

Last sentence, fourth paragraph, of section 334 of title 28, U.S.C., 1940 ed., requiring that books should remain the property of the United States and should be preserved and turned over to successors in office, was omitted as covered by section 414 of this title.

A reference to the United States attorney for the District of Columbia was omitted as covered by “each United States attorney.”

Provision authorizing distribution of volumes under this section to each place where a court of appeals is held was added for purposes of uniformity. See similar provision in section 413 of this title.

The revised section substitutes the Director of the Administrative Office of the United States Courts in lieu of the Attorney General insofar as distribution of volumes to the judiciary is concerned. This change is consistent with the duties of the former under section 601 et seq. of this title.

Provision of section 334 of title 28, U.S.C., 1940 ed., as to the custody, use and delivery to successors was omitted as obsolete on advice of the Administrative Office of the United States Courts.

The limitation of 10 copies to the library of the Supreme Court and 6 copies to the marshal of the Supreme Court for use of the justices, was omitted and the provision for distribution in such number “specified by the Chief Justice of the United States” was substituted therefor.

Authority for making an appropriation to carry into effect the provisions of this section is contained in section 336 of title 28, U.S.C., 1940 ed., Acts July 1, 1922, ch. 267, § 5, 42 Stat. 818; May 29, 1926, ch. 425, § 3, 44 Stat. 678 which is omitted, but not repealed, as unnecessary in this revision.

Changes were made in phraseology and arrangement.

#### 1949 ACT

Subsection (a) of this section substitutes, in section 411(a) of title 28, U.S.C., “Secretary of the Army” and “Department of the Army” for “Secretary of War” and “War Department,” in view of such redesignation by act of July 26, 1947 (ch. 343, title II, § 205(a), 61 Stat. 501). It substitutes, in section 411(a), “Commissioner of Customs; Commandant of the Coast Guard” for “Chief of the Bureau of Marine Inspection and Navigation,” in view of the abolishment of the Bureau of Marine Inspection and Navigation, and the transfer of its functions to, and the division thereof between, the Commissioner of Customs and the Commandant of the Coast Guard, by 1946 Reorganization Plan No. 3, §§ 101–104, effective July 16, 1946 (11 F.R. 7875, 60 Stat. 1097).

It substitutes, in such section 411(a), “Director of the Bureau of Land Management” for “Commissioner of the General Land Office,” in view of section 403 of such plan which abolished the General Land Office and created the Bureau of Land Management, headed by a Director. It inserts as new, in such section 411(a), references to the Secretary of Defense, Secretary of the Air Force, and Judge Advocate General of the Air Force, in view of the creation of the National Military Establishment, headed by the Secretary of Defense, and the establishment of the Department of the Air Force in 1947.

Subsection (b) of this section redesignates, in section 411(b) of title 28, U.S.C., the Secretary of War as “Secretary of the Army,” for the reasons stated above, and corrects a typographical error in the word “court-martial”.

#### AMENDMENTS

1952—Act July 10, 1952, amended section generally to provide for flexibility in the printing and distribution of the reports under congressional control.

1951—Subsec. (c). Act Oct. 31, 1951, in second par., substituted “Secretary of the Army” for “Secretary of War”.

1949—Subsec. (a). Act May 24, 1949, § 68(a), inserted “Secretary of Defense”, “Secretary of the Air Force”, and “Judge Advocate General of the Air Force” where

appearing, and substituted “Secretary of the Army” for “Secretary of War”, “Department of the Army” for “War Department”, “Director of the Bureau of Land Management” for “Commissioner of the General Land Office”, “Commissioner of Customs, Commandant of the Coast Guard” for “Chief of the Bureau of Marine Inspection”, and “Chief of Forest Service, Department of Agriculture” for “Chief Forester, National Park Service, Department of the Interior”.

Subsec. (b). Act May 24, 1949, § 68(b), substituted “Secretary of the Army” for “Secretary of War” and “Court-martial” for “court-martial”.

#### § 412. Sale of Supreme Court reports

The Public Printer, or other printer designated by the Supreme Court of the United States shall print such additional bound volumes and preliminary prints of such reports as may be required for sale to the public. Such additional copies shall be sold by the Superintendent of Documents, as provided by law.

(June 25, 1948, ch. 646, 62 Stat. 906; July 10, 1952, ch. 632, § 5, 66 Stat. 541.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 335 (Mar. 3, 1911, ch. 231, § 228, 36 Stat. 1155; July 1, 1922, ch. 267, § 4, 42 Stat. 818; May 29, 1926, ch. 425, § 2, 44 Stat. 677).

