

whichever the Administrator determines to be more economical and efficient. However, the same or similar items may not be provided from both sources.

(e) CONTROL OF REPLACEMENT FURNITURE.—If furniture and furnishings for a new controlled space are provided from stocks available to the Administrator, the items being provided remain in the control of the Administrator.

(f) CONTROL OF FURNITURE NOT MOVED.—

(1) IN GENERAL.—If furniture and furnishings for a new controlled space are provided from stocks available to the Administrator, the furniture and furnishings that were previously used by the moving agency (or unit of the agency) pass to the control of the Administrator.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—Furniture and furnishings passing to the control of the Administrator under this section pass without reimbursement.

(B) EXCEPTION FOR TRUST FUND.—If furniture and furnishings that were purchased from a trust fund pass to the control of the Administrator under this section, the Administrator shall reimburse the trust fund for the fair market value of the furniture and furnishings.

(3) REVOLVING OR WORKING CAPITAL FUND.—If furniture and furnishings are carried as assets of a revolving or working capital fund at the time they pass to the control of the Administrator under this section, the net book value of the furniture and furnishings shall be written off and the capital of the fund is diminished by the amount of the write-off.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1115.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
588 .....	40:490(g).	June 30, 1949, ch. 288, title II, §210(g), as added Sept. 1, 1954, ch. 1211, §3, 68 Stat. 1129.

In subsection (f)(2), the reimbursement requirement in 40:490(g) (last sentence) is set out as an exception to a general “without reimbursement” rule in 40:490(g) (3d sentence) to harmonize an inconsistency in the source law.

**§ 589. Installation, repair, and replacement of sidewalks**

(a) IN GENERAL.—An executive agency may install, repair, and replace sidewalks around buildings, installations, property, or grounds that are—

- (1) under the agency’s control;
- (2) owned by the Federal Government; and
- (3) located in a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States.

(b) REIMBURSEMENT.—Subsection (a) may be carried out by—

- (1) reimbursement to a State or political subdivision of a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States; or
- (2) a means other than reimbursement.

(c) REGULATIONS.—Subsection (a) shall be carried out in accordance with regulations the Administrator of General Services prescribes with the approval of the Director of the Office of Management and Budget.

(d) USE OF AMOUNTS.—Amounts appropriated to an executive agency for installation, repair, and maintenance, generally, are available to carry out this section.

(e) LIABILITY.—This section does not increase or enlarge the tort liability of the Government for injuries to individuals or damages to property.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1116.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
589 .....	40:490(i).	June 30, 1949, ch. 288, title II, §210(i), as added Pub. L. 89–344, Nov. 8, 1965, 79 Stat. 1304.

In subsections (a) and (b), the words “territory or” are added for consistency in the revised title and with other titles of the United States Code.

In subsection (c), the words “Director of the Office of Management and Budget” are substituted for “Director of the Bureau of the Budget” in section 210(i) of the Federal Property and Administrative Services Act of 1949 because the office of Director of the Bureau of the Budget was redesignated the Director of the Office of Management and Budget by section 102(b) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085). Section 102 of Reorganization Plan No. 2 of 1970, was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the successor provision, 31:502, continued the designation as Director of the Office of Management and Budget.

In subsection (e), the words “beyond such liability presently existing by virtue of any other law” are omitted as unnecessary.

**§ 590. Child care**

(a) GUIDANCE, ASSISTANCE, AND OVERSIGHT.—Through the General Services Administration’s licensing agreements, the Administrator of General Services shall provide guidance, assistance, and oversight to federal agencies for the development of child care centers to provide economical and effective child care for federal workers.

(b) ALLOTMENT OF SPACE IN FEDERAL BUILDINGS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) CHILD CARE PROVIDER.—The term “child care provider” means an individual or entity that provides or proposes to provide child care services for federal employees.

(B) ALLOTMENT OFFICER.—The term “allotment officer” means an officer or agency of the Federal Government charged with the allotment of space in federal buildings.

(2) ALLOTMENT.—A child care provider may be allotted space in a federal building by an allotment officer if—

- (A) the child care provider applies to the allotment officer in the community or district in which child care services are to be provided;
- (B) the space is available; and

- (C) the allotment officer determines that—
  - (i) the space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian employed by the Government; and
  - (ii) the child care provider will give priority to federal employees for available child care services in the space.

