

Sec.

197. Construction of Chinese Garden at the National Arboretum.

### § 191. Establishment; site; acquisition of land

The Secretary of Agriculture is authorized and directed to establish and maintain a national arboretum for purposes of research and education concerning tree and plant life. For the purposes of this chapter, (1) the President is authorized to transfer to the jurisdiction of the Secretary of Agriculture by Executive order any land which now belongs to the United States within or adjacent to the District of Columbia located along the Anacostia River north of Benning Bridge, and (2) the Secretary of Agriculture is authorized in his discretion to acquire, within the limits of the appropriation authorized by this chapter by private purchase, condemnation proceedings, or gift, land so located or other land within or adjacent to the District of Columbia: *Provided*, That the purchase price of any part of said land shall not exceed the full value assessment of such property last made before purchase thereof plus 25 per centum of such assessed value.

(Mar. 4, 1927, ch. 505, § 1, 44 Stat. 1422.)

#### TRANSFER OF FUNCTIONS

Functions of all officers, agencies and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

#### DELEGATION OF FUNCTIONS

Authority of President under this section to transfer to jurisdiction of Secretary of Agriculture for purposes of this chapter any land belonging to United States within or adjacent to District of Columbia located along Anacostia River north of Benning Bridge delegated to Administrator of General Services, see section 1(18) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

#### FACILITIES TO HOUSE BONSAI COLLECTIONS

Pub. L. 103-111, title I, Oct. 21, 1993, 107 Stat. 1051, provided in part: "That hereafter, facilities to house bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94-129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) [now 40 U.S.C. 8106] shall not apply to the construction of such facilities".

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 102-341, title I, Aug. 14, 1992, 106 Stat. 878.  
 Pub. L. 102-142, title I, Oct. 28, 1991, 105 Stat. 883.  
 Pub. L. 101-506, title I, Nov. 5, 1990, 104 Stat. 1320.  
 Pub. L. 101-161, title I, Nov. 21, 1989, 103 Stat. 956.  
 Pub. L. 100-460, title I, Oct. 1, 1988, 102 Stat. 2234.  
 Pub. L. 100-202, § 101(k) [title I], Dec. 22, 1987, 101 Stat. 1329-322, 1329-327.

Pub. L. 99-500, § 101(a) [title I], Oct. 18, 1986, 100 Stat. 1783, 1783-5, and Pub. L. 99-591, § 101(a) [title I], Oct. 30, 1986, 100 Stat. 3341, 3341-5.

### § 192. Omitted

#### CODIFICATION

Section, act Mar. 4, 1927, ch. 505, § 2, 44 Stat. 1422, authorized appropriation of \$300,000 to be expended for acquisition of land specified in section 191 of this title.

### § 193. Administration of arboretum

In order to stimulate research and discovery the national arboretum established by the Secretary of Agriculture in accordance with the provisions of this chapter shall be under competent scientific direction. The arboretum shall be administered by the Secretary of Agriculture separately from the agricultural, horticultural, and forestry stations of the Department of Agriculture, but it shall be so correlated with them as to bring about the most effective utilization of its facilities and discoveries.

(Mar. 4, 1927, ch. 505, § 3, 44 Stat. 1422.)

### § 194. Advisory council

The Secretary of Agriculture is authorized to create an advisory council in relation to the plan and development of the national arboretum to be established under this chapter, to include representatives of national organizations interested in the work of the arboretum.

(Mar. 4, 1927, ch. 505, § 4, 44 Stat. 1422.)

#### TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 195. Gifts, bequests, or devises for benefit of National Arboretum; separate fund in the Treasury

Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to solicit, accept, receive, hold, utilize, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made for the benefit of the National Arboretum or for the carrying out of any of its functions. For the purposes of the Federal income, estate, and gift tax laws, property accepted under the authority of this section shall be considered as a gift, bequest, or devise to the United States. Any gift of money accepted pursuant to the authority granted in this section, or the net proceeds from the liquidation of any property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate fund and shall be disbursed upon order of the Secretary of Agriculture.

(Mar. 4, 1927, ch. 505, § 5, as added Pub. L. 94-129, Nov. 13, 1975, 89 Stat. 683; amended Pub. L. 104-127, title VIII, § 890(a), Apr. 4, 1996, 110 Stat. 1181.)

#### AMENDMENTS

1996—Pub. L. 104-127 inserted "solicit," after "authorized to" in first sentence.