

tion of pay or displacement of any employee of the Botanic Garden.

**(d) Tax deductions**

Any gift accepted by the Architect of the Capitol under this section shall be considered a gift to the United States for purposes of income, estate, and gift tax laws of the United States.

(Pub. L. 100-458, title III, § 307E, Oct. 1, 1988, 102 Stat. 2183; Pub. L. 102-229, title II, § 209(a), Dec. 12, 1991, 105 Stat. 1716; Pub. L. 104-53, title II, § 201(b), Nov. 19, 1995, 109 Stat. 529; Pub. L. 105-275, title II, § 201, Oct. 21, 1998, 112 Stat. 2445.)

**Editorial Notes**

**CODIFICATION**

In subsec. (b)(3), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes” on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Section was classified to section 216c 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.

**AMENDMENTS**

1998—Subsec. (b)(2), (3). Pub. L. 105-275 added par. (2) and redesignated former par. (2) as (3).

1995—Subsec. (a)(1). Pub. L. 104-53 substituted “plants” for “plans”.

1991—Pub. L. 102-229 amended section generally. Prior to amendment, section read as follows: “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 United States Botanic Garden Conservatory to Third Street, S.W., in the District of Columbia; and

“(2) accept gifts, including money, plants, volunteer time, planning, construction and installation expenses, assistance and implements, and garden structures, on behalf of the United States Botanic Garden for the purpose of constructing the National Garden described in paragraph (1).”

**Statutory Notes and Related Subsidiaries**

**FUNDS AVAILABLE FOR CONSTRUCTING, EQUIPPING, AND MAINTAINING NATIONAL GARDEN**

Pub. L. 102-392, title II, § 201, Oct. 6, 1992, 106 Stat. 1716, as amended by Pub. L. 104-53, title II, § 201(a), Nov. 19, 1995, 109 Stat. 529; Pub. L. 106-554, § 1(a)(2) [title III, § 312], Dec. 21, 2000, 114 Stat. 2763, 2763A-120; Pub. L. 107-68, title I, § 135, Nov. 12, 2001, 115 Stat. 583, provided that:

“(a) Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c) [now 2 U.S.C. 2146], not more than \$16,500,000 shall be accepted and not more than \$16,500,000 of the amounts accepted shall be available for obligation by the Architect of the Capitol for constructing, equipping, and maintaining the National Garden.

“(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) [now 2 U.S.C. 2146(a)(2)] in excess of the \$16,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)) [now 2 U.S.C. 2146(b)(3)].”

**RENOVATION OF CONSERVATORY OF BOTANIC GARDEN**

Pub. L. 102-229, title II, § 209(b), Dec. 12, 1991, 105 Stat. 1717, provided that under section 2146 of this title, not

more than \$2,000,000 could be accepted or available for obligation by the Architect for certain preparations for renovation of the Conservatory of the Botanic Garden.

**§ 2147. Plant material exchanges**

On and after July 8, 1935, plant material exchanges may be made with botanic gardens, institutions, municipal parks, and gardens.

(July 8, 1935, ch. 374, 49 Stat. 471.)

**Editorial Notes**

**CODIFICATION**

Section was classified to section 217a 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 par. under heading “BOTANIC GARDEN” in act of July 8, 1935, known as the “Legislative Branch Appropriation Act, 1936”.

**§ 2148. Administration of educational outreach and services**

**(a) Cooperative agreements**

The Architect of the Capitol, subject to the direction of the Joint Committee of Congress on the Library, may enter into cooperative agreements with entities under such terms as the Architect determines advisable, in order to support the United States Botanic Garden in carrying out its duties, authorities, and mission.

**(b) No-cost agreements**

(1) The Architect of the Capitol may, subject to the direction of the Joint Committee of Congress on the Library, enter into a no-cost agreement, through a contract, cooperative agreement, or memorandum of understanding, with a qualified entity to conduct, or provide support for, an educational exhibit, program, class, or outreach that benefits the educational mission of the United States Botanic Garden.

(2) Any agreement under paragraph (1) may—

(A) allow the qualified entity to accept fees for any program or class described in paragraph (1) in order to cover all or a portion of the entity's costs of any supplies, honoraria, or associated expenses for the program or class; and

(B) subject to such terms as the Architect considers appropriate and necessary, grant temporary concessions to the qualified entity, or allow the qualified entity to grant temporary concessions to another person, in connection with an educational exhibit, program, class, or outreach described in paragraph (1), including concessions for food and merchandise sales that are specifically related to the educational mission involved.

