

“(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).”

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: “Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 [2 U.S.C. 2146], not more than \$2,000,000 shall be accepted and not more than \$2,000,000 of the amounts accepted shall be available for obligation by the Architect for preparation of working drawings, specifications, and cost estimates 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.)

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 Con-

gress 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

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 meth-

ods 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.)

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 control of the House Office Building appointed under section 2001 of this title.”

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of this title.

MANAGEMENT AND OPERATION OF THE CAPITOL POWER PLANT

Pub. L. 108-447, div. G, title I, §1101, Dec. 8, 2004, 118 Stat. 3185, provided that:

“(a) DEFINITION.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Appropriations of the Senate and the House of Representatives;

“(2) the Committee on Rules and Administration of the Senate; and

“(3) the House Office Building Commission.

“(b) STUDY OF CONTRACT WITH A PRIVATE ENTITY.—Not later than 180 days after the date of enactment of this Act [Dec. 8, 2004], the Comptroller General shall conduct a study and submit to the appropriate congressional committees and the Architect of the Capitol a report that—

“(1) analyzes the costs, cost effectiveness, benefits, and feasibility of the Architect of the Capitol entering into a contract with a private entity for the management and operation of the Capitol Power Plant; and

“(2) makes a recommendation on whether the Architect of the Capitol should enter into such a contract.

“(c) IMPLEMENTATION PLAN.—If the Comptroller General makes a recommendation under subsection (b)(2) in favor of entering into a contract, the Architect of the Capitol shall submit an implementation plan for that contract to the appropriate congressional committees not later than the later of—

“(1) 270 days after the date of enactment of this Act [Dec. 8, 2004]; or

“(2) the date of the completion of the West Refrigeration Plant.

“(d) CONTRACT.—Subject to the approval of the appropriate congressional committees, the Architect of the Capitol shall enter into a contract with a private entity for the management and operation of the Capitol Power Plant.

“(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.”

GENERAL SERVICES ADMINISTRATION COAL YARD

Pub. L. 100-458, title I, Oct. 1, 1988, 102 Stat. 2170, provided: “That appropriations under this head [“CAPITOL POWER PLANT”] shall hereafter be available for maintenance, alterations, personal and other services, and for all other necessary expenses of the Government owned property, buildings and facilities located in Lot 803, Square 695, formerly known as the General Services Administration Coal Yard at 42 I Street, S.E., in the District of Columbia.”

§ 2162a. Promoting maximum efficiency in operation of Capitol Power Plant

(a) Steam boilers

(1) In general

The Architect of the Capitol shall take such steps as may be necessary to operate the steam boilers at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting steam pressures and adjusting the operation of the boilers to take into account variations in demand, including seasonality, for the use of the system.

(2) Effective date

The Architect shall implement the steps required under paragraph (1) not later than 30 days after December 19, 2007.

(b) Chiller plant

(1) In general

The Architect of the Capitol shall take such steps as may be necessary to operate the chiller plant at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting water temperatures and adjusting the operation of the chillers to take into account variations in demand, including seasonality, for the use of the system.

(2) Effective date

The Architect shall implement the steps required under paragraph (1) not later than 30 days after December 19, 2007.

(c) Meters

Not later than 90 days after December 19, 2007, the Architect of the Capitol shall evaluate the accuracy of the meters in use at the Capitol Power Plant and correct them as necessary.

(d) Report on implementation

Not later than 180 days after December 19, 2007, the Architect of the Capitol shall complete the implementation of the requirements of this section and submit a report describing the actions taken and the energy efficiencies achieved to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Trans-

portation of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(Pub. L. 110-140, title V, § 504, Dec. 19, 2007, 121 Stat. 1656.)

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of this title.

§ 2163. Capitol Grounds shuttle service

Funds appropriated for the Capitol Grounds after October 1, 1976, shall be available for the purchase or rental, maintenance and operation of passenger motor vehicles to provide shuttle service for Members and employees of Congress to and from the buildings in the Legislative group.

(Pub. L. 94-440, title VI, Oct. 1, 1976, 90 Stat. 1453.)

CODIFICATION

Section was classified to section 223 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.

§ 2164. Transportation of House Pages by Capitol Grounds shuttle service

The passenger motor vehicles authorized by section 2163 of this title to provide a shuttle service for Members and employees of Congress may be used for the transportation of House Pages to and from special events associated with their education when approved by the House of Representatives Page Board: *Provided further*, That the use of the said passenger motor vehicles for transportation of House Pages shall not interfere with the shuttle service for Members and employees of the Congress.

(Pub. L. 99-151, title I, Nov. 13, 1985, 99 Stat. 801.)

CODIFICATION

Section was classified to section 224 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.

§ 2165. Repealed. Pub. L. 110-437, title I, § 101(e), Oct. 20, 2008, 122 Stat. 4985

Section, Pub. L. 90-264, title III, § 301, Mar. 12, 1968, 82 Stat. 46; Pub. L. 104-186, title II, § 221(16), Aug. 20, 1996, 110 Stat. 1750, related to Capitol educational and informational center and information and distribution stations and operation agreements.

CODIFICATION

Section was classified to section 831 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.

§ 2166. Repealed. Pub. L. 110-437, title IV, § 422(a), Oct. 20, 2008, 122 Stat. 4996

Section, Pub. L. 91-510, title IV, § 441, Oct. 26, 1970, 84 Stat. 1190; Pub. L. 95-94, title I, Aug. 5, 1977, 91 Stat. 671; Pub. L. 104-186, title II, § 221(17), Aug. 20, 1996, 110 Stat. 1750; Pub. L. 104-279, Oct. 9, 1996, 110 Stat. 3358, related to Capitol Guide Service. See section 2241 of this title.