

18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

Office of Education transferred to Federal Security Agency by Reorg. Plan No. I of 1939, §§ 201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, set out in the Appendix to Title 5.

Office of Education created and placed in Department of the Interior by act of July 20, 1868, ch. 176, 15 Stat. 106, which abolished Department of Education. In appropriation act of July 12, 1870, ch. 251, 16 Stat. 242, the Office was designated Bureau of Education. This designation was retained until the act of May 14, 1930, ch. 273, 46 Stat. 281, 319, which made appropriations for "Office of Education".

NATIONAL MUSEUM

National Museum was not created by any express statutory provision for that purpose. It was first mentioned in an appropriation for postage for "the National Museum in the Smithsonian Institution," contained in act June 20, 1874, ch. 328, § 1, 18 Stat. 103. An appropriation for a building for the use of the National Museum was made by act Mar. 3, 1879, ch. 182, § 1, 20 Stat. 397, and annual appropriations have continuously been made for expenses of heating, etc., such building.

§ 92. Admissions to marine biological station for pursuit of investigations

The professors, instructors, and students of the several land-grant, agricultural, and mechanical colleges of the United States shall be admitted to the marine biological station on the Gulf of Mexico on the coast of Florida, to pursue such investigation in fish culture and biology as may be practicable, without cost to the Government, under such rules and regulations as may be from time to time prescribed by the Secretary of Interior.

(Mar. 1, 1911, ch. 189, § 2, 36 Stat. 964; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; Aug. 1, 1914, ch. 223, § 1, 38 Stat. 665; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231.)

CODIFICATION

Section consists of section 2 of act Mar. 1, 1911. Section 1 thereof authorizing the establishment of the marine biological station on the Gulf coast of the State of Florida, referred to in text, on the condition that the State of Florida donate the necessary land and water rights, is not classified to the Code. The provisions of said section 1 requiring donation of the required land and water rights by the State were amended by act Aug. 1, 1914, ch. 223, § 1, 38 Stat. 665, which authorized the donation of the required land and water rights by a corporation, firm, or individual in addition to the State.

TRANSFER OF FUNCTIONS

Bureau of Fisheries in Department of Commerce which administered marine biological station referred to in text under supervision of Secretary of Commerce transferred to Department of the Interior under direction of Secretary of the Interior by Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, and by Reorg. Plan No. III of 1940, set out in the Appendix to Title 5. Bureau of Fisheries consolidated with Bureau of Biological Survey into Fish and Wildlife Service in Department of the Interior and under supervision of Secretary of the Interior, which was succeeded by United States Fish and Wildlife Service, see section 742b of Title 16, Conservation.

"Secretary of Commerce" substituted in text for "Secretary of Commerce and Labor" pursuant to act Mar. 4, 1913, which changed name of Department of Commerce and Labor to Department of Commerce.

STATION AT SARASOTA, FLORIDA

The Fish and Wildlife Service established a marine biological station at Sarasota, Florida, during the year 1948.

DISPOSAL OF STATION

Secretary of Commerce was authorized to dispose of the marine biological station at Key West, Fla., by act Apr. 29, 1929, ch. 2, 46 Stat. 2.

Under communication of the Fish and Wildlife Service dated Nov. 12, 1940, it was stated the land on which was situated this station was reconveyed to the Key West Realty Company by quit claim deed executed by the Secretary of Commerce.

§§ 93, 94. Repealed. Oct. 31, 1951, ch. 654, § 1(41), (42), 65 Stat. 703

Section 93, act Nov. 19, 1919, ch. 118, 41 Stat. 360, which related to sale of machine tools to trade, technical, and public schools and universities, had been transferred to section 1180a of former Title 10, Army and Air Force, and was later repealed by act Oct. 31, 1951.

Section 94, act May 26, 1928, ch. 760, 45 Stat. 753, which related to transfer of obsolete aeronautical equipment to museums, schools and colleges, had been transferred to section 1180b of former Title 10, Army and Air Force, was later repealed by act Oct. 31, 1951.

CHAPTER 6—AMERICAN PRINTING HOUSE FOR THE BLIND

- Sec. 101. Annual appropriations.
- 102. Application of appropriations.
- 103. Publications for National Library for the Blind.
- 104. Annual reports by trustees.
- 105. Books for Library of Congress.
- 106. Purchases through the General Services Administration.
- 106a. Financial and program audit by Secretary.

