

for food, drink, and nursery sales, if an agreement for a permanent concession under this paragraph is negotiated with a qualified person submitting a proposal after due consideration of all proposals received after the Secretary of Agriculture provides reasonable public notice of the intent of the Secretary to enter into such an agreement;

(3) dispose of excess property, including excess plants and fish, in a manner designed to maximize revenue from any sale of the property, including by way of public auction, except that this paragraph shall not apply to the free dissemination of new varieties of seeds and germ plasm in accordance with section 2201 of title 7;

(4) charge such fees as the Secretary of Agriculture considers reasonable for temporary use by individuals or groups of National Arboretum facilities and grounds for any purpose consistent with the mission of the National Arboretum;

(5) charge such fees as the Secretary of Agriculture considers reasonable for the use of the National Arboretum for commercial photography or cinematography;

(6) publish, in print and electronically and without regard to laws relating to printing by the Federal Government, informational brochures, books, and other publications concerning the National Arboretum or the collections of the Arboretum; and

(7) license use of the National Arboretum name and logo for public service or commercial uses.

#### (b) Use of funds

Any funds received or collected by the Secretary of Agriculture as a result of activities described in subsection (a) shall be retained in a special fund in the Treasury. Amounts in the special fund shall be available to the Secretary of Agriculture, without further appropriation, for the use and benefit of the National Arboretum as the Secretary of Agriculture considers appropriate.

#### (c) Acceptance of voluntary services

The Secretary of Agriculture may accept the voluntary services of organizations described in subsection (a)(1), and the voluntary services of individuals (including employees of the National Arboretum), for the benefit of the National Arboretum.

#### (d) Recognition of donors

A nonprofit organization that entered into a concession or agreement under subsection (a)(1) may recognize donors if that recognition is approved in advance by the Secretary of Agriculture. In considering whether to approve such recognition, the Secretary shall broadly exercise the discretion of the Secretary to the fullest extent allowed under Federal law.

(Mar. 4, 1927, ch. 505, §6, as added Pub. L. 104-127, title VIII, §890(b), Apr. 4, 1996, 110 Stat. 1181; amended Pub. L. 105-185, title VI, §601(b), June 23, 1998, 112 Stat. 585; Pub. L. 113-79, title VII, §7602, Feb. 7, 2014, 128 Stat. 911.)

### Editorial Notes

#### CODIFICATION

In subsec. (a), “chapters 1 to 11 and section 1302 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

#### AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-79, §7602(1), added par. (1) and struck out former par. (1) which read as follows: “negotiate agreements granting concessions at the National Arboretum to nonprofit scientific or educational organizations the interests of which are complementary to the mission of the National Arboretum, except that the net proceeds of the organizations from the concessions shall be used exclusively for research and educational work for the benefit of the National Arboretum;”.

Subsec. (d). Pub. L. 113-79, §7602(2), added subsec. (d).

1998—Subsec. (b). Pub. L. 105-185 substituted “Treasury. Amounts in the special fund shall be available to the Secretary of Agriculture, without further appropriation,” for “Treasury”.

### § 197. Construction of Chinese Garden at the National Arboretum

A Chinese Garden may be constructed at the National Arboretum established under this chapter with—

(1) funds accepted under section 195 of this title;

(2) authorities provided to the Secretary of Agriculture under section 196 of this title; and

(3) appropriations provided for this purpose.

(Mar. 4, 1927, ch. 505, §7, as added Pub. L. 110-234, title VII, §7415, May 22, 2008, 122 Stat. 1256, and Pub. L. 110-246, §4(a), title VII, §7415, June 18, 2008, 122 Stat. 1664, 2017.)

### Editorial Notes

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

### CHAPTER 12—FOREIGN AND EXCHANGE STUDENTS

Sec.

221. Instructions of citizens from American republics; Government maintained professional educational institutions.

221a. Instructions of citizens from American republics; United States Military Academy; restrictions; saving provision.

222 to 224. Repealed.

225. Fund for education of Iranian students in United States.