b)(4), is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which is classified generally to sections 276a to 276a–5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (b)(4), is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section is also set out in D.C. Code, § 31–1841.3b.

AMENDMENTS

1993—Subsec. (b)(2). Pub. L. 103–73, § 203(e)(1), substituted ''will'' for ''shall''.

Subsec. (b)(4). Pub. L. 103–73, § 203(e)(2), substituted ''Elementary School or the Model'' for ''Elementary School and the Model'' and ''except that the Secretary'' for ''and the Secretary''.

EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as an Effective Date of 1992 Amendment note under section 4301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4304 of this title.

§§ 4311, 4321, 4322. Repealed. Pub. L. 102–421, title I, § 101(a)(1), Oct. 16, 1992, 106 Stat. 2151

Section 4311, Pub. L. 99–371, title I, § 111, Aug. 4, 1986, 100 Stat. 783; Pub. L. 101–476, title IX, § 901(a)(2), Oct. 30, 1990, 104 Stat. 1142, related to authority of Gallaudet University to maintain and operate the Kendall Demonstration Elementary School.

Section 4321, Pub. L. 99–371, title I, § 121, Aug. 4, 1986, 100 Stat. 783; Pub. L. 101–476, title IX, § 901(a)(2), Oct. 30, 1990, 104 Stat. 1142, related to authority of Gallaudet University to maintain and operate a model secondary school for the deaf.

Section 4322, Pub. L. 99–371, title I, § 122, Aug. 4, 1986, 100 Stat. 784, authorized continuation of agreement with Gallaudet University for model secondary school.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as an Effective Date of 1992 Amendment note under section 4301 of this title.

PART B—NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

PRIOR PROVISIONS

A prior part B of subchapter I of this chapter, consisted of section 4311 of this title, prior to repeal by Pub. L. 102–421, title I, §§ 101(a)(1), Oct. 16, 1992, 106 Stat. 2151.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 4359 of this title.

§ 4331. Authority

For the purpose of providing a residential facility for postsecondary technical training and education for individuals who are deaf in order to prepare them for successful employment, the institution of higher education with which the Secretary has an agreement under this part is authorized to operate and maintain a National Technical Institute for the Deaf.

(Pub. L. 99–371, title I, § 111, formerly title II, § 201, Aug. 4, 1986, 100 Stat. 784; renumbered title I, § 111, Pub. L. 102–421, title I, § 101(b)(3), (4), Oct. 16, 1992, 106 Stat. 2151; Pub. L. 103–73, title II, § 203(f), Aug. 11, 1993, 107 Stat. 734.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1841.4a.

AMENDMENTS

1993—Pub. L. 103–73 substituted ''part'' for ''subchapter''.

PRIOR PROVISIONS

A prior section 111 of Pub. L. 99–371, title I, Aug. 4, 1986, 100 Stat. 783, as amended, authorized Gallaudet University to operate Kendall Demonstration Elementary School and was classified to section 4311 of this title, prior to repeal by Pub. L. 102–421.

Provisions similar to this section were contained in section 681 of this title prior to repeal by Pub. L. 99–371.

§ 4332. Agreement for National Technical Institute for the Deaf

(a) General authority

(1) The Secretary is authorized to establish or continue an agreement with an institution of higher education for the establishment and operation, including construction and equipment, of a National Technical Institute for the Deaf. The Secretary, in considering proposals from institutions of higher education to enter into an agreement under this part, shall give preference to institutions which are located in metropolitan industrial areas.

(2) The Secretary and the institution of higher education with which the Secretary has an agreement under this section shall, within 1 year after October 16, 1992, assess the need for modification of the agreement. The Secretary and the institution of higher education with which the Secretary has an agreement under this section shall also periodically update the agreement as determined to be necessary by the Secretary or the institution.

(b) Provisions of agreement

The agreement shall—

(1) provide that Federal funds appropriated for the benefit of NTID will be used only for the purposes for which appropriated and in accordance with the applicable provisions of this chapter and the agreement made pursuant thereto;

(2) provide that the Board of Trustees or other governing body of the institution, subject to the approval of the Secretary, will appoint an advisory group to advise the Director of NTID in formulating and carrying out the basic policies governing its establishment and operation, which group shall include individuals who are professionally concerned with education and technical training at the postsecondary school level, persons who are professionally concerned with activities relating to education and training of individuals who are deaf, and members of the public familiar with the need for services provided by NTID;

(3) provide that the Board of Trustees or other governing body of the institution will prepare and submit to the Secretary, not later than June 1 following the fiscal year for which the report is submitted, an annual report containing an accounting of all indirect costs paid to the institution of higher education under the agreement with the Secretary, which accounting the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate, with such comments and recommendations as the Secretary may deem appropriate;

(4) include such other conditions as the Secretary deems necessary to carry out the purposes of this part;

(5) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds appropriated for the benefit of NTID will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a–5) commonly referred to as the Davis-Bacon Act; except that the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 276c of title 40; and

(6) establish a policy of outreach and recruitment to employ and advance in employ-

ment qualified individuals with disabilities, particularly individuals who are deaf or hard of hearing.

(c) Limitation

If, within twenty years after the completion of any construction (except minor remodeling or alteration) for which such funds have been paid—

(1) the facility ceases to be used for the purposes for which it was constructed or the agreement is terminated, unless the Secretary determines that there is good cause for releasing the institution from its obligation, or

(2) the institution ceases to be the owner of the facility,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which has the same ratio with respect to the current market value of the facility as the amount of Federal funds expended for construction of such facility bears to the total cost of construction of the facility. The current market value of the facility shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(Pub. L. 99–371, title I, § 112, formerly title II, § 202, Aug. 4, 1986, 100 Stat. 785; renumbered title I, § 112, and amended Pub. L. 102–421, title I, §§ 101(b)(3), (4), 121, 151(a)(4), Oct. 16, 1992, 106 Stat. 2151, 2155, 2164; Pub. L. 103–73, title II, §§ 202, 203(g), Aug. 11, 1993, 107 Stat. 732, 734.)