§ 101. Annual appropriations

For the purpose of enabling the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind, there is hereby authorized to be appropriated annually to it, such sum as the Congress may determine; which sum shall be expended in accordance with the requirements of sections 101, 102, and 104 of this title, under rules and regulations prescribed by the Secretary of Education, to promote the education of the blind.

(Mar. 3, 1879, ch. 186, §§ 1, 2, 20 Stat. 468; June 25, 1906, ch. 3536, 34 Stat. 460; Aug. 4, 1919, ch. 31, 41 Stat. 272; Feb. 8, 1927, ch. 76, 44 Stat. 1060; Aug. 23, 1937, ch. 736, 50 Stat. 744; May 22, 1952, ch. 321, 66 Stat. 89; Aug. 2, 1956, ch. 882, § 2, 70 Stat. 939; Pub. L. 87-294, § 4, Sept. 22, 1961, 75 Stat. 627; Pub. L. 96-88, title III, § 301(a)(2)(M), title V, § 507, Oct. 17, 1979, 93 Stat. 678, 692; Pub. L. 100-630, title IV, §§ 402(a), 403, Nov. 7, 1988, 102 Stat. 3316.)

CODIFICATION

Prior to amendment by Pub. L. 100-630, section was comprised of two sentences. The first sentence was based on provisions of acts Mar. 3, 1879, and June 25,

1906, and established a perpetual trust fund for purposes of aiding education of the blind in the United States through the American Printing House for the Blind and a permanent annual appropriation thereof, to be expended for purposes authorized by sections 101, 102, and 104 of this title. The second sentence was based on provisions of act Aug. 4, 1919, as amended. See 1988 Amendment note below.

#### AMENDMENTS

1988—Pub. L. 100-630, § 402(a), which provided that the perpetual trust fund and permanent annual appropriations thereof established by the Act of Mar. 3, 1879, as amended by the Act of June 25, 1906, are terminated, was executed by striking the first sentence of this section which read as follows: “The sum of \$250,000, set apart as a perpetual trust fund for the purpose of aiding the education of the blind in the United States, through the American Printing House for the Blind, shall be credited on the books of the Treasury Department as a perpetual trust fund for that purpose, to be held by the Secretary of the Treasury; and the sum of \$10,000, being equivalent to 4 per centum on the principal of said trust fund, is appropriated, out of any moneys in the Treasury not otherwise appropriated, and such appropriation shall be deemed a permanent annual appropriation and shall be expended in the manner and for the purposes authorized by sections 101, 102, and 104 of this title.” See Codification note above.

Pub. L. 100-630, § 403, struck out “In addition to the permanent appropriation of \$10,000, made in this section”.

1961—Pub. L. 87-294 struck out provisions which authorized an annual appropriation of not more than \$400,000, inserted provisions authorizing an annual appropriation of such sum as the Congress may determine, and required expenditure of such sum under rules and regulations prescribed by the Secretary of Health, Education, and Welfare.

1956—Act Aug. 2, 1956, increased appropriation authorization from \$250,000 to \$400,000.

1952—Act May 22, 1952, amended second sentence generally, increasing appropriation authorization from \$115,000 to \$250,000.

1937—Act Aug. 23, 1937, amended second sentence generally, increasing appropriation authorization from \$65,000 to \$115,000.

1927—Act Feb. 8, 1927, amended second sentence generally, increasing appropriation authorization from \$40,000 to \$65,000.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Section 402(b) of Pub. L. 100-630 provided that: “This section [amending this section] shall take effect on October 1, 1989.”

#### EFFECTIVE DATE OF 1961 AMENDMENT

Section 5 of Pub. L. 87-294 provided that: “The amendments made by this Act [amending this section and section 102 of this title] shall be effective immediately after the date of its enactment [Sept. 22, 1961].”

#### SHORT TITLE OF 1988 AMENDMENT

Section 401 of title IV of Pub. L. 100-630 provided that: “This title [amending this section and enacting provisions set out as notes under this section] may be cited as the ‘American Printing House for the Blind Amendments of 1988.’”

#### TRANSFER OF FUNCTIONS

“Secretary of Education” substituted in text for “Secretary of Health, Education, and Welfare” pursuant to sections 301(a)(2)(M) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(2)(M) and 3507 of this title and which transferred functions of Secretary of Health, Education, and Welfare under this chapter to Secretary of Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare

and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

Functions of Secretary of the Treasury over administration of appropriations for American Printing House for Blind (except function relating to administration of perpetual trust fund) transferred to Federal Security Agency, and annual report and vouchers of trustees directed to be furnished to Federal Security Administrator by Reorg. Plan No. II of 1939, § 201(b), eff. July 1, 1939, 4 F.R. 2732, 53 Stat. 1434, set out in the Appendix to Title 5.

