

and substituted provision that the relevant employees are subject to the provisions of title 5 relating to a preference eligible described in section 2108(3) of title 5, subchapter I of chapter 81 of title 5, and subchapter III of chapter 83 of title 5 for provision that such employees were subject to the Veterans' Preference Act of 1944, the Civil Service Retirement Act, and laws administered by the Bureau of Employees' Compensation applicable to civilian employees of the United States.

Par. (11). Pub. L. 97-295, §4(88)(B), substituted "section 1 of the Act of January 31, 1925 (7 U.S.C. 2217), and section 1 (1st proviso under heading 'OFFICE OF THE SECRETARY') of the Act of May 11, 1922 (7 U.S.C. 2240)" for "sections 521 and 543 of title 5".

1976—Pars. (3), (9), (10), (11). Pub. L. 94-581 substituted "the Administrator" for "he" in pars. (3), (9), (10), and (11).

1959—Par. (3). Pub. L. 86-109 required the Service to pay reasonable charges, as determined by the Administrator, for the use of space, buildings, and structures furnished by the Veterans' Administration and authorized reduction of waiver of the charges when payment thereof would impair the working capital required by the Service.

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

#### EFFECTIVE DATE OF 1959 AMENDMENT

Pub. L. 86-109, §2, July 28, 1959, 73 Stat. 258, provided that: "This Act [amending this section] shall take effect on the first day of July 1959."

### § 7803. Operation of Service

(a) PRIMARY BENEFICIARIES.—Canteens operated by the Service shall be primarily for the use and benefit of—

(1) veterans hospitalized or domiciled at the facilities at which canteen services are provided; and

(2) other veterans who are enrolled under section 1705 of this title.

(b) OTHER AUTHORIZED USERS.—Service at such canteens may also be furnished to—

(1) personnel of the Department and recognized veterans' organizations who are employed at a facility at which canteen services are provided and to other persons so employed;

(2) the families of persons referred to in paragraph (1) who reside at the facility; and

(3) relatives and other persons while visiting a person specified in this section.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1249, §4203; renumbered §7803 and amended Pub. L. 102-40, title IV, §402(a), (b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404; Pub. L. 106-117, title III, §302, Nov. 30, 1999, 113 Stat. 1572; Pub. L. 108-422, title VI, §603, Nov. 30, 2004, 118 Stat. 2397.)

#### AMENDMENTS

2004—Pub. L. 108-422 amended text of section generally. Prior to amendment, text read as follows: "The canteens at hospitals and homes of the Department shall be primarily for the use and benefit of veterans hospitalized or domiciled at such hospitals and homes. Service at such canteens may also be furnished to personnel of the Department and recognized veterans' organizations employed at such hospitals and homes and to other persons so employed, to the families of all the foregoing persons who reside at the hospital or home concerned, and to relatives and other persons while visiting any of the persons named in this section."

1999—Pub. L. 106-117 struck out subsec. (a) designation and substituted "in this section" for "in this subsection; however, service to any person not hospitalized, domiciled, or residing at the hospital or home shall be limited to the sale of merchandise or services for consumption or use on the premises" and struck out subsec. (b) which read as follows: "Service at canteens other than those established at hospitals and homes shall be limited to sales of merchandise and services for consumption or use on the premises, to personnel employed at such establishments, their visitors, and other persons at such establishments on official business."

1991—Pub. L. 102-40 renumbered section 4203 of this title as this section.

Subsec. (a). Pub. L. 102-83 substituted "Department" for "Veterans' Administration" in two places.

### § 7804. Financing of Service

To finance the establishment, maintenance, and operation of the Service there is hereby authorized to be appropriated, from time to time, such amounts as are necessary to provide for (1) the acquisition of necessary furniture, furnishings, fixtures, and equipment for the establishment, maintenance, and operation of canteens, warehouses, and storage depots; (2) stocks of merchandise and supplies for canteens and reserve stocks of same in warehouses and storage depots; (3) salaries, wages, and expenses of all employees; (4) administrative and operation expenses; and (5) adequate working capital for each canteen and for the Service as a whole. Amounts appropriated under the authority contained in this chapter and all income from canteen operations become and will be administered as a revolving fund to effectuate the provisions of this chapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1250, §4204; Pub. L. 92-310, title II, §209, June 6, 1972, 86 Stat. 204; Pub. L. 99-576, title VII, §702(14), Oct. 28, 1986, 100 Stat. 3302; renumbered §7804 and amended Pub. L. 102-40, title IV, §402(a), (b)(1), May 7, 1991, 105 Stat. 238.)

#### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 4204 of this title as this section.

1986—Pub. L. 99-576 struck out " , amounts heretofore appropriated to carry out Public Law 636, Seventy-ninth Congress," before "and all income".

1972—Pub. L. 92-310 struck out "and premiums on fidelity bonds of employees" in cl. (4).

