

the Department of Defense and the United States Postal Service), or any other instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any territory or possession of the United States;

(4) “Secretary” means the Secretary of Education;

(5) “State” means a State, territory, possession, Puerto Rico, or the District of Columbia;

(6) “United States” includes the several States, territories, and possessions of the United States, Puerto Rico, and the District of Columbia;

(7) “vending facility” means automatic vending machines, cafeterias, snack bars, cart services, shelters, counters, and such other appropriate auxiliary equipment as the Secretary may by regulation prescribe as being necessary for the sale of the articles or services described in section 107a(a)(5) of this title and which may be operated by blind licensees; and

(8) “vending machine income” means receipts (other than those of a blind licensee) from vending machine operations on Federal property, after cost of goods sold (including reasonable service and maintenance costs), where the machines are operated, serviced, or maintained by, or with the approval of, a department, agency, or instrumentality of the United States, or commissions paid (other than to a blind licensee) by a commercial vending concern which operates, services, and maintains vending machines on Federal property for, or with the approval of, a department, agency, or instrumentality of the United States.

(June 20, 1936, ch. 638, §9, formerly §6, 49 Stat. 1560; Aug. 3, 1954, ch. 655, §4(f), 68 Stat. 664; renumbered §9 and amended Pub. L. 93-516, title II, §§206, 207, Dec. 7, 1974, 88 Stat. 1626, 1628; Pub. L. 93-651, title II, §§206, 207, Nov. 21, 1974, 89 Stat. 2-11, 2-13; Pub. L. 96-88, title III, §301(a)(4)(B), title V, §507, Oct. 17, 1979, 93 Stat. 678, 692.)

#### CODIFICATION

The content of Pub. L. 93-516, including provisions of sections 206 and 207 thereof which amended and renumbered this section, 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*, 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 section should be deemed to have been amended and renumbered by Pub. L. 93-651, title II, §§206, 207, Nov. 21, 1974, 89 Stat. 2-11, 2-13, in exactly the same manner as it was amended and renumbered by Pub. L. 93-516.

#### AMENDMENTS

1974—Pub. L. 93-516, §207, replaced letter designations with number designations, inserted definitions of “Commissioner”, “vending facility”, and “vending machine income”, and in definition of “blind person” substituted provisions that such person meant a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual

acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty degrees, and that in determining whether a person is blind, there shall be an examination by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual shall select, for provisions that such person meant a person having not more than 10 per centum visual acuity in the better eye with correction and that such blindness shall be certified by a duly licensed ophthalmologist, in definition of “United States” inserted reference to Puerto Rico, in definition of “State” inserted reference to Puerto Rico, and in definition of “Federal property” inserted reference to Department of Defense and United States Postal Service. An identical amendment was made by Pub. L. 93-651. See Codification note above.

1954—Subsecs. (d), (e). Act Aug. 3, 1954, added subsecs. (d) and (e).

#### EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Aug. 3, 1954, effective July 1, 1954, see section 8 of act Aug. 3, 1954, set out as a note under section 49b of Title 29, Labor.

#### TRANSFER OF FUNCTIONS

“Secretary of Education” substituted for “Secretary of Health, Education, and Welfare” in par. (4) pursuant to sections 301(a)(4)(B) and 507 of Pub. L. 96-88 which are classified to sections 3441(a)(4)(B) and 3507 of this title and which transferred all functions of Secretary of Health, Education, and Welfare under this chapter to Secretary of Education.

For transfer of functions and offices of Secretary and Department of Health, Education, and Welfare, including Rehabilitation Services Administration and Commissioner thereof, to Secretary and Department of Education, and for delegation of certain functions of Secretary of Education under this chapter to Assistant Secretary for Special Education and Rehabilitative Services, see sections 3417 and 3441 of this title.

#### § 107e-1. Repealed. Pub. L. 93-516, title II, §205, Dec. 7, 1974, 88 Stat. 1626

Section, act June 20, 1936, ch. 638, §7, as added Aug. 3, 1954, ch. 655, §4(g), 68 Stat. 664, related to designation and status of states acting as licensing agents before July 1, 1954.

The content of Pub. L. 93-516, including provisions of section 205 thereof which repealed this section, 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.

Pursuant to an order of the United States District Court for the District of Columbia (*Kennedy 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 section should be deemed to have been repealed by Pub. L. 93-651, title II, §205, Nov. 21, 1974, 89 Stat. 2-11, in exactly the same manner as it was repealed by Pub. L. 93-516.

#### § 107f. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary for carrying out the provisions of this chapter.

(June 20, 1936, ch. 638, §10, formerly §7, 49 Stat. 1560; renumbered §8, Aug. 3, 1954, ch. 655, §4(g), 68 Stat. 664; renumbered §10, Pub. L. 93-516, title II, §206, Dec. 7, 1974, 88 Stat. 1626; Pub. L. 93-651, title II, §206, Nov. 21, 1974, 89 Stat. 2-11.)

#### CODIFICATION

The content of Pub. L. 93-516, including provisions of section 206 thereof which renumbered this section, were