#### COMPENSATION TO AMERICAN PRINTING HOUSE FOR THE BLIND FOR VESTED RIGHTS

Section 404 of Pub. L. 100-630 provided that: “Any and all rights of the American Printing House for the Blind determined to have vested in the perpetual trust fund established by the Act of March 3, 1879 [see Codification note above], shall be deemed to be compensated by the appropriation to the American Printing House for the Blind for fiscal year 1990.”

#### INEFFECTIVENESS OF REFERENCES TO PERPETUAL TRUST FUND AND ANNUAL APPROPRIATIONS

Section 405 of Pub. L. 100-630 provided that: “Notwithstanding any Federal law, reference to the perpetual trust fund and permanent annual appropriations thereof established by the Act of March 3, 1879 [see Codification note above], shall not be given any effect.”

### § 102. Application of appropriations

The Secretary of Education is authorized to pay over semiannually, to the trustees of the American Printing House for the Blind, located in Louisville, Kentucky, and chartered in 1858 by the Legislature of Kentucky, upon requisition of their president, countersigned by their treasurer, one-half of such annual appropriation upon the following conditions:

#### (1) Purposes and methods of expenditures

First. (A) Such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing books and other materials specially adapted for instruction of the blind; and the total amount of such books and other materials so manufactured and furnished by such appropriation shall each year be distributed among all the public and private nonprofit institutions in the States, Territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, in which blind pupils are educated. Each public and private nonprofit institution for the education of the blind shall receive, in books and other materials, upon requisition of its superintendent, that portion of the appropriation as is shown by the ratio between the number of blind pupils in that institution and the total number of blind pupils in all of the public and private nonprofit institutions in which blind pupils are educated. Each chief State school officer shall receive, in books and other materials, upon requisition, that portion of the appropriation as is shown by the ratio between the number of blind pupils in public and private nonprofit institutions (in the State) in which blind pupils

are educated, other than institutions to which the preceding sentence is applicable, and the total number of blind pupils in the public and private nonprofit institutions in which blind pupils are educated in all of the States, Territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia. The ratio referred to in each of the two immediately preceding sentences shall be computed upon the first Monday in January of each year; and for purposes of such sentences the number of blind pupils in public and private nonprofit institutions in which blind pupils are educated shall be authenticated in such manner and as often as the trustees of the American Printing House for the Blind shall require. For purposes of sections 101, 102, and 104 of this title, an institution for the education of the blind is any institution which provides education exclusively for the blind, or exclusively for the blind and other handicapped children (in which case special classes are provided for the blind); the chief State school officer of a State is the superintendent of public elementary and secondary schools in such State or, if there is none, such other official as the Governor certifies to have comparable responsibility in the State; and a blind pupil is a blind individual pursuing a course of study in an institution of less than college grade.

(B) The portion of the appropriation received by each chief State school officer, in such books and other materials under subparagraph (A) of this paragraph which represents the number of blind pupils in private nonprofit institutions in such State in which blind pupils are educated shall be distributed among such institutions on the basis of the number of blind pupils in each such institution as compared to the total number of such pupils in all of the private nonprofit institutions in which blind pupils are educated in such State.

(C) All books and other materials furnished pursuant to sections 101, 102, and 104 of this title, and control and administration of their use, shall vest only in a public agency. Such books and materials made available pursuant to sections 101, 102 and 104 of this title for use of teachers and blind pupils in any State, Territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia in any school shall be limited to those books and materials which have been approved by an appropriate educational authority or agency of such State, Territory, possession, Commonwealth, or District, or any local educational authority thereof, for use, or are used, in a public elementary or secondary school therein.

### (2) Buildings

Second. No part of the appropriation shall be expended in the erection or leasing of buildings; but the trustees of the American Printing House for the Blind may use each year a reasonable sum of the annual appropriation for salaries and other expenses of experts and other staff to assist special committees which may be appointed in performance of their functions, and for expenses of such special committees.

### (3) Sales of books and apparatus at cost

Third. No profit shall be put on any books or tangible apparatus for the instruction of the blind manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Kentucky; and the price put upon each article so manufactured or furnished shall only be its actual cost.

### (4) Income withheld when not properly used

Fourth. The Secretary of the Treasury of the United States shall have the authority to withhold the appropriation whenever he shall receive satisfactory proof that the trustees of said American Printing House for the Blind, located in Louisville, Kentucky, are not using the appropriation for the benefit of the blind in the public and private nonprofit institutions for the education of the blind in the United States.

