

Secretary is authorized to employ such consultants as may be necessary pursuant to section 3109 of title 5.

**(b) Report**

The Secretary shall annually transmit information to Congress on the monitoring and evaluation activities pursuant to subsection (a), 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 2009 through 2014 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; Pub. L. 105-244, title IX, §918, Oct. 7, 1998, 112 Stat. 1831; Pub. L. 110-315, title IX, §907, Aug. 14, 2008, 122 Stat. 3453.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, §907(1), struck out “preparatory,” before “undergraduate”.

Subsec. (b). Pub. L. 110-315, §907(2), substituted “The Secretary shall annually transmit information to Congress on” for “The Secretary, as part of the annual report required under section 3486 of this title, shall include a description of”.

Subsec. (c). Pub. L. 110-315, §907(3), substituted “fiscal years 2009 through 2014” for “fiscal years 1998 through 2003”.

1998—Subsec. (c). Pub. L. 105-244 substituted “1998 through 2003” for “1993, 1994, 1995, 1996, and 1997”.

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 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.

**§ 4356. Liaison for educational programs**

**(a) Designation of liaison**

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; Pub. L. 110-315, title IX, §908, Aug. 14, 2008, 122 Stat. 3453.)

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.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315 substituted “The” for “Not later than 30 days after August 4, 1986, the”.

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) from amounts appropriated under subsection (h) for the fund involved.

(2) Subject to the availability of appropriations, the Secretary shall make payments to each Federal endowment fund in amounts equal to sums contributed to the fund from non-Federal sources during the fiscal year in which the appropriations are made available (excluding transfers from other endowment funds of the institution involved).

#### (c) Investments

(1) Except as provided in subsection (e), the University and NTID, respectively, shall invest the Federal contribution of its Federal endow-

ment 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, hypothecate,<sup>1</sup> 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.

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

(C) 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 current 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

<sup>1</sup> So in original. Probably should be “hypothecate.”