

than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, 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 3145 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; Pub. L. 105-244, title IX, §913, Oct. 7, 1998, 112 Stat. 1830; Pub. L. 110-315, title IX, §902, Aug. 14, 2008, 122 Stat. 3451.)

REFERENCES IN TEXT

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.

AMENDMENTS

2008—Subsec. (b)(4). Pub. L. 110-315 substituted “subchapter IV of chapter 31 of title 40, commonly referred to as the Davis-Bacon Act” for “the Act of March 3, 1931 (40 U.S.C. 276a–276a-5) commonly referred to as the Davis-Bacon Act” and “section 3145 of title 40” for “section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)”.

1998—Subsec. (a). Pub. L. 105-244 substituted “and periodically update, an” for “within 1 year after October 16, 1992, a new” and “The Secretary or the University shall determine the necessity for the periodic update described in the preceding sentence.” for “The Secretary and the University shall periodically update the agreement as determined to be necessary by the Secretary or the University.”

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 OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 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.

§§ 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 Repealed.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.

§ 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.)

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.

(2) The Secretary and the institution of higher education with which the Secretary has an agreement under this section—

(A) shall periodically assess the need for modification of the agreement; and

(B) shall periodically update the agreement as determined 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 post-

secondary 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 Health, Education, Labor, and Pensions 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 subchapter IV of chapter 31 of title 40, 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 3145 of title 40; and

(6) establish 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.

(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; Pub. L. 105-244, title IX, §914, Oct. 7, 1998, 112 Stat. 1830; Pub. L. 110-315, title IX, §903, Aug. 14, 2008, 122 Stat. 3451.)

REFERENCES IN TEXT

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.

PRIOR PROVISIONS

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

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-315, §903(1), struck out at end “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.”

Subsec. (b)(3). Pub. L. 110-315, §903(2)(A), substituted “Committee on Health, Education, Labor, and Pensions of the Senate” for “Committee on Labor and Human Resources of the Senate”.

Subsec. (b)(5). Pub. L. 110-315, §903(2)(B), substituted “subchapter IV of chapter 31 of title 40, commonly referred to as the Davis-Bacon Act” for “the Act of March 3, 1931 (40 U.S.C. 276a—276a-5) commonly referred to as the Davis-Bacon Act” and “section 3145 of title 40” for “section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)”.

1998—Subsec. (a)(2). Pub. L. 105-244 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “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.”

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 “; and” for period at end.

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 changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

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.

PART C—OTHER PROGRAMS

§ 4341. Cultural experiences grants

(a) In general

The Secretary is authorized to, on a competitive basis, make grants to, and enter into contracts and cooperative agreements with, eligible entities to support the activities described in subsection (b).

(b) Activities

In carrying out this section, the Secretary shall support activities providing cultural experiences, through appropriate nonprofit organizations with a demonstrated proficiency in providing such activities, that—

- (1) enrich the lives of deaf and hard-of-hearing children and adults;
- (2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or
- (3) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences.

(c) Applications

An eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be nec-

essary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 99-371, title I, §121, as added Pub. L. 110-315, title IX, §904(a), Aug. 14, 2008, 122 Stat. 3452.)

PRIOR PROVISIONS

A prior section 4341, Pub. L. 99-371, title III, §301, Aug. 4, 1986, 100 Stat. 786, established Commission on Education of the Deaf, prior to repeal by Pub. L. 102-421, title I, §§101(a)(2), 161, Oct. 16, 1992, 106 Stat. 2151, 2164, effective Oct. 1, 1992.

A prior section 121 of Pub. L. 99-371 was classified to section 4321 of this title, prior to repeal by Pub. L. 102-421.

Prior sections 4342 to 4344 were repealed by Pub. L. 102-421, title I, §§101(a)(2), 161, Oct. 16, 1992, 106 Stat. 2151, 2164, effective Oct. 1, 1992.

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.

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, 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