

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

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 renumbered by Pub. L. 93-651, title II, §206, Nov. 21, 1974, 89 Stat. 2-11, in exactly the same manner as it was amended by Pub. L. 93-516, title II, §206, Nov. 21, 1974, 88 Stat. 1626.

#### CHAPTER 7—INSTRUCTION AS TO NATURE AND EFFECT OF ALCOHOLIC DRINKS AND NARCOTICS

- Sec.
111. Study in certain schools of effect of alcoholic drinks and narcotics.
112. Enforcement of section 111.
113. Teachers' certificates dependent on passing examination on effect of alcoholic drinks and narcotics.

##### § 111. Study in certain schools of effect of alcoholic drinks and narcotics

The nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools, and in the military and naval schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of textbooks in the hands of pupils where other branches are thus studied in said schools, and by all pupils in all said schools throughout the Territories, in the Military and Naval Academies of the United States, and in the District of Columbia, and in all Indian and colored schools in the Territories of the United States.

(May 20, 1886, ch. 362, §1, 24 Stat. 69.)

##### § 112. Enforcement of section 111

It shall be the duty of the proper officers in control of any school described in section 111 of this title to enforce the provisions of this chapter; and any such officer, school director, committee, superintendent, or teacher who shall refuse or neglect to comply with the requirements of this chapter, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by section 111 of this title, for all pupils in each and every school under his jurisdiction, shall be removed from office, and the vacancy filled as in other cases.

(May 20, 1886, ch. 362, §2, 24 Stat. 69.)

##### § 113. Teachers' certificates dependent on passing examination on effect of alcoholic drinks and narcotics

No certificate shall be granted to any person to teach in the public schools of the District of Columbia or Territories who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature and

the effects of alcoholic drinks and other narcotics upon the human system.

(May 20, 1886, ch. 362, §3, 24 Stat. 69.)

#### CHAPTER 8—HOWARD UNIVERSITY

##### SUBCHAPTER I—GENERAL PROVISIONS

- Sec.
121. Annual report of president and directors.
122. Limitation on use of appropriations.
123. Annual appropriations; inspection by Secretary of Education.
124. Transfer of Freedmen's Hospital to Howard University.
125. Employees of hospital.
126. Authorization of appropriations for construction of hospital facilities.
127. Transfer of facilities by University or cessation of operation as teaching hospital facilities; recovery of value by United States.
128. Authorization of appropriations for partial support of operation of facilities; separate account.
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- 130aa. Definitions.
- 130aa-1. Program authorized.
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##### SUBCHAPTER I—GENERAL PROVISIONS

##### § 121. Annual report of president and directors

The president and directors of Howard University shall report to the Secretary of Education the condition of the institution on the 1st of July of each year, embracing therein the number of pupils received and discharged or leaving the same for any cause during the preceding year, and the number remaining; also, the branches of knowledge and industry taught and the progress made therein together with a statement showing the receipts of the institution and from what sources, and its disbursements, and for what objects.

(July 1, 1898, ch. 546, §1, 30 Stat. 624; 1940 Reorg. Plan No. IV, §11(c), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1237; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96-88, title III, §301(a)(2)(M), title V, §507, Oct. 17, 1979, 93 Stat. 678, 692.)

##### 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 all functions of Secretary of Health, Education, and Welfare under this subchapter 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 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.