

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 OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

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.

§ 4305. Agreement with Gallaudet University

(a) General authority

The Secretary and Gallaudet University shall establish, and periodically update, an 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 or the University shall determine the necessity for the periodic update described in the preceding sentence.

(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 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,