

mines that an institution has not cooperated fully in the conduct of such audits.

(Pub. L. 102-394, title III, §301, Oct. 6, 1992, 106 Stat. 1819.)

CODIFICATION

Section is from the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993, and contained additional provisions relating to Howard University, Gallaudet University, and the National Technical Institute for the Deaf, which are set out as sections 130a and 4363 of this title, respectively.

CHAPTER 6A—VENDING FACILITIES FOR BLIND IN FEDERAL BUILDINGS

- Sec.
107. Operation of vending facilities.
 (a) Authorization.
 (b) Preferences regulations; justification for limitation on operation.
- 107a. Federal and State responsibilities.
 (a) Functions of Secretary; surveys; designation of State licensing agencies; qualifications for license; evaluation of programs.
 (b) Duty of State licensing agencies to prefer blind.
 (c) Selection of location and type of facility.
 (d) Buildings occupied by United States departments, agencies, and instrumentalities required to provide sites for facilities; exceptions.
 (e) State licensing agency in States having vocational rehabilitation plans.
- 107b. Application for designation as State licensing agency; cooperation with Secretary; furnishing initial stock.
- 107b-1. Access to information with State licensing agencies; election and responsibilities of Committee of Blind Vendors.
- 107b-2. Omitted.
- 107b-3. Audit of nonappropriated fund activities.
- 107c. Repealed.
- 107d. Expenditures.
 (a) Personal services, rent, printing, etc.
 (b) Preference to blind persons in employment.
- 107d-1. Grievances of blind licensees.
 (a) Hearing and arbitration.
 (b) Noncompliance by Federal departments and agencies; complaints by State licensing agencies; arbitration.
- 107d-2. Arbitration.
 (a) Notice and hearing.
 (b) Composition of panel; designation of chairman; termination of violations.
 (c) Publication of decisions in Federal Register.
 (d) Payment of costs by the Secretary.
- 107d-3. Vending machine income.
 (a) Accrual to blind licensee and alternatively to State agency; ceiling on amount for individual licensee.
 (b) Direct competition between vending machine and vending facility; proportion of accrued income from such vending machines for individual licensee.
 (c) Disposal of accrued vending machine income by State licensing agency.
 (d) Income from vending machines in certain locations excepted.
 (e) Regulations establishing priority for operation of cafeterias.

- Sec.
 (f) Existing arrangements more favorable to blind licensees unaffected.
 (g) Regulations for compliance.
- 107d-4. Training programs for maximum vocational potential for blind.
- 107e. Definitions.
- 107e-1. Repealed.
- 107f. Authorization of appropriations.

§ 107. Operation of vending facilities

(a) Authorization

For the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this chapter shall be authorized to operate vending facilities on any Federal property.

(b) Preferences regulations; justification for limitation on operation

In authorizing the operation of vending facilities on Federal property, priority shall be given to blind persons licensed by a State agency as provided in this chapter; and the Secretary, through the Commissioner, shall, after consultation with the Administrator of General Services and other heads of departments, agencies, or instrumentalities of the United States in control of the maintenance, operation, and protection of Federal property, prescribe regulations designed to assure that—

(1) the priority under this subsection is given to such licensed blind persons (including assignment of vending machine income pursuant to section 107d-3 of this title to achieve and protect such priority), and

(2) wherever feasible, one or more vending facilities are established on all Federal property to the extent that any such facility or facilities would not adversely affect the interests of the United States.

Any limitation on the placement or operation of a vending facility based on a finding that such placement or operation would adversely affect the interests of the United States shall be fully justified in writing to the Secretary, who shall determine whether such limitation is justified. A determination made by the Secretary pursuant to this provision shall be binding on any department, agency, or instrumentality of the United States affected by such determination. The Secretary shall publish such determination, along with supporting documentation, in the Federal Register.

(June 20, 1936, ch. 638, §1, 49 Stat. 1559; Aug. 3, 1954, ch. 655, §4(a), 68 Stat. 663; Pub. L. 93-516, title II, §202, Dec. 7, 1974, 88 Stat. 1623; Pub. L. 93-651, title II, §202, Nov. 21, 1974, 89 Stat. 2-8.)

CODIFICATION

The content of Pub. L. 93-516, including provisions thereof which amended and enacted various sections of this chapter, were originally contained in H.R. 14225, 93rd Congress, Second Session, which was pocket-vetoed during the 31-day intrasession adjournment of the 93rd Congress for the Congressional elections in November, 1974. See 1974 Amendment note below.

Pursuant to an order of the United States District Court for the District of Columbia (*Kennedy v. Jones*,