### (5) Bond of treasurer

Fifth. Before any money be paid to the treasurer of the American Printing House for the Blind by the Secretary of the Treasury of the United States, the treasurer of the American Printing House for the Blind shall execute a bond, with two approved sureties, to the amount of \$20,000, conditioned that the money so received shall be expended according to this law and all amendments thereto, which shall be held by the Secretary of the Treasury of the United States, and shall be renewed every two years.

### (6) Ex officio trustees

Sixth. The superintendent of each public institution for the education of the blind (or his designee) and the chief State school officer (or his designee), of each State and possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, shall each, ex officio, be a member of the Board of Trustees of the American Printing House for the Blind only for purposes of administering sections 101, 102 and 104 of this title.

(Mar. 3, 1879, ch. 186, §3, 20 Stat. 468; June 25, 1906, ch. 3536, 34 Stat. 460; Aug. 2, 1956, ch. 882, §1, 70 Stat. 938; Pub. L. 87-294, §§1-3, Sept. 22, 1961, 75 Stat. 627; Pub. L. 91-230, title VIII, §811(a), (b), Apr. 13, 1970, 84 Stat. 194, 195; Pub. L. 96-88, title III, §301(a)(2)(M), title V, §507, Oct. 17, 1979, 93 Stat. 678, 692.)

#### CODIFICATION

For purposes of codification, the provisions of section 3 of act Mar. 3, 1879, were changed as follows: provision providing for payment of the semi-annual interest upon the bonds was substituted for one providing for payment of one-half the annual appropriation, the word "income" was substituted for "appropriation", and the word "interest" was substituted for "money" in par. (5), to conform to the modification of act Mar. 3, 1879, by act June 25, 1906, as shown in the note set out under section 101 of this title.

#### AMENDMENTS

1970—Par. First. Pub. L. 91-230, §811(a), designated existing provisions as subpar. (A), made provisions applicable to private nonprofit institutions, and added subpars. (B) and (C).

Par. Fourth. Pub. L. 91-230, §811(b), made provisions applicable to private nonprofit institutions.

1961—Pub. L. 87-294, §1, substituted “Secretary of Health, Education, and Welfare” for “Secretary of the Treasury of the United States” and struck out “permanent” before “annual appropriation” in opening clause.

Par. Second. Pub. L. 87-294, §2, authorized the trustees to use each year a reasonable sum of the annual appropriation for salaries and other expenses of experts and other staff to assist special committees which may be appointed in performance of their functions, and for expenses of such special committees.

Par. Sixth. Pub. L. 87-294, §3, substituted “superintendent of each public institution for the education of the blind (or his designee) and the chief State school officer (or his designee), of each State and possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, shall” for “superintendents of the various public institutions for the education of the blind in the United States shall”, and limited the duties of the Board to the administration of sections 101, 102, and 104 of this title.

1956—Par. First. Act Aug. 2, 1956, authorized wider distribution of books and other special instructional material for the blind.

#### EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-294 effective immediately after Sept. 22, 1961, see section 5 of Pub. L. 87-294, set out as a note under section 101 of this title.

#### TRANSFER OF FUNCTIONS

“Secretary of Education” substituted for “Secretary of Health, Education, and Welfare” in provision preceding par. (1) pursuant to sections 301(a)(2)(M) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(2)(M) and 3507 of this title and which transferred functions of Secretary of Health, Education, and Welfare under this chapter to Secretary of Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

Transfer of functions with respect to American Printing House for the Blind to Federal Security Agency, see note set out under section 101 of this title.

#### § 103. Publications for National Library for the Blind

Two copies of each of the publication printed by the American Printing House for the Blind shall be furnished free of charge to the National Library for the Blind located at 1729 H Street Northwest, Washington, District of Columbia.

(Nov. 4, 1919, ch. 93, §1, 41 Stat. 332.)

#### § 104. Annual reports by trustees

The trustees of said American Printing House for the Blind shall annually make to the Secretary of Education a report of the items of their expenditure of the appropriation aforesaid during the year preceding their report, and shall annually furnish him with a voucher from each public or private nonprofit institution for the education of the blind, showing that the amount of books and tangible apparatus due has been received.

(Mar. 3, 1879, ch. 186, §4, 20 Stat. 469; June 25, 1906, ch. 3536, 34 Stat. 460; 1939 Reorg. Plan No. II, §201(b), eff. July 1, 1939, 4 F.R. 2732, 53 Stat.

