

stituted for “and from time to time to alter and repeal such constitution, by-laws, rules, and regulations, and to adopt others in their places” for consistency in the revised title and to eliminate unnecessary words. The words “*Provided always*, That such constitution, by-laws, rules, and regulations be not inconsistent with the laws of the United States or any of the States thereof” are omitted as unnecessary.

Clause (2) is substituted for “to adopt a common seal, and to alter the same at pleasure” for consistency in the revised title and to eliminate unnecessary words.

In clause (4), the word “regulations” is substituted for “rules” for consistency. The word “their” is substituted for “its” for clarity.

Clause (5) is substituted for “receive, purchase, hold, sell, and convey real and personal estate, so far only as may be necessary or convenient for its lawful purposes” for consistency in the revised title and to eliminate unnecessary words.

In clause (6), the words “complain and defend in any court” are omitted as unnecessary.

§ 153304. Trustees

The property and affairs of the corporation shall be managed by at least 40 trustees. The trustees shall be elected annually at the time provided in the bylaws. At least one trustee shall be elected annually from a list of nominees to be made by each of the State societies and submitted to the corporation at least 30 days before the annual meeting, in accordance with provisions adopted by the corporation to regulate nominations.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1424.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153304	36:20d.	June 9, 1906, ch. 3065, §4, 34 Stat. 228; Feb. 6, 1925, ch. 142, 43 Stat. 808.

The word “corporation” is substituted for “society” for consistency.

CHAPTER 1535—NATIONAL TROPICAL BOTANICAL GARDEN

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AMENDMENTS

2014—Pub. L. 113–237, §3(c)(7), Dec. 18, 2014, 128 Stat. 2840, added item 153514.

§ 153501. Organization

(a) FEDERAL CHARTER.—National Tropical Botanical Garden (in this chapter, the “corporation”) is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(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. 36:4602.	Aug. 19, 1964, Pub. L. 88–449, §1, 78 Stat. 496; Oct. 28, 1988, Pub. L. 100–539, §1, 102 Stat. 2718. 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.

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

HISTORICAL AND REVISION NOTES

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 by-laws 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.

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

HISTORICAL AND REVISION NOTES

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.

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

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.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1426.)

HISTORICAL AND REVISION NOTES

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”.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1426.)

HISTORICAL AND REVISION NOTES

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.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1426.)