REFERENCES IN TEXT

Act of March 3, 1931 (40 U.S.C. 276a—276a–5) commonly referred to as the Davis-Bacon Act, referred to in subsec. (b)(5), is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which is classified generally to sections 276a to 276a–5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (b)(5), is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section is also set out in D.C. Code, § 31–1841.4b.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 684 of this title prior to repeal by Pub. L. 99–371.

AMENDMENTS

1993—Pub. L. 103–73, § 203(g)(1), substituted ''National Technical Institute for the Deaf'' for ''Institute'' in section catchline.

Subsec. (a)(1). Pub. L. 103–73, § 203(g)(2)(A), substituted ''part'' for ''chapter''.

Subsec. (a)(2). Pub. L. 103–73, § 203(g)(2)(B), in first sentence struck out comma after ''The Secretary'' and after ''this section''.

Subsec. (b)(1), (2). Pub. L. 103–73, § 202, substituted ''NTID'' for ''the Institute'' wherever appearing.

Subsec. (b)(3). Pub. L. 103–73, § 203(g)(3)(A), substituted ''Secretary, not later than June 1 following the fiscal year for which the report is submitted, an annual report containing'' for ''Secretary an annual report, including'', ''which accounting'' for ''which report'', and ''Representatives'' for ''Representatives,''.

Subsec. (b)(4). Pub. L. 103–73, § 203(g)(3)(B), struck out ''and'' at end of par. (4).

Subsec. (b)(5). Pub. L. 103–73, § 203(g)(3)(C), substituted ''except that the Secretary'' for ''and the Secretary'' and ''title 40; and'' for ''title 40.''

Pub. L. 103–73, § 202, substituted ''NTID'' for ''the Institute''.

Subsec. (b)(6). Pub. L. 103–73, § 203(g)(3)(D), substituted ''or hard of hearing'' for ''or individuals who are hard of hearing''.

Subsec. (c). Pub. L. 103–73, § 203(g)(4), inserted a comma after ''If''.

1992—Subsec. (a). Pub. L. 102–421, § 121(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(2). Pub. L. 102–421, § 151(a)(4), substituted ''individuals who are deaf'' for ''the deaf''.

Subsec. (b)(3). Pub. L. 102–421, § 121(2), substituted ''will prepare and submit to the Secretary an annual report, including an accounting of all indirect costs paid to the institution of higher education under the agreement with the Secretary, which report the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate,'' for ''will make an annual report together with an accounting of all indirect costs paid to the institution of higher education under the agreement to the Secretary, which the Secretary shall transmit to the Congress''.

Subsec. (b)(6). Pub. L. 102–421, § 121(3), added par. (6).

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–421 effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as a note under section 4301 of this title.

ESTABLISHMENT OF INSTITUTE

Pursuant to an agreement entered into between the Secretary and the Rochester Institute of Technology on Dec. 20, 1966, the National Technical Institute for the Deaf (N.T.I.D.) was established and located at Rochester, New York.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4353, 4354, 4357 of this title.

§§ 4341 to 4344. Repealed. Pub. L. 102–421, title I, § 101(a)(2), Oct. 16, 1992, 106 Stat. 2151

Section 4341, Pub. L. 99–371, title III, § 301, Aug. 4, 1986, 100 Stat. 786, established Commission on Education of the Deaf.

Section 4342, Pub. L. 99–371, title III, § 302, Aug. 4, 1986, 100 Stat. 786; Pub. L. 101–476, title IX, § 901(a)(2), Oct. 30, 1990, 104 Stat. 1142, outlined duties of Commission and provided for reports to Congress.

Section 4343, Pub. L. 99–371, title III, § 303, Aug. 4, 1986, 100 Stat. 787, related to personnel of Commission, hearings, quorums, consultation with other entities, information and statistics, and agency cooperation.

Section 4344, Pub. L. 99–371, title III, § 304, Aug. 4, 1986, 100 Stat. 788, provided for compensation of members of Commission.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as an Effective Date of 1992 Amendment note under section 4301 of this title.

SUBCHAPTER II—GENERAL PROVISIONS

PRIOR PROVISIONS

A prior subchapter II of this chapter, consisting of sections 4331 and 4332 of this title, was redesignated

part B of subchapter I of this chapter by Pub. L. 102–421, title I, § 101(b)(3), Oct. 16, 1992, 106 Stat. 2151.

§ 4351. Definitions

As used in this chapter—

(1) The term ''international student'' means an individual who—

(A) is not a citizen or national of, or lawfully admitted for permanent residence in, the United States;

(B) does not provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than temporary purposes with the intention of becoming a citizen of, or lawfully admitted for permanent residence in, the United States; and

(C) is not lawfully admitted for permanent residence in American Samoa, Guam, Palau (but only until the Compact of Free Association with Palau takes effect), the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, or the Virgin Islands.

(2) The term ''construction'' includes construction and initial equipment of new buildings, and expansion, remodeling, and alteration of existing buildings and equipment therein, including architect's services, but excluding off-site improvements.

(3) The term ''institution of higher education'' means an educational institution in any State which (A) admits as regular students only individuals having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate; (B) is legally authorized within such State to provide a program of education beyond secondary education; (C) provides an educational program for which it awards a bachelor's degree; (D) includes one or more professional or graduate schools; (E) is a public or nonprofit private institution; and (F) is accredited by a nationally recognized accrediting agency or association. For the purpose of subparagraph (F), the Secretary shall publish a list of nationally recognized accrediting agencies or associations which the Secretary determines to be reliable authority as to the quality of training offered.

(4) The term ''Secretary'' means the Secretary of Education.

(5) The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (but only until the Compact of Free Association with Palau takes effect).

(6) The term ''NTID'' means the National Technical Institute for the Deaf.

(7) The term ''University'' means Gallaudet University.