Authority for making an appropriation to carry into effect the provisions of this section is contained in section 336 of title 28, U.S.C., 1940 ed., acts July 1, 1922, ch. 267, § 5, 42 Stat. 818; May 29, 1926, ch. 425, § 3, 44 Stat. 678, which is omitted, but not repealed, as unnecessary in this revision.

Reference to digests was omitted to conform to administrative practice. (See section 604(a)(9) of this title.)

Changes were made in phraseology.

#### AMENDMENTS

1952—Act July 10, 1952, permitted Superintendent of Documents to sell reports under same terms as other Government publications.

#### § 413. Publications; distribution to courts

Distribution of publications to Federal courts in accordance with the provisions of this chapter shall not be made to any place where such court is held in a building not owned or controlled by the United States unless such publications are committed to the custody of an officer of the United States at such building.

The Attorney General and the Director in the procurement of law books, books of reference or periodicals may exchange or sell similar items and apply the allowance or proceeds to payment in whole or in part of the cost of the items procured.

(June 25, 1948, ch. 646, 62 Stat. 906; May 24, 1949, ch. 139, § 69, 63 Stat. 100; July 10, 1952, ch. 632, § 6, 66 Stat. 541.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on section 1131 of title 26, U.S.C., 1940 ed., Internal Revenue Code, title 28, U.S.C., 1940 ed., §§ 337, 530 (Mar. 3, 1911, ch. 231, § 229, 36 Stat. 1155; Mar. 2, 1929, ch. 488, § 1, 45 Stat. 1475; May 10, 1934, ch. 277, § 512, 48 Stat. 758; June 7, 1934, ch. 426, 48 Stat. 926; June 25, 1936, ch. 804, 49 Stat. 1921; Feb. 10, 1939, ch. 2, § 1131, 53 Stat. 163; May 14, 1940, ch. 189, title IV, 54 Stat. 210; July 2, 1942, ch. 472, title IV, 56 Stat. 504; June 28, 1943, ch. 173, title II, § 201, 57 Stat. 243; June 26, 1944, ch. 277, § 203, 58 Stat.

358; May 21, 1945, ch. 129, title IV, 59 Stat. 200; July 5, 1946, ch. 541, title IV, 60 Stat. 480.)

Section consolidates provisions of section 1131 of title 26, U.S.C., 1940 ed., relating to expenditures for “law-books” for the Tax Court of the United States, with sections 337 and 530 of title 28, U.S.C., 1940 ed., relating to purchase and distribution of reporter and digest volumes.

Other provisions of section 1131 of title 26, U.S.C., 1940 ed., are incorporated in section 604 of this title.

Provisions of section 530 of title 28, U.S.C., 1940 ed., limiting the price to be paid for volumes of the Federal Reporter and other similar reports were omitted after consultation with the Administrative Office of United States Courts as more properly covered by current appropriation acts. Similar provisions relating to the Federal Digest and the United States Code Annotated were omitted as covered in current appropriation acts. (See Act June 29, 1944, ch. 286, title II, §212, 58 Stat. 361, 387.)

Provisions of said section 337 of title 28, U.S.C., 1940 ed., that books are to remain United States property, so marked, and transmitted to successors in office of persons receiving them, were omitted as covered by section 414 of this title.

Similar provisions in said section 530 of title 28, U.S.C., 1940 ed., are incorporated in section 414 of this title.

Provision in section 337 of title 28, U.S.C., 1940 ed., for distribution to the Court of Appeals and District Court for the District of Columbia was omitted as covered by the phrase “Each place where a circuit court of appeals or district court is regularly held.”

The revised section is extended to include the Customs Court as well as the Court of Claims and Court of Customs and Patent Appeals. All judges receive the Supreme Court reports and digests under section 411 of this title. Presumably the Congress did not intend to deny distribution of the Federal Reporter and digests to the Customs Court while providing for all other courts under said section 337.

The revised section provides for distribution of volumes to the judiciary by the Director of the Administrative Office of the United States Courts. (See reviser's note under section 411 of this title.)

Similar publications are purchased by the Marshal of Supreme Court for the use of the Court. (See section 672(5) of this title.)

The provisions of section 337 of title 28, U.S.C., 1940 ed., requiring annual estimates and disbursement of moneys for the volumes under this section were omitted. Such provisions are covered by appropriate sections of title 31, U.S.C., 1940 ed., Money and Finance.

