

(Pub. L. 104-197, title I, §6, Sept. 16, 1996, 110 Stat. 2397.)

§ 215. Supervision of Botanical Garden

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

(R.S. §1826.)

CODIFICATION

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

RELOCATION OF POPLAR POINT GREENHOUSE AND NURSERY OF UNITED STATES BOTANIC GARDEN AND DISTRICT OF COLUMBIA LANHAM TREE NURSERY TO NEW SITE

Pub. L. 98-340, July 3, 1984, 98 Stat. 308, directed the Architect of the Capitol under the direction of the Joint Committee on the Library and the District of Columbia government to enter into an agreement under which the Architect and the District would determine a site of not less than twenty-five contiguous acres under the jurisdiction of the District upon which the facilities existing on July 3, 1984, being operated and maintained by the United States Botanic Garden at the Poplar Point Greenhouse and Nursery, would be relocated. The agreement would also provide that the District convey without consideration to the Architect on behalf of the United States all right, title, and interest of the District in the replacement site and that the District convey without consideration to the Secretary of the Interior on behalf of the United States all right, title, and interest of the District in the real property known as the Lanham Tree Nursery. Within sixty days of July 3, 1984, the Botanic Garden Greenhouse and Nursery at Poplar Point would come within the jurisdiction of the Secretary of the Interior and within sixty days after the Secretary assumed jurisdiction for such real property the Secretary would enter into an agreement with the District and the Washington Metropolitan Area Transit Authority under which the District and the Washington Metropolitan Area Transit Authority would be authorized to construct, maintain, and operate certain facilities designed to improve transportation in the Washington metropolitan area.

§ 216. Superintendent, etc., of Botanical 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.)

CODIFICATION

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

§ 216a. Restriction on use of appropriation for Botanical 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.)

§ 216b. Utilization of personnel by Architect of 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 person-

nel 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.)

§ 216c. 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) of this section 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) of this section 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 Architect, without regard to section 5 of title 41, for the purposes of this section after approval in appropriation Acts. All such sums shall remain available until expended, without fiscal year limitation.

(c) Donations of personal services

(1) In carrying out this section and his duties, the Architect of the Capitol may accept personal services, including educationally related

work assignments for students in nonpay status, if the service is to be rendered without compensation.

(2) No person shall be permitted to donate his or her personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or in connection with such services, other than a claim under the provisions of chapter 81 of title 5.

(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5.

(4) In no case shall the acceptance of personal services under this section result in the reduction 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.)

REFERENCES IN TEXT

The income, estate, and gift tax laws of the United States, referred to in subsec. (d), are classified generally to Title 26, Internal Revenue Code.

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).”

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, provided that:

“(a) Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), not more than \$14,500,000 shall be accepted and not more than \$14,500,000 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)) in excess of the \$14,500,000

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)).”

RENOVATION OF CONSERVATORY OF BOTANIC GARDEN

Section 209(b) of Pub. L. 102-229 provided that: “Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 [40 U.S.C. 216c], 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.”

§ 216d. 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.)

§ 217. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, acts May 13, 1926, ch. 294, 44 Stat. 548; Feb. 23, 1927, ch. 168, 44 Stat. 1157; May 14, 1928, ch. 551, 45 Stat. 528; Feb. 28, 1929, ch. 367, 45 Stat. 1397; June 6, 1930, ch. 407, 46 Stat. 516; Feb. 20, 1931, ch. 234, 46 Stat. 1186; June 30, 1932, ch. 314, 47 Stat. 393; Feb. 28, 1933, ch. 134, 47 Stat. 1362; May 30, 1934, ch. 372, 48 Stat. 828; July 8, 1935, ch. 374, 49 Stat. 471; Apr. 17, 1936, ch. 233, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, 52 Stat. 392; June 16, 1939, ch. 208, 53 Stat. 834; June 18, 1940, ch. 396, 54 Stat. 474, related to purchases for Botanic Garden.

§ 217a. 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.)

§ 217b. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, acts Apr. 17, 1936, ch. 233, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, 52 Stat. 393; June 16, 1939, ch. 208, 53 Stat. 834; June 18, 1940, ch. 396, 54 Stat. 474, related to purchase of supplies for Botanic Garden. That part which was an exception to section 16 of Title 41, Public Contracts (repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743) was not repealed by act Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111, and was classified to former section 16b of Title 41. See note under sections 16a to 16d of that title.

§§ 218 to 220. Repealed. Oct. 31, 1951, ch. 654, § 3(19)-(21), 65 Stat. 709

Sections, R.S. §§1832 to 1834, respectively, related to annual statements, to the Architect of the Capitol, of public property in and about the Capitol and the Botanical Garden, the maintenance of an inventory of that property by the Architect, and annual reports by him to Congress with respect thereto, and inapplicability of those provisions to books, pamphlets, etc., in the Library of Congress, or to supplies of stationery and fuel.

§§ 221, 222. Omitted

CODIFICATION

Section 221, R.S. §1835, provided that no pay or compensation other than that fixed by Title XXI of the Re-