(Pub. L. 99–371, title II, § 201, formerly title IV, § 401, Aug. 4, 1986, 100 Stat. 789; renumbered title II, § 201, and amended Pub. L. 102–421, title I, §§ 101(b)(5), (6), 131, 151(a)(3), (b), Oct. 16, 1992, 106 Stat. 2151, 2155, 2164; Pub. L. 103–73, title II, § 204(a), Aug. 11, 1993, 107 Stat. 734.)

REFERENCES IN TEXT

For Oct. 1, 1994, as the date the Compact of Free Association with Palau takes effect, referred to in pars. (1)(C) and (5), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.2a.

PRIOR PROVISIONS

A prior section 201 of Pub. L. 99–371 was renumbered section 111 and is classified to section 4331 of this title.

Provisions similar to this section were contained in sections 682, 693a, and 695a of this title prior to repeal by Pub. L. 99–371.

AMENDMENTS

1993—Pub. L. 103–73 substituted ''and'' for ''or'' at end of par. (1)(B), redesignated pars. (4) and (6) to (9) as (3) to (7), respectively, and struck out former pars. (3) and (5) which defined ''elementary school'' and ''secondary school'', respectively.

1992—Par. (1). Pub. L. 102–421, § 131(1), added par. (1) and struck out former par. (1) which read as follows: ''The term 'Board of Trustees' means (unless the context requires otherwise) the Board of Trustees of Gallaudet University established under section 4303 of this title.''

Par. (2). Pub. L. 102–421, § 151(b)(1), substituted ''therein'' for ''thereof''.

Par. (3). Pub. L. 102–421, § 151(a)(3), (b)(2), substituted ''children who are deaf or hard-of-hearing'' for ''deaf children''.

Par. (4). Pub. L. 102–421, § 151(b)(3), substituted a semicolon for last comma in subpars. (A) to (E) of first sentence and ''subparagraph'' for ''clause'' in second sentence.

Pub. L. 102–421, § 131(2), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: ''The term 'Institute' means the National Technical Institute for the Deaf.''

Pars. (5), (6). Pub. L. 102–421, § 131(2)(B), redesignated pars. (6) and (7) as (5) and (6), respectively. Former par. (5) redesignated (4).

Par. (7). Pub. L. 102–421, § 131(2)(B), (3), redesignated par. (8) as (7) and substituted ''the Commonwealth of the Northern Mariana Islands, and Palau (but only until the Compact of Free Association with Palau takes effect).'' for ''the Northern Mariana Islands and the Trust Territory of the Pacific Islands.''. Former par. (7) redesignated (6).

Pars. (8), (9). Pub. L. 102–421, § 131(2)(B), (4), added pars. (8) and (9) and redesignated former par. (8) as (7).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–421 effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as a note under section 4301 of this title.

§ 4352. Gifts

The University and NTID are authorized to receive by gift, devise, bequest, purchase, or otherwise, property, both real and personal, for the use of the University or NTID, or for the use, as appropriate, for any programs, departments, or other units as may be designated in the conveyance or will, and to hold, invest, use, or dispose of such property for the purpose stated in the conveyance or will.

(Pub. L. 99–371, title II, § 202, formerly title IV, § 402, Aug. 4, 1986, 100 Stat. 789; renumbered title II, § 202, and amended Pub. L. 102–421, title I, §§ 101(b)(5), (6), 132, Oct. 16, 1992, 106 Stat. 2151, 2156.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.2b.

PRIOR PROVISIONS

A prior section 202 of Pub. L. 99–371 was renumbered section 112 and is classified to section 4332 of this title.

Provisions similar to subsec. (a) of this section were contained in section 691c of this title prior to repeal by Pub. L. 99–371.

AMENDMENTS

1992—Pub. L. 102–421, § 132, amended section generally. Prior to amendment, section read as follows:

''(a) GALLAUDET UNIVERSITY.—Gallaudet University is authorized to receive by gift, devise, bequest, purchase, or otherwise, property, both real and personal, for the use of Gallaudet University, or for the use of any of its departments or other units as may be designated in the conveyance or will, and to hold, invest, use, or dispose of such property for the purpose stated in the conveyance or will.

''(b) NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.—The National Technical Institute for the Deaf is authorized to receive by gift, devise, bequest, purchase, or otherwise, property, both real and personal, for the use of the Institute, or for the use of any of its programs as may be designated in the conveyance or will, and to hold, invest, use, or dispose of such property for the purpose stated in the conveyance or will.''

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–421 effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as a note under section 4301 of this title.

§ 4353. Audit

(a) General Accounting Office authority

All financial transactions and accounts of the corporation or institution of higher education, as the case may be, in connection with the expenditure of any moneys appropriated by any law of the United States—

(1) for the benefit of Gallaudet University or for the construction of facilities for its use; or

(2) for the benefit of the National Technical Institute for the Deaf or for the construction of facilities for its use,

shall be settled and adjusted in the General Accounting Office.

(b) Independent audit

Gallaudet University shall have an annual independent financial audit made of the programs and activities of the University. The institution of higher education with which the Secretary has an agreement under section 4332 of this title shall have an annual independent financial audit made of the programs and activities of such institution of higher education, including NTID, and containing specific schedules and analyses for all NTID funds, as determined by the Secretary.

(c) Limitations regarding expenditure of funds

(1) In general

No funds appropriated under this chapter for Gallaudet University, including the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf, or for the National Technical Institute for the Deaf may be expended on the following:

(A) Alcoholic beverages.

(B) Goods or services for personal use.

(C) Housing and personal living expenses (but only to the extent such expenses are not required by written employment agreement).

(D) Lobbying, except that nothing in this subparagraph shall be construed to prohibit the University and NTID from educating the Congress, the Secretary, and others regarding programs, projects, and activities conducted at those institutions.

(E) Membership in country clubs and social or dining clubs and organizations.

(2) Policies

(A) Not later than 180 days after October 16, 1992, the University and NTID shall develop policies, to be applied uniformly, for the allowability of expenditures for each institution. These policies should reflect the unique nature of these institutions. The principles established by the Office of Management and Budget for costs of educational institutions may be used as guidance in developing these policies. General principles relating to allowability and reasonableness of all costs associated with the operations of the institutions shall be addressed. These policies shall be submitted to the Secretary for review and comments, and to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(B) Policies under subparagraph (A) shall include the following:

(i) Noninstitutional professional activities.