(c) PAYMENT FOR SPACE AND SERVICES.—

(1) DEFINITION.—For purposes of this subsection, the term “services” includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, classroom furnishings and equipment, kitchen appliances, playground equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone services), and security systems (including installation and other expenses associated with security systems), including replacement equipment, as needed.

(2) NO CHARGE.—Space allotted under subsection (b) may be provided without charge for rent or services.

(3) REIMBURSEMENT FOR COSTS.—For space allotted under subsection (b), if there is an agreement for the payment of costs associated with providing space or services, neither title 31, nor any other law, prohibits or restricts payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.

(d) PAYMENT OF OTHER COSTS.—If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other federal or leased space, the agency or the Administration may—

- (1) pay accreditation fees, including renewal fees, for the child care facility to be accredited by a nationally recognized early-childhood professional organization;

- (2) pay travel and per diem expenses for representatives of the child care facility to attend the annual Administration child care conference; and

- (3) enter into a consortium with one or more private entities under which the private entities assist in defraying costs associated with the salaries and benefits for personnel providing services at the facility.

(e) REIMBURSEMENT FOR EMPLOYEE TRAINING.—Notwithstanding section 1345 of title 31, an agency, department, or instrumentality of the Government that provides or proposes to provide child care services for federal employees may reimburse a federal employee or any individual employed to provide child care services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with providing the services. A per diem allowance made under this subsection may not exceed the rate specified in regulations prescribed under section 5707 of title 5.

(f) CRIMINAL HISTORY BACKGROUND CHECKS.—

(1) DEFINITION.—In this subsection, the term “executive facility” means a facility owned or leased by an office or entity within the executive branch of the Government. The term includes a facility owned or leased by the General Services Administration on behalf of an

office or entity within the judicial branch of the Government.

(2) IN GENERAL.—All workers in a child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).

(3) NONAPPLICATION TO LEGISLATIVE BRANCH FACILITIES.—This subsection does not apply to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.

(g) APPROPRIATED AMOUNTS FOR AFFORDABLE CHILD CARE.—

(1) DEFINITION.—For purposes of this subsection, the term “Executive agency” has the meaning given that term in section 105 of title 5, but does not include the Government Accountability Office.

(2) IN GENERAL.—In accordance with regulations the Office of Personnel Management prescribes, an Executive agency that provides or proposes to provide child care services for federal employees may use appropriated amounts that are otherwise available for salaries and expenses to provide child care in a federal or leased facility, or through contract, for civilian employees of the agency.

(3) AFFORDABILITY.—Amounts used pursuant to paragraph (2) shall be applied to improve the affordability of child care for lower income federal employees using or seeking to use the child care services.

(4) ADVANCES.—Notwithstanding section 3324 of title 31, amounts may be paid in advance to licensed or regulated child care providers for services to be rendered during an agreed period.

(5) NOTIFICATION.—No amounts made available by law may be used to implement this subsection without advance notice to the Committees on Appropriations of the House of Representatives and the Senate.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1116; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
590(a) .....	40:490b(c).	Pub. L. 100-202, §101(m) [title VI, §616(a)-(d)], Dec. 22, 1987, 101 Stat. 1329-423; Pub. L. 102-393, title V, §528, Oct. 6, 1992, 106 Stat. 1760.
590(b) .....	40:490b(a).	
590(c) .....	40:490b(b)(1), (2), (4).	
590(d) .....	40:490b(b)(3), 40:490b(d).	
590(e) .....	40:490b note.	Pub. L. 105-277, div. A, §101(h) [title VI, §603], Oct. 21, 1998, 112 Stat. 2681-513.
590(f) .....	40:490b(e).	Pub. L. 100-202, §101(m) [title VI, §616(e)], as added Pub. L. 106-554, §1[(j)a)(3) [title VI, §643], Dec. 21, 2000, 114 Stat. 2763A-169.
590(g) .....	40:490b-1.	Pub. L. 107-67, title VI, §630, Nov. 12, 2001, 115 Stat. 552.

In subsection (a), the word “provide” is substituted for “promote the provision of” to eliminate unnecessary words.

In subsection (f)(2), the word “workers” is substituted for “existing and newly hired workers” to eliminate unnecessary words.

In subsection (g)(2), the word “hereafter” is omitted as unnecessary.

In subsection (g)(4), the words “as appropriate” are omitted as unnecessary.

In subsection (g)(5), the words “in this or any other Act” are omitted as unnecessary. The words “of the House of Representatives and the Senate” are added for consistency in the revised title.

