Section 167, acts Feb. 28, 1923, ch. 148, § 1, 42 Stat. 1358; Mar. 16, 1926, ch. 58, § 1, 44 Stat. 208, dealt with control over inmates.

Section 168, acts July 9, 1888, ch. 595, § 6, 25 Stat. 246; June 26, 1912, ch. 182, § 1, 37 Stat. 171, dealt with applicability of laws relating to National Training School for Boys to school for girls.

Section 169, acts May 3, 1876, ch. 90, § 8, 19 Stat. 50; July 9, 1888, ch. 595, § 6, 25 Stat. 245; Feb. 25, 1901, ch. 478, 31 Stat. 809; Mar. 19, 1906, ch. 960, § 8, 34 Stat. 73; Mar. 16, 1926, ch. 58, § 1, 44 Stat. 208; Aug. 3, 1951, ch. 291, § 3, 65 Stat. 154, related to commitment of girls under 17 years of age.

Section 170, acts May 3, 1876, ch. 90, § 9, 19 Stat. 51; July 9, 1888, ch. 595, § 6, 25 Stat. 245; Feb. 25, 1901, ch. 478, 31 Stat. 810; June 26, 1912, ch. 182, § 1, 37 Stat. 171, related to period of detention.

Section 171, act Apr. 15, 1910, ch. 164, § 1, 36 Stat. 300, dealt with release on parole of juvenile offenders committed to the school.

Section 172, acts Apr. 15, 1910, ch. 164, § 2, 36 Stat. 300; Mar. 16, 1926, ch. 58, § 1, 44 Stat. 208, authorized parole of girls, subject to approval of the Attorney General in certain cases.

Section 173, act June 5, 1920, ch. 234, § 1, 41 Stat. 865, dealt with disbursement of appropriations for the school.

Section 174, act July 9, 1888, ch. 595, § 8, 25 Stat. 246, reserved to Congress the right to alter, amend, or repeal this chapter.

## CHAPTER 11—NATIONAL ARBORETUM

Sec.
191. Establishment; site; acquisition of land.
192. Omitted.
193. Administration of arboretum.
194. Advisory council.
195. Gifts, bequests, or devises for benefit of National Arboretum; separate fund in the Treasury.
196. Concessions, fees, and voluntary services.
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.)

REFERENCES IN TEXT

The Federal income, estate, and gift tax laws, referred to in text, are classified generally to Title 26, Internal Revenue Code.

AMENDMENTS

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

### § 196. Concessions, fees, and voluntary services

#### (a) In general

Notwithstanding the Federal Property and Administrative Services Act of 1949[1] and section 1302 of title 40, the Secretary of Agriculture, in furtherance of the mission of the National Arboretum, may—

(1) 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;

(2) provide by concession, on such terms as the Secretary of Agriculture considers appropriate and necessary, for commercial services 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) of this section 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) of this section, and the voluntary services of individuals (including employees of the National Arboretum), for the benefit of the National Arboretum.

(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.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Except for title III of the Act, which is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts, the Act was repealed and reenacted by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapters 1 to 11 of Title 40, Public Buildings, Property, and Works.

CODIFICATION

''Section 1302 of title 40'' substituted in subsec. (a) for ''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, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

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''.

[1] See References in Text note below.

### § 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.)

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.

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.
226. Cooperative public and private sector program for providing scholarships to students from the Caribbean and Central America.

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

The President is authorized, in his discretion and under such regulations as he may prescribe by Executive order, to permit citizens of the American republics to receive instruction, with or without charge therefor, at professional educational institutions and schools maintained and administered by the Government of the United States or by departments or agencies thereof: *Provided*, That such citizens shall agree to comply with all regulations for the government of the institutions and schools at which they may be under instruction and to exert every effort to accomplish successfully the courses of instruction prescribed: *And provided further*, That the regulations prescribed by the President under the authority of this section shall contain provisions limiting the admission of citizens of the American republics to primary schools maintained and administered by the Government of the United States so that there will under no circumstances be any curtailment of the admission of citizens of the United States eligible to receive instruction therein.

(June 24, 1938, ch. 644, 52 Stat. 1034; July 14, 1941, ch. 292, 55 Stat. 589; June 26, 1946, ch. 493, § 1, 60 Stat. 311.)

CODIFICATION

Section originally provided that ''not more than one citizen of any American republic shall receive instruction at the same time in the United States Military Academy and not more than one in the United States Naval Academy.'' This phrase has been omitted in view of acts July 14, 1941, and June 26, 1946. See sections 4344, 6957, and 9344 of Title 10, Armed Forces.

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

After June 26, 1946, no person shall have authority to permit citizens of the American Republics to receive instruction at the United States Military Academy under the provisions of section 221 of this title. Any person who is receiving instruction at the United States Military Academy on June 26, 1946, under authority of section 221 of this title, may, in the discretion of the President, be permitted to continue to receive such instruction and, if so permitted, shall thereafter be deemed to be receiving instruction under the provisions of sections 4344 and 9344 of title 10.

(June 26, 1946, ch. 493, § 2, 60 Stat. 312.)

CODIFICATION

Words ''sections 4344 and 9344 of title 10'' substituted in text for ''section 1 of this Act'', meaning section 1 of act June 27, 1946, ch. 493, 60 Stat. 311, on authority of act Aug. 10, 1956, § 49(b), ch. 1041, 70A Stat. 640, the first section of which enacted Title 10, Armed Forces.

### §§ 222 to 224. Repealed. Pub. L. 87–256, § 111(a)(4), Sept. 21, 1961, 75 Stat. 538

Sections, act Aug. 24, 1949, ch. 505, §§ 1–3, 63 Stat. 630, authorized the creation of a special deposit account for sums due or paid by the Republic of Finland to the United States as interest on or in retirement of the principal of the debt incurred under the act of Feb. 25, 1919, as refunded by the agreement dated May 1, 1923, pursuant to authority contained in sections 805 to 809 of former Title 31, Money and Finance, or of any other indebtedness incurred by Finland and owing to the United States as a result of World War I, provided for the use of such fund for exchange of students, professors, etc., for the interchange of books and technical equipment, and for disbursements from the account. See section 2451 et seq. of Title 22, Foreign Relations and Intercourse, particularly section 2455.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out in section 2451 et seq. of Title 22, Foreign Relations and Intercourse, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of these sections, see section 111(b) of Pub. L. 87–256, set out as a note under section 2451 of Title 22.

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

There is authorized to be appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $110,000, which sum shall be expended by the Secretary of State in his discretion for the education of Ira-