(ii) Fringe benefits.

(iii) Interest on loans.

(iv) Rental cost of buildings and equipment.

(v) Sabbatical leave.

(vi) Severance pay.

(vii) Travel.

(viii) Royalties and other costs for uses of patents.

(C) The Secretary is not authorized to add items to those specified in subparagraph (B).

(Pub. L. 99–371, title II, § 203, formerly title IV, § 403, Aug. 4, 1986, 100 Stat. 790; renumbered title II, § 203, and amended Pub. L. 102–421, title I, §§ 101(b)(5), (6), 133, Oct. 16, 1992, 106 Stat. 2151, 2156; Pub. L. 103–73, title II, §§ 202, 204(b), Aug. 11, 1993, 107 Stat. 732, 734.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.3.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 691f of this title prior to repeal by Pub. L. 99–371.

AMENDMENTS

1993—Subsec. (b). Pub. L. 103–73, § 204(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''Gallaudet University and the institution of higher education operating the National Technical Institute for the Deaf shall have an annual independent audit made of the programs and activities of the University and of NTID, respectively.''

Pub. L. 103–73, § 202, substituted ''NTID'' for ''the Institute''.

1992—Subsec. (c). Pub. L. 102–421, § 133, added subsec. (c).

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–421 effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as a note under section 4301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4303, 4354 of this title.

§ 4354. Reports

The Board of Trustees of Gallaudet University and the Board of Trustees or other governing body of the institution of higher education with which the Secretary has an agreement under section 4332 of this title shall prepare and submit an annual report to the Secretary, and to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, not later than 100 days after the end of each fiscal year, which shall include the following:

(1) The number of students during the preceding academic year who enrolled and whether these were first-time enrollments, who graduated, who found employment, or who left without completing a program of study, reported under each of the programs of the University (elementary, secondary, preparatory, undergraduate, and graduate) and of NTID.

(2) For the preceding academic year, and to the extent possible, the following data on individuals who are deaf and from minority backgrounds and who are students (at all educational levels) or employees:

(A) The number of students enrolled full- and part-time.

(B) The number of these students who completed or graduated from each of the educational programs.

(C) The disposition of these students upon graduation/completion of programs at NTID and at the University and its elementary and secondary schools in comparison to students from non-minority backgrounds.

(D) The number of students needing and receiving support services (such as tutoring and counseling) at all educational levels.

(E) The number of recruitment activities by type and location for all educational levels.

(F) Employment openings/vacancies and grade level/type of job and number of these individuals that applied and that were hired.

(G) Strategies (such as parent groups and training classes in the development of individualized education programs) used by the elementary and secondary programs and the extension centers to reach and actively involve minority parents in the educational programs of their children who are deaf or hard of hearing and the number of parents who have been served as a result of these activities.

(3)(A) The annual audited financial statements and auditor's report of the University, as required under section 4353 of this title, and (B) the annual audited financial statements and auditor's report of the institution of higher education with which the Secretary has an agreement under section 4332 of this title, including specific schedules and analyses for all NTID funds, as required under section 4353 of this title, and such supplementary schedules presenting financial information for NTID for the end of the Federal fiscal year as determined by the Secretary.

(4) For the preceding fiscal year, a statement showing the receipts of the University and NTID and from what Federal sources, and a statement showing the expenditures of each institution by function, activity, and administrative and academic unit.

(5) A statement showing the use of funds (both corpus and income) provided by the Federal Endowment Program under section 4357 of this title.

(6) A statement showing how such Endowment Program funds are invested, what the gains or losses (both realized and unrealized) on such investments were for the most recent fiscal year, and what changes were made in investments during that year.

(7) Such additional information as the Secretary may consider necessary.

(Pub. L. 99–371, title II, § 204, formerly title IV, § 404, Aug. 4, 1986, 100 Stat. 790; renumbered title II, § 204, and amended Pub. L. 102–421, title I, §§ 101(b)(5), (6), 134, Oct. 16, 1992, 106 Stat. 2151, 2157; Pub. L. 103–73, title II, § 204(c), Aug. 11, 1993, 107 Stat. 735.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.4.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 691f of this title prior to repeal by Pub. L. 99–371.

AMENDMENTS

1993—Par. (1). Pub. L. 103–73, § 204(c)(1), substituted "first-time" for "first time".

Par. (2)(G). Pub. L. 103–73, § 204(c)(2), substituted "individualized education programs" for "Individualized Education Programs" and "children who are deaf or hard of hearing" for "children who are deaf".

Par. (3). Pub. L. 103–73, § 204(c)(3), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "The annual audited financial statements of the University and NTID, respectively, together with the auditor's report."

Par. (6). Pub. L. 103–73, § 204(c)(4), substituted "Program funds are" for "Program is".

1992—Pub. L. 102–421, § 134, amended section generally, substituting present provisions for provisions requiring annual reports from Board of Trustees of Gallaudet University and National Technical Institute for the Deaf and providing for an annual monitoring and evaluation report.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Eco-

nomic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–421 effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as a note under section 4301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4305 of this title.

§ 4355. Monitoring, evaluation, and reporting

(a) Activities

The Secretary shall conduct monitoring and evaluation activities of the education programs and activities and the administrative operations of the University (including the elementary, secondary, preparatory, undergraduate, and graduate programs) and of NTID. The Secretary may also conduct studies related to the provision of preschool, elementary, secondary, and postsecondary education and other related services to individuals who are deaf or hard of hearing. In carrying out the responsibilities described in this section, the Secretary is authorized to employ such consultants as may be necessary pursuant to section 3109 of title 5.

(b) Report

The Secretary, as part of the annual report required under section 3486 of this title, shall include a description of the monitoring and evaluation activities pursuant to subsection (a) of this section, together with such recommendations, including recommendations for legislation, as the Secretary may consider necessary.