#### AMENDMENTS

2004—Subsec. (g)(1). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

### § 591. Purchase of electricity

(a) GENERAL LIMITATION ON USE OF AMOUNTS.—A department, agency, or instrumentality of the Federal Government may not use amounts appropriated or made available by any law to purchase electricity in a manner inconsistent with state law governing the provision of electric utility service, including—

(1) state utility commission rulings; and

(2) electric utility franchises or service territories established under state statute, state regulation, or state-approved territorial agreements.

(b) EXCEPTIONS.—

(1) ENERGY SAVINGS.—This section does not preclude the head of a federal agency from entering into a contract under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287).

(2) ENERGY SAVINGS FOR MILITARY INSTALLATIONS.—This section does not preclude the Secretary of a military department from—

(A) entering into a contract under section 2394<sup>1</sup> of title 10; or

(B) purchasing electricity from any provider if the Secretary finds that the utility having the applicable state-approved franchise (or other service authorization) is unwilling or unable to meet unusual standards of service reliability that are necessary for purposes of national defense.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1118.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
591 .....	40:490 note.	Pub. L. 100-202, §101(b) [title VIII, §8093], Dec. 22, 1987, 101 Stat. 1329-79.

In subsection (b)(1), the words “section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287)” are substituted for “42 U.S.C. 8287” in section 8093 of the Department of Defense Appropriations Act, 1988 as the probable intent of Congress.

#### REFERENCES IN TEXT

Section 2394 of title 10, referred to in subsec. (b)(2)(A), was renumbered section 2922a of such title by Pub. L. 109-364, div. B, title XXVIII, §2851(b)(2), Oct. 17, 2006, 120 Stat. 2494.

### § 592. Federal Buildings Fund

(a) EXISTENCE.—There is in the Treasury a fund known as the Federal Buildings Fund.

(b) DEPOSITS.—

(1) IN GENERAL.—The following revenues and collections shall be deposited into the Fund:

(A) User charges under section 586(b) of this title, payable in advance or otherwise.

(B) Proceeds from the lease of federal building sites or additions under section 581(d) of this title.

(C) Receipts from carriers and others for loss of, or damage to, property belonging to the Fund.

(2) REIMBURSEMENTS FOR SPECIAL SERVICES.—This subchapter does not preclude the Administrator of General Services from providing special services, not included in the standard level user charge, on a reimbursable basis. The reimbursements may be credited to the Fund.

(3) TRANSFER OF SURPLUS AMOUNTS.—To prevent the accumulation of excessive surpluses in the Fund, in any fiscal year an amount specified in an appropriation law may be transferred out of the Fund and deposited as miscellaneous receipts in the Treasury.

(c) USES.—

(1) IN GENERAL.—Deposits in the Fund are available for real property management and related activities in the amounts specified in annual appropriation laws without regard to fiscal year limitations.

(2) SALARIES AND EXPENSES RELATED TO CONSTRUCTION PROJECTS OR PLANNING PROGRAMS.—Deposits in the Fund that are available pursuant to annual appropriation laws may be transferred and consolidated on the books of the Treasury into a special account in accordance with, and for the purposes specified in, section 3176 of this title.

(3) REPAYMENT OF GENERAL SERVICES ADMINISTRATION BORROWING FROM FEDERAL FINANCING BANK.—The Administrator, in accordance with rules and procedures that the Office of Management and Budget and the Secretary of the Treasury establish, may transfer from the Fund an amount necessary to repay the principal amount of a General Services Administration borrowing from the Federal Financing Bank, if the borrowing is a legal obligation of the Fund.

(4) BUILDINGS DEEMED FEDERALLY OWNED.—For purposes of amounts authorized to be expended from the Fund, the following are deemed to be federally owned buildings:

(A) A building constructed pursuant to the purchase contract authority of section 5 of the Public Buildings Amendments of 1972 (Public Law 92-313, 86 Stat. 219).

(B) A building occupied pursuant to an installment purchase contract.

(C) A building under the control of a department or agency, if alterations of the building are required in connection with moving the department or agency from a former building that is, or will be, under the control of the Administration.

(d) ENERGY MANAGEMENT PROGRAMS.—

(1) RECEIVING CASH INCENTIVES.—The Administrator may receive amounts from rebates or other cash incentives related to energy savings and shall deposit the amounts in the Fund for use as provided in paragraph (4).

(2) RECEIVING GOODS OR SERVICES.—The Administrator may accept, from a utility, goods

<sup>1</sup> See References in Text note below.