1434; 1953 Reorg. Plan No. 1, §5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 91-230, title VIII, §811(c), Apr. 13, 1970, 84 Stat. 195; Pub. L. 96-88, title III, §301(a)(2)(M), title V, §507, Oct. 17, 1979, 93 Stat. 678, 692.)

#### CODIFICATION

The word “appropriation” substituted in text for “income” to conform to the modification of act Mar. 3, 1879, by act June 25, 1906, as shown in the note set out under section 101 of this title.

#### AMENDMENTS

1970—Pub. L. 91-230 made provision applicable to a private nonprofit institution.

#### TRANSFER OF FUNCTIONS

“Secretary of Education” substituted in text for “Secretary of Health, Education, and Welfare” pursuant to sections 301(a)(2)(M) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(2)(M) and 3507 of this title and which transferred functions of Secretary of Health, Education, and Welfare under this chapter to Secretary of Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

Transfer of functions with respect to American Printing House for the Blind to Federal Security Agency, see note set out under section 101 of this title.

#### § 105. Books for Library of Congress

The distribution of embossed books manufactured by the American Printing House for the Blind at Louisville, Kentucky, out of the income of the fund provided by sections 101, 102, and 104 of this title, shall include one copy of every book so manufactured to be deposited in the Library of Congress at Washington.

(Mar. 4, 1913, ch. 142, §1, 37 Stat. 748.)

#### § 106. Purchases through the General Services Administration

On and after September 8, 1978, the American Printing House for the Blind is authorized to make purchases through the General Services Administration.

(Pub. L. 95-355, title I, §100, Sept. 8, 1978, 92 Stat. 531.)

#### CODIFICATION

Section is from the Second Supplemental Appropriations Act, 1978, and contained additional provisions relating to purchases by Howard University, Gallaudet University, and the National Technical Institute for the Deaf, which are set out in sections 130 and 4362 of this title.

#### § 106a. Financial and program audit by Secretary

Funds appropriated in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts to the American Printing House for the Blind shall be subject to financial and program audit by the Secretary of Education and the Secretary may withhold all or any portion of these appropriations if he deter-

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.
107a.	Federal and State responsibilities.
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.
107d-1.	Grievances of blind licensees.
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107d-3.	Vending machine income.
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-vetted 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 (*Kenedy v. Jones*, D.C.D.C. 1976, 412 F.Supp. 353) H.R. 14225 was deemed to have become law without the approval of the President on Nov. 21, 1974, and was given the designation Pub. L. 93-651. Therefore, for purposes of codification, this chapter should be deemed to have been amended by Pub. L. 93-651, Nov. 21, 1974, 89 Stat. 2-3, in exactly the same manner as it was amended by Pub. L. 93-516.

#### AMENDMENTS

1974—Subsec. (a). Pub. L. 93-516 designated first sentence of existing provisions as subsec. (a), substituted “purposes” for “purpose”, “vending facilities” for “vending stands”, and struck out “where such vending stands may be properly and satisfactorily operated by blind persons”. An identical amendment was made by Pub. L. 93-651. See Codification note above.

Subsec. (b). Pub. L. 93-516 designated second sentence of existing provisions as subsec. (b), in the provisions preceding par. (1) of subsec. (b) as so designated, substituted reference to vending facilities for reference to vending stands, substituted provisions requiring that priority be given to blind persons for provisions requiring that preference be given so far as feasible to blind persons, substituted provisions authorizing the Secretary after consultation with the Administrator of General Services, and other heads of departments, agencies, or instrumentalities of the United States in control of maintenance, operation, and protection of Federal property to prescribe regulations for provisions authorizing the head of each department or agency in control of the maintenance, operation, and protection of Federal property after consultation with the Secretary and with the approval of the President to prescribe regulations, struck out provisions that such regulations assure such preference including assignment of vending machine income to achieve and protect such preference for such blind persons without unduly inconveniencing such departments and agencies or adversely affecting the interests of the United States, and added pars. (1) and (2) and provisions following par. (2). An identical amendment was made by Pub. L. 93-651. See Codification note above.

1954—Act Aug. 3, 1954, provided that in authorizing the operation of vending stands preference shall be given, so far as feasible, to blind persons.

#### EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Aug. 3, 1954, effective July 1, 1954, see section 8 of act Aug. 3, 1954.

#### SHORT TITLE OF 1974 AMENDMENT

Section 200 of title II of Pub. L. 93-516 provided that: “This title [enacting sections 107b-1 to 107b-3 and