(c) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out the monitoring and evaluation activities authorized under this section.

(Pub. L. 99–371, title II, § 205, formerly title IV, § 405, Aug. 4, 1986, 100 Stat. 790; renumbered title II, § 205, and amended Pub. L. 102–421, title I, §§ 101(b)(5), (6), 135(a), Oct. 16, 1992, 106 Stat. 2151, 2158; Pub. L. 103–73, title II, § 204(d), Aug. 11, 1993, 107 Stat. 735.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.5.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–73 substituted ''individuals who are deaf or hard of hearing'' for ''individuals who are deaf'' and struck out ''the provisions of'' after ''pursuant to''.

1992—Pub. L. 102–421, § 135(a), amended section generally. Prior to amendment, section read as follows: ''The Secretary shall conduct monitoring and evaluation activities of the education programs and activities and the administrative operations of Gallaudet University and of the National Technical Institute for the Deaf. In carrying out the responsibilities described in this section, the Secretary is authorized to employ such consultants as may be necessary pursuant to the provisions of section 3109 of title 5.''

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–421 effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as a note under section 4301 of this title.

§ 4356. Liaison for educational programs

(a) Designation of liaison

Not later than 30 days after August 4, 1986, the Secretary shall designate an individual in the Office of Special Education and Rehabilitative Services of the Department of Education from among individuals who have experience in the education of individuals who are deaf to serve as liaison between the Department and Gallaudet University, the National Technical Institute for the Deaf, and other postsecondary educational programs for individuals who are deaf under the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], and other Federal or non-Federal agencies, institutions, or organizations involved with the education or rehabilitation of individuals who are deaf or hard of hearing.

(b) Duties of liaison

The individual serving as liaison for educational programs for individuals who are deaf or hard of hearing shall:

(1) provide information to institutions regarding the Department's efforts directly affecting the operation of such programs by such institutions;

(2) review research and other activities carried out by the University, NTID, and other Federal or non-Federal agencies, institutions, or organizations involved with the education or rehabilitation of individuals who are deaf or hard of hearing for the purpose of determining overlap and opportunities for coordination among such entities; and

(3) provide such support and assistance as such institutions may request and the Secretary considers appropriate.

(c) Authority of Secretary

Nothing in this section may be construed to affect the authority of the Secretary under this chapter or any other Act with respect to Gallaudet University or the National Technical Institute for the Deaf.

(Pub. L. 99–371, title II, § 206, formerly title IV, § 406, Aug. 4, 1986, 100 Stat. 790; Pub. L. 101–476, title IX, § 901(a)(2), Oct. 30, 1990, 104 Stat. 1142; renumbered title II, § 206, and amended Pub. L. 102–421, title I, §§ 101(b)(5), (6), 136, 151(a)(4), (5), Oct. 16, 1992, 106 Stat. 2151, 2159, 2164; Pub. L. 103–73, title II, § 204(e), Aug. 11, 1993, 107 Stat. 735.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (a), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (a), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§ 701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.6.

AMENDMENTS

1993—Subsec. (b). Pub. L. 103–73, which directed amendment of subsec. (b) by inserting ''or hard of hearing'' after ''individuals who are deaf'', was executed by making the insertion in introductory provisions but not in par. (2) to reflect the probable intent of Congress.

1992—Pub. L. 102–421, § 151(a)(5), struck out ''for the deaf'' after ''educational programs'' in section catchline.

Subsec. (a). Pub. L. 102–421, § 151(a)(4), substituted ''individuals who are deaf'' for ''the deaf'' in two places.

Pub. L. 102–421, § 136(1), substituted '', the Rehabilitation Act of 1973, and other Federal or non-Federal agencies, institutions, or organizations involved with the education or rehabilitation of individuals who are deaf or hard of hearing.'' for ''and the Rehabilitation Act of 1973.''

Subsec. (b). Pub. L. 102–421, § 151(a)(4), substituted ''individuals who are deaf'' for ''the deaf'' in introductory provisions.

Subsec. (b)(1) to (3). Pub. L. 102–421, § 136(2), struck out ''and'' at end of par. (1), added par. (2), and redesignated former par. (2) as (3).

1990—Subsec. (a). Pub. L. 101–476 substituted ''Individuals with Disabilities Education Act'' for ''Education of the Handicapped Act''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–421 effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as a note under section 4301 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–476 effective Oct. 1, 1990, see section 1001 of Pub. L. 101–476, set out as a note under section 1087ee of this title.

§ 4357. Federal endowment programs for Gallaudet University and the National Technical Institute for the Deaf

(a) Establishment of programs

(1) The Secretary and the Board of Trustees of Gallaudet University are authorized to establish the Gallaudet University Federal Endowment Fund as a permanent endowment fund, in accordance with this section, for the purpose of promoting the financial independence of the University. The Secretary and the Board of Trustees may enter into such agreements as may be necessary to carry out the purposes of this section with respect to the University.

(2) The Secretary and the Board of Trustees or other governing body of the institution of higher education with which the Secretary has an agreement under section 4332 of this title are authorized to establish the National Technical Institute for the Deaf Federal Endowment Fund as a permanent endowment fund, in accordance with this section, for the purpose of promoting the financial independence of NTID. The Secretary and the Board or other governing body may enter into such agreements as may be necessary to carry out the purposes of this section with respect to NTID.

(b) Federal payments

(1) The Secretary shall, consistent with this section, make payments to the Federal endowment funds established under subsection (a) of this section from amounts appropriated under subsection (h) of this section for the fund involved.

(2) Subject to the availability of appropriations and the non-Federal matching requirements of paragraph (3), the Secretary shall make payments to each Federal endowment fund in amounts equal to sums contributed to the fund from non-Federal sources (excluding transfers from other endowment funds of the institution involved).

