

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1425.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153501	36:4601.	Aug. 19, 1964, Pub. L. 88-449, §1, 78 Stat. 496; Oct. 28, 1988, Pub. L. 100-539, §1, 102 Stat. 2718.
	36:4602.	Aug. 19, 1964, Pub. L. 88-449, §2, 78 Stat. 496.

This section is substituted for the source provisions for consistency in the revised title and to eliminate unnecessary and executed words.

§ 153502. Purposes

The purposes of the corporation are—

(1) to establish, develop, operate, and maintain for the benefit of the people of the United States an educational and scientific center in the form of one or more tropical botanical gardens, together with facilities such as libraries, herbaria, laboratories, and museums that are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;

(2) to foster and encourage fundamental research about tropical plant life and to encourage research and study of the uses of tropical flora in agriculture, forestry, horticulture, medicine, and other sciences;

(3) to disseminate through publications and other media the knowledge about basic and applied tropical botany acquired at the gardens;

(4) to collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction; and

(5) to provide a beneficial facility that will contribute to the education, instruction, and recreation of the people of the United States.

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153502	36:4603.	Aug. 19, 1964, Pub. L. 88-449, §3, 78 Stat. 496.

Before clause (1), the words “objects” is omitted as unnecessary.

§ 153503. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each member (except an honorary or associate member) has one vote on each matter submitted to a vote at a meeting of the members.

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153503	36:4608.	Aug. 19, 1964, Pub. L. 88-449, §8, 78 Stat. 498.

§ 153504. Governing body

(a) BOARD OF TRUSTEES.—(1) The board of trustees is the governing body of the corporation. The duties and powers of the board are as provided in the bylaws.

(2) The manner of selection and term of office of the trustees are as provided in the bylaws.

(b) OFFICERS.—(1) The officers of the corporation are a president, one or more vice presidents, a secretary, a treasurer, and other officers as provided in the bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the bylaws.

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HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153504(a)	36:4605.	Aug. 19, 1964, Pub. L. 88-449, §5, 78 Stat. 497; Sept. 29, 1972, Pub. L. 92-447, 86 Stat. 746.
153504(b)	36:4606.	Aug. 19, 1964, Pub. L. 88-449, §6, 78 Stat. 497.

In subsection (a), the text of 36:4605(a) is omitted as obsolete. The words “Except for the foregoing provision” in 36:4605(b) and “responsibilities” in 36:4605(c) are omitted as unnecessary.

In subsection (b), the words “as provided” are substituted for “as may be authorized” and “as may be prescribed” for consistency in the revised title.

§ 153505. Powers

The corporation may—

(1) adopt and amend bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, trustees, managers, employees, and agents as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or proper to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) sue and be sued; and

(8) do any other act necessary and proper to carry out the purposes of the corporation.

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153505	36:4604.	Aug. 19, 1964, Pub. L. 88-449, §4, 78 Stat. 497.

In clause (1), the word “alter” is omitted as unnecessary. The words “not inconsistent with the laws of the United States of America or of any State in which the corporation is to operate” are omitted as unnecessary.

In clause (2), the word “use” is omitted as unnecessary.

Clause (5) is substituted for “take and hold by lease, gift, purchase, grant, devise, or bequest, or by any other method, any property, real, personal, or mixed, necessary or proper for attaining the objects and carrying into effect the purposes of the corporation” and

“transfer, convey, lease, sublease, mortgage, encumber, and otherwise alienate real, personal, or mixed property” for consistency in the revised title and to eliminate unnecessary words. The words “subject, however, to applicable provisions of law of any State or the District of Columbia (1) governing the amount or kind of such property which may be held by, or (2) otherwise limiting or controlling the ownership or any such property by a corporation operating in such State or the District of Columbia” are omitted as unnecessary.

In clause (6), the words “for the purposes of the corporation” are omitted as unnecessary. The words “issue instruments of indebtedness, and secure its obligations by granting security interests in its property” are substituted for “issue bonds or other evidences of indebtedness therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise” for consistency in the revised title. The words “subject in every case to all applicable provisions of the Federal and State laws or to the laws of the District of Columbia” are omitted as unnecessary.

In clause (7), the words “complain and defend in any court of competent jurisdiction” are omitted as unnecessary.

In clause (8), the words “any other act” are substituted for “any and all acts and things” to eliminate unnecessary words. The words “objects and” are omitted as unnecessary.

§ 153506. Exclusive right to name

The corporation has the exclusive right to use and to allow others to use the name “National Tropical Botanical Garden”.

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153506	36:4616.	Aug. 19, 1964, Pub. L. 88–449, §16, 78 Stat. 499; Oct. 28, 1988, Pub. L. 100–539, §1, 102 Stat. 2718.

§ 153507. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a trustee or officer as such may not contribute to, support, or assist a political party or candidate for elective public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a trustee, officer, or member during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of trustees.

(d) LOANS.—The corporation may not make a loan to a trustee, officer, or employee. Trustees who vote for or assent to making a loan to a trustee, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153507(a)	36:4612.	Aug. 19, 1964, Pub. L. 88–449, §§12, 13, 15, 78 Stat. 499.
153507(b)	36:4615.	
153507(c)	36:4613(a).	
153507(d)	36:4613(b).	

In subsection (a), the words “shares of” are omitted as unnecessary.

In subsection (c), the words “inure to the benefit of” are substituted for “inure to” for consistency in the revised title.

§ 153508. Principal office and location of activities and gardens

(a) PRINCIPAL OFFICE.—The principal office of the corporation shall be in the District of Columbia or another place decided by the board of trustees.

(b) LOCATION OF ACTIVITIES AND GARDENS.—The activities of the corporation may be conducted anywhere. However, the corporation may establish tropical botanical gardens only in the United States and its territories and possessions.

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HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153508	36:4607(a).	Aug. 19, 1964, Pub. L. 88–449, §7(a), 78 Stat. 498; Oct. 28, 1988, Pub. L. 100–539, §2, 102 Stat. 2718.

Subsection (a) is substituted for “The corporation initially shall have its principal office in the District of Columbia and later at such place as may be determined by the board of trustees” for consistency in the revised title.

Subsection (b) is substituted for “The corporation shall have the right to conduct its activities in the United States and elsewhere but shall establish a tropical botanical garden or gardens only in the United States. For purposes of this subsection, the term ‘United States’ includes any commonwealth, territory, or possession of the United States” to eliminate unnecessary words.

§ 153509. Records and inspection

(a) RECORDS.—The corporation shall keep—

- (1) correct and complete records of account;
- (2) minutes of the proceedings of its board of trustees and committees having any of the authority of its board of trustees; and
- (3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

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HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153509	36:4611.	Aug. 19, 1964, Pub. L. 88–449, §11, 78 Stat. 499.