Provision of section 337 of title 28, U.S.C., 1940 ed., as to custody, use, and delivery to successors was omitted as obsolete on advice of the Administrative Office of the United States Courts.

Numerous changes were made in phraseology and superfluous language was omitted.

#### SENATE REVISION AMENDMENT

As finally enacted, part of act July 9, 1947, ch. 211, title IV, 61 Stat. 306, which was classified to Title 28, U.S.C., 1946 ed., §530, became one of the sources of this section and was accordingly included in the schedule of repeals by Senate amendment. See 80th Congress Senate Report No. 1559.

Although section 1131 of Title 26, U.S.C. (Internal Revenue Code) is one of the sources of this section, it was struck out of the schedule of repeals by Senate amendment and accordingly remains in Title 26. See 80th Congress Senate Report No. 1559.

#### 1949 ACT

Subsection (a) of this section eliminates from section 413 of title 28, U.S.C., the provision for furnishing books to the Tax Court, which procures books under section 1131 of the Internal Revenue Code (26 U.S.C., 1946 ed., §1131).

Subsection (b) of this section incorporates in section 413 of title 28, U.S.C., with changes in phraseology, the provisions of act of June 3, 1948 (ch. 400, title II, §204, 62 Stat. 321), which was not incorporated in title 18 when the revision was enacted. As amended, section 413 is expanded to give like authority with respect to procurement of books to the Director of the Administrative Office of the United States Courts, as well as to the Attorney General, to prevent an obvious inconsistency.

#### AMENDMENTS

1952—Act July 10, 1952, amended section generally, and permitted delivery of publication to buildings controlled by the Government as well as to buildings owned by it.

1949—Act May 24, 1949, struck out reference to the Tax Court in former provisions enumerating judges and courts to receive certain publications, and inserted provisions set out as second par.

#### § 414. Transmittal of books to successors

All government publications and law books furnished to justices, judges, clerks of courts, and United States attorneys of the United States and its territories and possessions, and other officers of the United States or an agency thereof shall be transmitted to their successors in office. All permanent or bound books and publications furnished under this chapter except those books furnished to the Library of Congress for international exchange shall remain the property of the United States and shall be marked plainly, “The Property of the United States”.

(June 25, 1948, ch. 646, 62 Stat. 906; Pub. L. 87-845, §7, Oct. 18, 1962, 76A Stat. 699.)

#### HISTORICAL AND REVISION NOTES

Based on section 90 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees, section 530 of title 28, U.S.C., 1940 ed., and section 92 of title 44, U.S.C., 1940 ed., Public Printing and Documents (Aug. 7, 1882, ch. 433, §1, 22 Stat. 336; Jan. 12, 1895, ch. 23, §74, 28 Stat. 620; June 20, 1936, ch. 630, §§11, 12, 49 Stat. 1552, 1553; May 14, 1940, ch. 189, title IV, 54 Stat. 210; June 28, 1941, ch. 258, title IV, 55 Stat. 301; July 2, 1942, ch. 472, title IV, 56 Stat. 504; June 28, 1943, ch. 173, title II, §201, 57 Stat. 243; June 26, 1944, ch. 277, §203, 58 Stat. 358; May 21, 1945, ch. 129, title IV, 59 Stat. 200; July 5, 1946, ch. 541, title IV, 60 Stat. 480).

Section consolidates section 90 of title 5, U.S.C., 1940 ed., providing that “statutes” shall be delivered to successors of United States attorneys and clerks and provisions of section 530 of title 28, U.S.C., 1940 ed., requiring that all lawbooks for judges and others shall be marked as property of the United States and shall be transmitted to their successors, with section 92 of title 44, U.S.C., 1940 ed., relating to transmittal of “Government publications.”

Words “All Government publications and lawbooks” and “furnished under this chapter” were used to cover “all statutes” and “The Federal Reporter and continuations thereto.”

Words “justices and judges of the United States” were substituted for “United States judges” in conformity with uniform use of the phrase to describe all members of the Federal judiciary. Similar provisions in sections 334 and 377 of title 28, U.S.C., 1940 ed., were therefore omitted as covered by this revised section.

Other provisions of said section 530 of title 28, U.S.C., 1940 ed., were omitted. (See reviser's note under section 413 of this title.)

The words “permanent or bound” were inserted in the last sentence of the revised section to obviate the wasteful practice under existing law of marking temporary pamphlets.