(3) Effective for fiscal year 1993 and each succeeding fiscal year, for any fiscal year in which the sums contributed to the Federal endowment fund of the institution involved from non-Federal sources exceed $1,000,000, the non-Federal contribution to the Federal endowment fund shall be $2 for each Federal dollar provided in excess of $1,000,000 (excluding transfers from other endowment funds of the institution involved).

(c) Investments

(1) Except as provided in subsection (e) of this section, the University and NTID, respectively, shall invest its Federal endowment fund corpus and income in instruments and securities offered through one or more cooperative service organizations of operating educational organizations under section 501(f) of title 26, or in low-risk instruments and securities in which a regulated insurance company may invest under the laws of the State in which the institution involved is located.

(2) In managing the investment of its Federal endowment fund, the University or NTID shall exercise the judgment and care, under the prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(3) Neither the University nor NTID may invest its Federal endowment fund corpus or income in real estate, or in instruments or securities issued by an organization in which an executive officer, a member of the Board of Trustees of the University or of the host institution, or a member of the advisory group established under section 4332 of this title is a controlling shareholder, director, or owner within the meaning of Federal securities laws and other applicable laws. Neither the University nor NTID may assign, hypothocate,[1] encumber, or create a lien on the Federal endowment fund corpus without specific written authorization of the Secretary.

(d) Withdrawals and expenditures

(1) Except as provided in paragraph (3)(B), neither the University nor NTID may withdraw or expend any of the corpus of its Federal endowment fund.

(2)(A) The University and NTID, respectively, may withdraw or expend the income of its Federal endowment fund only for expenses necessary to the operation of that institution, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research.

[1] So in original. Probably should be ''hypothecate,''

(B) Neither the University nor NTID may withdraw or expend the income of its Federal endowment fund for any commercial purpose.

(C) Beginning on October 1, 1992, the University and NTID shall maintain records of the income generated from its respective Federal endowment fund for the prior fiscal year.

(3)(A) Except as provided in subparagraph (B), the University and NTID, respectively, may, on an annual basis, withdraw or expend not more than 50 percent of the income generated from its Federal endowment fund from the prior fiscal year.

(B) The Secretary may permit the University or NTID to withdraw or expend a portion of its Federal endowment fund corpus or more than 50 percent of the income generated from its Federal endowment fund from the prior fiscal year if the institution involved demonstrates, to the Secretary's satisfaction, that such withdrawal or expenditure is necessary because of—

(i) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(ii) a life-threatening situation occasioned by natural disaster or arson; or

(iii) another unusual occurrence or exigent circumstance.

(e) Investment and expenditure flexibility

The corpus associated with a Federal payment (and its non-Federal match) made to the Federal endowment fund of the University or NTID shall not be subject to the investment limitations of subsection (c)(1) of this section after 10 fiscal years following the fiscal year in which the funds are matched, and the income generated from such corpus after the tenth fiscal year described in this subsection shall not be subject to such investment limitations or to the withdrawal and expenditure limitations of subsection (d)(3) of this section.

(f) Recovery of payments

After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments under this section if the University or NTID—

(1) makes a withdrawal or expenditure of the corpus or income of its Federal endowment fund that is not consistent with this section;

(2) fails to comply with the investment standards and limitations under this section; or

(3) fails to account properly to the Secretary concerning the investment of or expenditures from the Federal endowment fund corpus or income.

(g) Definitions

As used in this section:

(1) The term ''corpus'', with respect to a Federal endowment fund under this section, means an amount equal to the Federal payments to such fund, amounts contributed to the fund from non-Federal sources, and appreciation from capital gains and reinvestment of income.

(2) The term ''Federal endowment fund'' means a fund, or a tax-exempt foundation, established and maintained pursuant to this section by the University or NTID, as the case may be, for the purpose of generating income for the support of the institution involved.

(3) The term ''income'', with respect to a Federal endowment fund under this section, means an amount equal to the dividends and interest accruing from investments of the corpus of such fund.

(4) The term ''institution involved'' means the University or NTID, as the case may be.

(h) Authorization of appropriations

(1) In the case of the University, there are authorized to be appropriated for the purposes of this section such sums as may be necessary for each of the fiscal years 1993 through 1997.

(2) In the case of NTID, there are authorized to be appropriated for the purposes of this section such sums as may be necessary for each of the fiscal years 1993 through 1997.

(3) Amounts appropriated under paragraph (1) or (2) shall remain available until expended.

(i) Effective date

The provisions of this section shall take effect as if included in this chapter as enacted on August 4, 1986.

(Pub. L. 99–371, title II, § 207, as added Pub. L. 102–421, title I, § 137(2), Oct. 16, 1992, 106 Stat. 2159; amended Pub. L. 103–73, title II, § 204(f), Aug. 11, 1993, 107 Stat. 735.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.7a.

PRIOR PROVISIONS

A prior section 4357, Pub. L. 99–371, title II, § 207, formerly title IV, § 407, Aug. 4, 1986, 100 Stat. 791; renumbered title II, § 207, Pub. L. 102–421, title I, § 101(b)(5), (6), Oct. 16, 1992, 106 Stat. 2151, provided for Gallaudet University Federal endowment program, prior to repeal effective Oct. 1, 1992, by Pub. L. 102–421, title I, §§ 137(1), 161, Oct. 16, 1992, 106 Stat. 2159, 2164.

AMENDMENTS

1993—Subsec. (c)(3). Pub. L. 103–73, § 204(f)(1), substituted ''advisory group established under section 4332 of this title'' for ''Advisory Board of NTID''.

Subsec. (e). Pub. L. 103–73, § 204(f)(2), substituted ''such investment limitations or'' for ''such investment limitations and''.

Subsec. (i). Pub. L. 103–73, § 204(f)(3), substituted ''this chapter as enacted on August 4, 1986'' for ''the provisions of the Education of the Deaf Act of 1986''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4354 of this title.