(3) Section 5104(c) of title 40 shall not apply to any activity carried out under this subsection.

(4) In this subsection, the term “qualified entity” means—

(A) the National Fund for the United States Botanic Garden; and

(B) any other organization described in section 501(c) of title 26 and exempt from tax under section 501(a) of such title that the Architect of the Capitol determines shares interests complementary to the educational mission of the United States Botanic Garden.

**(c) Construction or improvement of real property**

Any authority under subsection (a) or (b) shall not apply to any agreement providing for the construction or improvement of real property.

**(d) Applicability**

This section shall apply with respect to fiscal year 2015 and each succeeding fiscal year.

(Pub. L. 113–235, div. H, title I, §1102, Dec. 16, 2014, 128 Stat. 2532.)

SUBCHAPTER VII—OTHER ENTITIES AND SERVICES

**§ 2161. Transferred**

**Editorial Notes**

**CODIFICATION**

Section 2161 was editorially reclassified as section 4902 of this title.

**§ 2162. Capitol Power Plant**

**(a) Designation**

The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762) shall be known as the “Capitol Power Plant”.

**(b) Definition**

In this section, the term “carbon dioxide energy efficiency” means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

**(c) Feasibility study**

The Architect of the Capitol shall conduct a feasibility study evaluating the available methods to capture, store, and use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels. In carrying out the feasibility study, the Architect of the Capitol is encouraged to consult with individuals with expertise in carbon capture and storage or use, including experts with the Environmental Protection Agency, Department of Energy, academic institutions, non-profit organizations, and industry, as appropriate. The study shall consider—

(1) the availability of technologies to capture and store or use Capitol Power Plant carbon dioxide emissions;

(2) strategies to conserve energy and reduce carbon dioxide emissions at the Capitol Power Plant; and

(3) other factors as determined by the Architect of the Capitol.

**(d) Demonstration projects**

**(1) In general**

If the feasibility study determines that a demonstration project to capture and store or use Capitol Power Plant carbon dioxide emissions is technologically feasible and economically justified (including direct and indirect economic and environmental benefits), the Architect of the Capitol may conduct 1 or more demonstration projects to capture and store or use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels.

**(2) Factors for consideration**

In carrying out such demonstration projects, the Architect of the Capitol shall consider—

(A) the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

(B) whether the proposed project is able to reduce air pollutants other than carbon dioxide;

(C) the carbon dioxide energy efficiency of the proposed project;

(D) whether the proposed project is able to use carbon dioxide emissions;

(E) whether the proposed project could be expanded to significantly increase the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

(F) the potential environmental, energy, and educational benefits of demonstrating the capture and storage or use of carbon dioxide at the U.S. Capitol; and

(G) other factors as determined by the Architect of the Capitol.

**(3) Terms and conditions**

A demonstration project funded under this section shall be subject to such terms and conditions as the Architect of the Capitol may prescribe.

**(e) Authorization of appropriations**

There is authorized to be appropriated to carry out the feasibility study and demonstration project \$3,000,000. Such sums shall remain available until expended.

(Mar. 4, 1911, ch. 285, 36 Stat. 1414; Mar. 3, 1921, ch. 124, 41 Stat. 1291; Pub. L. 110–140, title V, §505(2), Dec. 19, 2007, 121 Stat. 1657.)

**Editorial Notes**

**REFERENCES IN TEXT**

Act approved April 28, 1904, referred to in subsec. (a), is act Apr. 28, 1904, ch. 1762, 33 Stat. 452, which provided, at 33 Stat. 479, an appropriation for the construction of a heating, lighting and power plant in connection with the office building for the House of Representatives to furnish the necessary heat, light, and power for the office building for the House of Representatives, the Capitol building, the Congressional Library building, and for such other public buildings erected after Apr. 28, 1904, on grounds adjacent to the Capitol grounds at the east of the Capitol building and facing the same.

**CODIFICATION**

Section was classified to section 185 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. 4, 1911, popularly known as the “Sundry Civil Appropriation Act, fiscal year 1912”. It followed an appropriation for the Capitol power plant.

**AMENDMENTS**

2007—Pub. L. 110–140 added text of section and struck out former text which read as follows: “The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904, shall be known as the ‘Capitol power plant’; and all vacancies occurring in the force operating said plant and the substations in connection therewith shall be filled by the Architect of the Capitol with the approval of the commission in con-