

ings, 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, and the Commonwealth of the Northern Mariana Islands.

(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; Pub. L. 105-244, title IX, §915, Oct. 7, 1998, 112 Stat. 1830.)

**Editorial Notes**

**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**

1998—Par. (1)(C). Pub. L. 105-244, §915(1), struck out "Palau (but only until the Compact of Free Association with Palau takes effect)," after "Guam,"

Par. (5). Pub. L. 105-244, §915(2), inserted "and" after "Virgin Islands," and struck out "and Palau (but only until the Compact of Free Association with Palau takes effect)" after "Mariana Islands".

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).

**Statutory Notes and Related Subsidiaries**

**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.

**ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS**

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

**§ 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.)

**Editorial Notes**

**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.”

#### Statutory Notes and Related Subsidiaries

##### 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) Government Accountability 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 Government Accountability Office.

##### (b) Independent financial and compliance audit

###### (1) In general

Gallaudet University shall have an annual independent financial and compliance audit made of the programs and activities of the University, including the national mission and school operations of the elementary and secondary education programs at Gallaudet. The institution of higher education with which the Secretary has an agreement under section 4332 of this title shall have an annual independent financial and compliance 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.

###### (2) Compliance

As used in paragraph (1), compliance means compliance with sections 4302(b), 4305(b)(4), 4332(b)(5), 4353(c),<sup>1</sup> 4357(b)(2) of this title, subsections (c) through (f) of section 4357 of this title, and subsections (a), (b), and (c) of section 4359a of this title.

###### (3) Submission of audits

A copy of each audit described in paragraph (1) shall be provided to the Secretary and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate within 15 days of acceptance of the audit by the University or the institution authorized to establish and operate the NTID

under section 4332(a) of this title, as the case may be, but not later than January 10 of each year.

##### (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 Health, Education, Labor, and Pensions 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; Pub. L. 105-244, title IX, §916, Oct. 7, 1998, 112 Stat. 1830; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110-315, title IX, §905, Aug. 14, 2008, 122 Stat. 3452; Pub. L. 111-39, title VIII, §802(b), July 1, 2009, 123 Stat. 1957.)

<sup>1</sup> So in original. Probably should be followed by “and”.