

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),¹ 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.)

¹ So in original. Probably should be followed by “and”.

Editorial Notes**PRIOR PROVISIONS**

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

AMENDMENTS

2009—Subsec. (b)(2). Pub. L. 111-39 substituted “and subsections (a), (b), and (c) of section 4359a of this title.” for “and subsections (b) and (c) of section 4359a of this title.”

2008—Subsec. (b)(2). Pub. L. 110-315, §905(1)(A), substituted “sections 4302(b), 4305(b)(4), 4332(b)(5), 4353(c), 4357(b)(2) of this title, subsections (c) through (f) of section 4357 of this title, and subsections (b) and (c) of section 4359a of this title” for “sections 4302(b), 4305(b)(4), 4332(b)(5) of this title, and subsection (c) of this section, paragraphs (2) and (3) of section 4357(b) of this title, subsections (b)(2), (b)(3), and (c) through (f), of section 4357 of this title, and subsections (b) and (c) of section 4359a of this title”.

Subsec. (b)(3). Pub. L. 110-315, §905(1)(B), inserted “and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate” after “Secretary”.

Subsec. (c)(2)(A). Pub. L. 110-315, §905(2), substituted “Committee on Health, Education, Labor, and Pensions of the Senate” for “Committee on Labor and Human Resources of the Senate”.

2004—Subsec. (a). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in heading and text.

1998—Subsec. (b). Pub. L. 105-244 amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “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.”

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).

Statutory Notes and Related Subsidiaries**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 Eighteenth Congress, Jan. 9, 2023.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 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 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.

§ 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 Health, Education, Labor, and Pensions 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, 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 on the date that is one year after the date of graduation or 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) A summary of the annual audited financial statements and auditor’s report of the University, as required under section 4353 of this title, and (B) a summary of the annual audited financial statements and auditor’s report of NTID programs and activities, and such supplementary schedules presenting financial information for NTID for the end of the Federal fiscal year as determined by the Secretary.