

quire for its approval. Such agreement shall provide that—

(1) the new statue shall be subject to the same conditions and restrictions as apply to any statue provided by a State under section 2131 of this title, and

(2) the State shall pay any costs related to the replacement, including costs in connection with the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

(c) Limitation on number of State statues

Nothing in this section shall be interpreted to permit a State to have more than two statues on display in the Capitol of the United States.

(d) Ownership of replaced statue; removal

(1) Subject to the approval of the Joint Committee on the Library, ownership of any statue replaced under this section shall be transferred to the State.

(2) If any statue is removed from the Capitol of the United States as part of a transfer of ownership under paragraph (1), then it may not be returned to the Capitol for display unless such display is specifically authorized by Federal law.

(e) Relocation of statues

The Architect of the Capitol, upon the approval of the Joint Committee on the Library and with the advice of the Commission of Fine Arts as requested, is authorized and directed to relocate within the United States Capitol any of the statues received from the States under section 2131 of this title prior to December 21, 2000, and to provide for the reception, location, and relocation of the statues received on and after December 21, 2000, from the States under such section.

(Pub. L. 106-554, §1(a)(2) [title III, §311], Dec. 21, 2000, 114 Stat. 2763, 2763A-119.)

Editorial Notes

CODIFICATION

Section was classified to section 187a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Statutory Notes and Related Subsidiaries

LOCATION OF STATUES

House Concurrent Resolution 47, passed Feb. 24, 1933, 47 Stat. Part 2, 1784, provided: “That the Architect of the Capitol, upon the approval of the Joint Committee on the Library, with the advice of the Commission of Fine Arts, is hereby authorized and directed to relocate within the Capitol any of the statues already received and placed in Statuary Hall, and to provide for the reception and location of the statues received hereafter from the States.”

§ 2133. Acceptance and supervision of works of fine arts

The Joint Committee on the Library, whenever, in their judgment, it is expedient, are authorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the su-

pervision of all works of art that may be placed in the Capitol.

(R.S. §1831.)

Editorial Notes

CODIFICATION

Section was classified to section 188 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

R.S. §1831 derived from act June 10, 1872, ch. 415, §1, 17 Stat. 362.

Statutory Notes and Related Subsidiaries

WORKS OF ART ACCEPTED OR REMOVED

The following provisions relate to works of art accepted or removed by the Joint Committee on the Library:

Pub. L. 117-326, Dec. 27, 2022, 136 Stat. 4452.—Replacement of bust of Roger Brooke Taney with bust of Thurgood Marshall.

Pub. L. 117-111, Apr. 13, 2022, 136 Stat. 1166.—Statues of Sandra Day O'Connor and Ruth Bader Ginsburg.

Pub. L. 112-174, Sept. 20, 2012, 126 Stat. 1311.—Statue of Frederick Douglass.

Pub. L. 109-427, Dec. 20, 2006, 120 Stat. 2912.—Bust of Sojourner Truth.

§ 2134. Art exhibits

No work of art or manufacture other than the property of the United States shall be exhibited in the National Statuary Hall, the Rotunda, Emancipation Hall of the Capitol Visitor Center, or the corridors of the Capitol.

(R.S. §1815; Mar. 3, 1875, ch. 130, 18 Stat. 376; Mar. 3, 1879, ch. 182, 20 Stat. 391; Pub. L. 110-437, title I, §101(f)(2), Oct. 20, 2008, 122 Stat. 4985.)

Editorial Notes

CODIFICATION

Section was classified to section 189 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on act Mar. 3, 1879, popularly known as the “Sundry Civil Appropriation Act, fiscal year 1879”.

R.S. §1815 derived from act July 20, 1868, ch. 176, §6, 15 Stat. 110.

AMENDMENTS

2008—Pub. L. 110-437 inserted “Emancipation Hall of the Capitol Visitor Center,” after “Rotunda,”.

§ 2135. Private studios and works of art

No room in the Capitol shall be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing; and it shall be the duty of the Architect of the Capitol to carry this provision into effect.

(Mar. 3, 1875, ch. 130, 18 Stat. 376.)

Editorial Notes

CODIFICATION

Section was classified to section 190 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

SUBCHAPTER VI—BOTANIC GARDEN AND
NATIONAL GARDEN

§ 2141. Supervision of Botanic Garden

The supervision of the Capitol police shall extend over the Botanical Garden.

(R.S. § 1826.)

Editorial Notes

CODIFICATION

Section was classified to section 215 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1826 derived from Res. July 15, 1870, No. 131, 16 Stat. 391.

§ 2142. Superintendent of Botanic Garden and greenhouses

There shall be a superintendent and assistants in the Botanical Garden and greenhouses, who shall be under the direction of the Joint Committee on the Library.

(R.S. § 1827.)

Editorial Notes

CODIFICATION

Section was classified to section 216 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1827 derived from act Mar. 3, 1873, ch. 226, § 1, 17 Stat. 491.

§ 2143. Utilization of personnel by Architect of the Capitol for maintenance and operation of Botanic Garden

On and after December 27, 1974, with the approval of the Joint Committee on the Library, the Architect of the Capitol may utilize personnel paid from appropriations under his control for performance of administrative and clerical duties in connection with the maintenance and operation of the United States Botanic Garden, to such extent as he may deem feasible.

(Pub. L. 93-554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777.)

Editorial Notes

CODIFICATION

Section was classified to section 216b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2144. Disbursement of appropriations for Botanic Garden

On and after November 5, 1990, all appropriations made on account of the Botanic Garden shall be disbursed for that purpose in the same manner as other appropriations under the control of the Architect of the Capitol.

(Pub. L. 101-520, title II, Nov. 5, 1990, 104 Stat. 2270.)

Editorial Notes

CODIFICATION

Section was classified to section 216d of former Title 40, prior to the enactment of Title 40, Public Buildings,

Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2145. Restriction on use of appropriation for Botanic Garden

On and after July 31, 1958, no part of any appropriation for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

(Pub. L. 85-570, July 31, 1958, 72 Stat. 450.)

Editorial Notes

CODIFICATION

Section was classified to section 216a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2146. National Garden

(a) Establishment; gifts

The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

(1) construct a National Garden demonstrating the diversity of plants, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the Botanic Garden Conservatory to Third Streets, S.W., in the District of Columbia; and

(2) solicit, receive, accept, and hold gifts, including money, plant material, and other property, on behalf of the Botanic Garden, and to dispose of, utilize, obligate, expend, disburse, and administer such gifts for the benefit of the Botanic Garden, including among other things, the carrying out of any programs, duties, or functions of the Botanic Garden, and for constructing, equipping, and maintaining the National Garden referred to in paragraph (1).

(b) Gifts and bequests of money; investment; appropriations

(1) Gifts or bequests of money under subsection (a)(2) shall, when received by the Architect, be deposited with the Treasurer of the United States, who shall credit these deposits as offsetting collections to an account entitled "Botanic Garden, Gifts and Donations". The gifts or bequests described under subsection (a)(2) shall be accepted only in the total amount provided in appropriations Acts.

(2) The Secretary of the Treasury shall invest any portion of the account designated in paragraph (1) that, as determined by the Architect, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed both as to principal and interest by the United States that, as determined by the Architect, has a maturity date suitable for the purposes of the account. The Secretary of the Treasury shall credit interest earned on the obligations to the account.

(3) Receipts, obligations, and expenditures of funds under this section shall be included in annual estimates submitted by the Architect for the operation and maintenance of the Botanic Garden and such funds shall be expended by the