

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

January 12, 2009

SECRETARY'S MEMORANDUM 5200-003

**Authorization to Use Development Services to Solicit Funding for the Construction
of a Chinese Garden at the U.S. National Arboretum**

1. BACKGROUND AND PURPOSE

The purpose of this Memorandum is to authorize the Administrator of the Agricultural Research Service (ARS) or his designee(s) to use development services, through staff or by contract, to solicit funding for the construction of a Chinese Garden at the U.S. National Arboretum (National Arboretum).

Section 7415 of the Food, Conservation, and Energy Act of 2008, Pub. L. 110-246, amended the Act of March 4, 1927 (20 U.S.C. 191 et seq.) (Act) to authorize the construction of a Chinese Garden at the National Arboretum using funds accepted under section 5 of the Act, authorities provided to the Secretary of Agriculture (Secretary) under section 6 of the Act, and appropriations provided for this purpose (20 U.S.C. 197).

Section 5 of the Act (20 U.S.C. 195) authorizes the Secretary 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. The authority to maintain the National Arboretum, including the authority provided in section 5 of that Act, is delegated to the Administrator of ARS through the Under Secretary for Research, Education, and Economics (7 C.F.R. 2.21(a)(1)(cxiv); 2.65(a)(51)).

This Memorandum ensures that, in soliciting gifts for the Chinese Garden project at the National Arboretum, the Administrator of ARS or his designee(s) may utilize development services, either through staff or by contract, notwithstanding the restrictions in section 7c, paragraphs (1) - (3), of Departmental Regulation 5200-3, "Gift Acceptance Policy" (April 18, 2003).

2. ACTIONS ORDERED

The Administrator of ARS or his designee(s) may use development services, through staff or by contract, to solicit gifts, bequests, or devises under section 5 of the Act of March 4, 1927 (20 U.S.C. 195) for the construction of a Chinese Garden at the National Arboretum pursuant to section 7 of that Act (20 U.S.C.

197). The solicitations may be done notwithstanding section 7c, paragraphs (1) - (3) of Departmental Regulation 5200-3.

3. EFFECTIVE DATE

This Memorandum shall be effective immediately.

4. TERMINATION

This Memorandum shall remain in effect for one year or until incorporated into Departmental Regulation 5200-3, whichever occurs first.

EDWARD T. SCHAFER
SECRETARY