### § 7805. Revolving fund

The revolving fund shall be deposited in a checking account with the Treasury of the United States. Such amounts thereof as the Secretary may determine to be necessary to establish and maintain operating accounts for the various canteens may be deposited in checking accounts or other interest-bearing accounts in other depositories selected by the Secretary.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1250, §4205; Pub. L. 100-322, title IV, §414(a)(1), May 20, 1988, 102 Stat. 549; renumbered §7805 and amended Pub. L. 102-40, title IV, §402(a), (b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

#### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 4205 of this title as this section.

Pub. L. 102-83 substituted "Secretary" for "Administrator" in two places.

1988—Pub. L. 100-322 inserted "or other interest-bearing accounts" after "checking accounts".

#### § 7806. Budget of Service

The Service shall prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, which shall contain an estimate of the needs of the Service for the ensuing fiscal year including an estimate of the amount required to restore any impairment of the revolving fund resulting from operations of the current fiscal year.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1250, §4206; Pub. L. 97-258, §3(k)(8), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 100-322, title IV, §414(a)(2), May 20, 1988, 102 Stat. 549; renumbered §7806 and amended Pub. L. 102-40, title IV, §402(a), (b)(1), May 7, 1991, 105 Stat. 238.)

##### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 4206 of this title as this section.

1988—Pub. L. 100-322 struck out at end "Any balance in the revolving fund at the close of the fiscal year in excess of the estimated requirements for the ensuing fiscal year shall be covered into the Treasury as miscellaneous receipts."

1982—Pub. L. 97-258 substituted "corporations by chapter 91 of title 31," for "corporations by sections 841-869 of title 31,".

#### § 7807. Audit of accounts

The Service shall maintain a set of accounts which shall be audited by the Comptroller General in accordance with the provisions of chapter 35 of title 31.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1250, §4207; Pub. L. 93-604, title VII, §704, Jan. 2, 1975, 88 Stat. 1964; Pub. L. 97-295, §4(89), Oct. 12, 1982, 96 Stat. 1312; Pub. L. 97-452, §2(e)(3), Jan. 12, 1983, 96 Stat. 2479; renumbered §7807 and amended Pub. L. 102-40, title IV, §402(a), (b)(1), May 7, 1991, 105 Stat. 238.)

##### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 4207 of this title as this section.

1983—Pub. L. 97-452 substituted "chapter 35 of title 31" for "section 3523 of title 31".

1982—Pub. L. 97-295 substituted "section 3523 of title 31" for "the Accounting and Auditing Act of 1950".

1975—Pub. L. 93-604 substituted provisions that the Service maintain a set of accounts which shall be audited by the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950 for provisions that the Service maintain an integral set of accounts which shall be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial transactions as provided by sections 841-869 of Title 31 and that no other audit shall be required.

#### § 7808. Service to be independent unit

It is the purpose of this chapter that, under control and supervision of the Secretary, the Service shall function as an independent unit in the Department and shall have exclusive control over all its activities including sales, procurement and supply, finance, including disburse-

ments, and personnel management, except as otherwise provided in this chapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1250, §4208; Pub. L. 97-295, §4(90), Oct. 12, 1982, 96 Stat. 1312; renumbered §7808 and amended Pub. L. 102-40, title IV, §402(a), (b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

##### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 4208 of this title as this section.

Pub. L. 102-83 substituted "Secretary" for "Administrator" and "Department" for "Veterans' Administration".

1982—Pub. L. 97-295 substituted "provided in this chapter" for "herein provided".

#### § 7809. Child-care centers

(a)(1) The Secretary, through the Service, shall provide for the operation of child-care centers at Department facilities in accordance with this section. The operation of such centers shall be carried out to the extent that the Secretary determines, based on the demand for the care involved, that such operation is in the best interest of the Department and that is practicable to do so. The centers shall be available for the children of Department employees and, to the extent space is available, the children of other employees of the Federal Government and the children of employees of affiliated schools and corporations created under section 7361 of this title.

(2) There shall be in the Service an official who is responsible for all matters relating to the provision of child-care services under the authority of this section.

(b) The Service shall establish reasonable charges for child-care services provided at each child-care center operated under this section. The charges shall be subject to the approval of the Secretary. In the case of a center operated directly by the Service, the charges with respect to the center shall be sufficient to provide for the operating expenses of the center, including the expenses of personnel assigned to the center. In the case of a center operated by a contractor which is a for-profit entity, the charges shall be established by taking into consideration the value of the space and services furnished with respect to the center under subsection (c)(1) of this section.

(c) In connection with the establishment and operation of any child-care center under this section, the Secretary—

(1) shall furnish, at no cost to the center, space in existing Department facilities and utilities, custodial services, and other services and amenities necessary (as determined by the Secretary) for the health and safety of the children provided care at the center;

(2) may, on a reimbursable basis, convert space furnished under clause (1) of this subsection for use as the child-care center and provide other items necessary for the operation of the center, including furniture, office machines and equipment, and telephone service, except that the Secretary may furnish basic telephone service and surplus furniture and equipment without reimbursement;

(3) shall provide for the participation (directly or through a parent advisory commit-