§ 4358. Scholarship program

(a) In general

The Secretary may make grants to institutions of higher education that have teacher training programs in deaf education or special education for the purpose of providing scholarships to individuals who are deaf for careers in deaf education or special education. Such institutions shall give priority consideration in the selection of qualified recipients of the scholarships to individuals from underrepresented backgrounds, particularly minority individuals who are deaf and who are underrepresented in the teaching profession. Grants may be used by institutions to assist in covering the cost of courses of training or study for such individuals and for establishing and maintaining fellowships or traineeships with stipends and allowances as may be determined by the Secretary.

(b) Authorization of appropriations

For the purpose of making grants under subsection (a) of this section, there are authorized to be appropriated $2,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(Pub. L. 99–371, title II, § 208, as added Pub. L. 102–421, title I, § 138, Oct. 16, 1992, 106 Stat. 2162.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.8a.

PRIOR PROVISIONS

A prior section 4358, Pub. L. 99–371, title II, § 208, formerly title IV, § 408, Aug. 4, 1986, 100 Stat. 792; renumbered title II, § 208, Pub. L. 102–421, title I, § 101(b)(5), (6), Oct. 16, 1992, 106 Stat. 2151, provided for a National Technical Institute for the Deaf endowment program, prior to repeal effective Oct. 1, 1992, by Pub. L. 102–421, title I, §§ 137(1), 161, Oct. 16, 1992, 106 Stat. 2159, 2164. See section 4357 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as an Effective Date of 1992 Amendment note under section 4301 of this title.

§ 4359. Oversight and effect of agreements

(a) Oversight activities

Nothing in this chapter shall be construed to diminish the oversight activities of the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives with respect to any agreement entered into between the Secretary of Education and Gallaudet University, and the institution of higher education with which the Secretary has an agreement under part B of subchapter I of this chapter.

(b) Construction of agreements

The agreements described in subsection (a) of this section shall continue in effect, to the extent that such agreements are not inconsistent with this chapter.

(Pub. L. 99–371, title II, § 209, formerly title IV, § 409, Aug. 4, 1986, 100 Stat. 794; renumbered title II, § 209, Pub. L. 102–421, title I, § 101(b)(5), (6), Oct. 16, 1992, 106 Stat. 2151; amended Pub. L. 103–73, title II, § 204(g), Aug. 11, 1993, 107 Stat. 735.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.9.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–73, § 204(g)(1), substituted ''an agreement under part B of subchapter I of this chapter'' for ''an agreement under title II''.

Subsec. (b). Pub. L. 103–73, § 204(g)(2), struck out ''the provisions of'' after ''inconsistent with''.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

§ 4359a. International students

(a) Enrollment

Effective with new admissions for academic year 1993–1994 and each succeeding academic year, the University (including preparatory, undergraduate, and graduate students) and NTID shall limit the enrollment of international students to approximately 10 percent of the total postsecondary student population enrolled respectively at the University or NTID.

(b) Tuition surcharge

Effective with new admissions, the tuition for postsecondary international students enrolled in the University (including preparatory, undergraduate, and graduate students) or NTID shall include a surcharge of 75 percent for the academic year 1993–1994 and 90 percent beginning with the academic year 1994–1995.

(c) Reduction of surcharge

Beginning with the academic year 1993–1994, the University or NTID may reduce the surcharge under subsection (b) of this section to 50 percent if—

(1) a student described under subsection (b) of this section is from a developing country;

(2) such student is unable to pay the tuition surcharge under subsection (b) of this section; and

(3) such student has made a good faith effort to secure aid through such student's government or other sources.

(d) "Developing country" defined

For purposes of subsection (c) of this section, the term ''developing country'' means a country that has a 1990 per capita income not in excess of $4,000 in 1990 United States dollars.

(Pub. L. 99–371, title II, § 210, as added Pub. L. 102–421, title I, § 139, Oct. 16, 1992, 106 Stat. 2163; amended Pub. L. 103–73, title II, § 204(h), Aug. 11, 1993, 107 Stat. 735.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.10.

PRIOR PROVISIONS

A prior section 210 of title II of Pub. L. 99–371, formerly title IV, § 410, Aug. 4, 1986, 100 Stat. 794; renumbered title II, § 210, Pub. L. 102–241, title I, § 101(b)(5), (6), Oct. 16, 1992, 106 Stat. 2151, repealed sections 681 to 685, 691 to 691g, 693 to 693b, and 695 to 695c of this title and provisions set out as notes under sections 681 and 693 of this title.

AMENDMENTS

1993—Subsec. (b). Pub. L. 103–73, § 204(h)(1), substituted ''75 percent for the academic year 1993–1994 and 90 percent beginning with the academic year 1994–1995'' for ''75 percent beginning the academic year 1993–1994, and 90 percent beginning the academic year 1994–1995''.

Subsec. (c). Pub. L. 103–73, § 204(h)(2), substituted ''Beginning with the academic year 1993–1994'' for ''Beginning the academic year 1993–1994 and thereafter'' in introductory provisions and redesignated subpars. (A) to (C) as pars. (1) to (3), respectively.

EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as an Effective Date of 1992 Amendment note under section 4301 of this title.

§ 4360. Authorization of appropriations

(a) Gallaudet University

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993 through 1997 to carry out the provisions of this chapter, relating to—

(1) Gallaudet University,

(2) Kendall Demonstration Elementary School, and

(3) the model secondary school for individuals who are deaf.

(b) National Technical Institute for the Deaf

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993 through 1997 to carry out the provisions of this chapter relating to the National Technical Institute for the Deaf.

(Pub. L. 99–371, title II, § 211, formerly title IV, § 411, Aug. 4, 1986, 100 Stat. 794; renumbered title II, § 211, and amended Pub. L. 102–421, title I, §§ 101(b)(5), (6), 140, 151(a)(4), Oct. 16, 1992, 106 Stat. 2151, 2163, 2164; Pub. L. 103–73, title II, § 204(i), Aug. 11, 1993, 107 Stat. 735.)

CODIFICATION

Section is also set out in D.C. Code, § 31–1842.11.

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 681, 691g, 693, and 695b of this title prior to repeal by Pub. L. 99–371.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–73 redesignated subpars. (A) to (C) as pars. (1) to (3), respectively.

1992—Subsec. (a). Pub. L. 102–421, § 140(1)(A), substituted ''fiscal years 1993 through 1997'' for ''fiscal years 1987, 1988, 1989, 1990, and 1991'' in introductory provisions.

Subsec. (a)(B). Pub. L. 102–421, § 140(1)(B), struck out ''part B of subchapter I of this chapter, relating to'' before ''Kendall''.

Subsec. (a)(C). Pub. L. 102–421, § 151(a)(4), substituted ''individuals who are deaf'' for ''the deaf''.

Pub. L. 102–421, § 140(1)(C), struck out ''part C of subchapter I of this chapter, relating to'' before ''the model''.

Subsec. (b). Pub. L. 102–421, § 140(2), substituted ''fiscal years 1993 through 1997 to carry out the provisions of this chapter relating to'' for ''fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out the provisions of subchapter II of this chapter, relating to''.

Subsec. (c). Pub. L. 102–421, § 140(3), struck out subsec. (c) which read as follows: ''(c) COMMISSION ON EDUCATION FOR THE DEAF.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of subchapter III of this chapter, relating to the Commission on Education of the Deaf. Sums appropriated pursuant to this subsection shall remain available until expended or until the termination of the Commission, whichever first occurs.''

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–421 effective Oct. 1, 1992, see section 161 of Pub. L. 102–421, set out as a note under section 4301 of this title.

§ 4361. Supervision of public business of Gallaudet University

The Secretary of Education is charged with the supervision of public business relating to Gallaudet University.

(R.S. § 441; Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1422; 1940 Reorg. Plan No. IV, § 11, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1234; 1953 Reorg. Plan No. 1, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; June 18, 1954, ch. 324, § 1, 68 Stat. 265; Oct. 17, 1979, Pub. L. 96–88, title III, § 301(a)(2)(M), title V, § 507, 93 Stat. 677, 692; Aug. 4, 1986, Pub. L. 99–371, title I, § 101(a), 100 Stat. 781.)

CODIFICATION

Section was not enacted as part of the Education of the Deaf Act of 1986, which comprises this chapter.

Section was formerly classified to section 691h of this title.

Section is also set out in D.C. Code, § 31–1803.

CHANGE OF NAME

Pursuant to section 101(a) of Pub. L. 99–371, which is classified to section 4301(a) of this title, ''Gallaudet University'' was substituted in text for ''Gallaudet College'' which had been substituted in text for ''Columbia Institution for the Deaf'' pursuant to section 1 of act June 18, 1954, which was formerly classified to section 691 of this title. Previously, act Mar. 4, 1911, ch. 285, 36 Stat. 1422, had redesignated the ''Columbia Institution for the Deaf and Dumb'' as the ''Columbia Institution for the Deaf''.

TRANSFER OF FUNCTIONS

''Secretary of Education'' substituted in text for ''Secretary of Health, Education, and Welfare'' pursuant to sections 301(a)(2)(M) and 507 of Pub. L. 96–88, which are classified to sections 3441(a)(2)(M) and 3507 of this title and which transferred to Secretary of Education functions of Secretary of Health, Education, and Welfare under laws relating to relationship between Gallaudet College [now Gallaudet University] and Department of Health, Education, and Welfare.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

Functions of Department of the Interior relating to administration of Columbia Institution for the Deaf transferred to Federal Security Agency to be administered under direction and supervision of Federal Security Administrator by § 11(d) of 1940 Reorg. Plan No. IV, set out in the Appendix to Title 5.

§ 4362. Purchases through General Services Administration

On and after September 8, 1978, Gallaudet University and the National Technical Institute for the Deaf are authorized to make purchases through the General Services Administration.

(Pub. L. 95–355, title I, § 100, Sept. 8, 1978, 92 Stat. 531; Pub. L. 99–371, title I, § 101(a), Aug. 4, 1986, 100 Stat. 781.)

CODIFICATION

Section is from the Second Supplemental Appropriations Act, 1978, and not enacted as part of the Education of the Deaf Act of 1986, which comprises this chapter, and contained additional provisions relating to purchases by the American Printing House for the Blind and Howard University which are set out as sections 106 and 130 of this title, respectively.

Section, as it relates to Gallaudet University, was formerly classified to section 691i of this title, and as it relates to the National Technical Institute for the Deaf, was formerly classified to section 686 of this title.

CHANGE OF NAME

''Gallaudet University'' substituted in text for ''Gallaudet College'' pursuant to section 101(a) of Pub. L. 99–371, which is classified to section 4301(a) of this title.

§ 4363. Financial and program audit by Secretary

Funds appropriated in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts to the National Technical Institute for the Deaf, and Gallaudet University shall be subject to financial and program audit by the Secretary of Education and the Secretary may withhold all or any portion of these appropriations if he determines that an institution has not cooperated fully in the conduct of such audits.

(Pub. L. 102–394, title III, § 301, Oct. 6, 1992, 106 Stat. 1819.)

CODIFICATION

Section is from the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993, and was not enacted as part of the Education of the Deaf Act of 1986 which comprises this chapter, and contained additional provisions relating to the American Printing House for the Blind and Howard University, which are set out as sections 106a and 130a of this title, respectively.

CHAPTER 56—AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN CULTURE AND ART DEVELOPMENT

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§ 4401. Findings

The Congress finds that—

(1) Indian art and culture and Native Hawaiian art and culture have contributed greatly to the artistic and cultural richness of the Nation;

(2) Indian art and culture and Native Hawaiian art and culture occupy a unique position in American history as being our only native art form and cultural heritage;

(3) the enhancement and preservation of this Nation's native art and culture has a fundamental positive influence on the American people;

(4) although the encouragement and support of Indian and Native Hawaiian arts and crafts are primarily a matter for private, local, and Indian and Native Hawaiian initiative, it is also an appropriate matter of concern to the Federal Government;

(5) it is appropriate and necessary for the Federal Government to support research and scholarship in Indian art and culture and Na-