

§ 4405. Misnomer not to affect grant, donation, gift, devise, or bequest

No misnomer of the said corporation shall defeat or annul any grant, donation, gift, devise, or bequest to or from said corporation.

(June 6, 1900, ch. 806, § 5, 31 Stat. 663.)

§ 4406. Monument

The said corporation may cause to be erected at such suitable site upon the homestead aforesaid, after acquisition of title to same as aforesaid, as may be selected by the board of trustees, a monument to the memory of the late Frederick Douglass, of such character and at such cost as in their judgment may seem fit, in accordance with the means of said association and compatible with the objects and purposes thereof.

(June 6, 1900, ch. 806, § 6, 31 Stat. 663.)

§ 4407. Exemption from certain taxes

When the said corporation shall have acquired title in fee simple to the whole or a part, as the case may be, of the said property known as Cedar Hill, in the village of Anacostia, in the District of Columbia, and formerly occupied as the homestead of the late Frederick Douglass, said land and premises shall be, and hereby are, declared to be exempt from all taxes and assessments for taxation so long as the same shall be used for the purposes of this incorporation.

(June 6, 1900, ch. 806, § 7, 31 Stat. 663.)

§ 4408. Reservation of right to amend or repeal chapter

Congress reserves the right to amend or repeal this chapter.

(June 6, 1900, ch. 806, § 8, 31 Stat. 663.)

CHAPTER 77—NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS

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§ 4501. Corporation created

C. M. Barnes, Rockville, Maryland;

E. C. Barnes, Edgewood, Pennsylvania;
 V. P. Bond, Setauket, Long Island, New York;
 C. B. Braestrup, New York, New York;
 J. T. Brennan, Bethesda, Maryland;
 L. T. Brown, Bethesda, Maryland;
 R. F. Brown, San Francisco, California;
 F. R. Bruce, Oak Ridge, Tennessee;
 J. C. Bugher, Rio Piedras, Puerto Rico;
 D. R. Chadwick, Upper Marlboro, Maryland;
 R. H. Chamberlain, Philadelphia, Pennsylvania;
 J. F. Crow, Madison, Wisconsin;
 R. L. Doan, Idaho Falls, Idaho;
 C. L. Dunham, Washington, District of Columbia;
 T. C. Evans, Iowa City, Iowa;
 E. G. Fuller, Bethesda, Maryland;
 R. O. Gorson, Philadelphia, Pennsylvania;
 J. W. Healy, Chappaqua, New York;
 P. C. Hodges, Chicago, Illinois;
 A. R. Keene, Richland, Washington;
 M. Kleinfeld, Brooklyn, New York;
 H. W. Koch, Silver Spring, Maryland;
 D. I. Livermore, Washington, District of Columbia;
 G. V. LeRoy, Chicago, Illinois;
 W. B. Mann, Chevy Chase, Maryland;
 W. A. McAdams, Schenectady, New York;
 G. W. Morgan, Kensington, Maryland;
 K. Z. Morgan, Oak Ridge, Tennessee;
 H. J. Muller, Bloomington, Indiana;
 R. J. Nelsen, Rockville, Maryland;
 R. R. Newell, San Francisco, California;
 W. D. Norwood, Richland, Washington;
 H. M. Parker, Richland, Washington;
 C. Powell, Bethesda, Maryland;
 E. H. Quimby, New York, New York;
 J. C. Reeves, Gainesville, Florida;
 R. Robbins, Philadelphia, Pennsylvania;
 H. H. Rossi, Nyack, New York;
 E. L. Saenger, Cincinnati, Ohio;
 T. L. Shipman, Los Alamos, New Mexico;
 P. J. Shore, Patchogue, New York;
 J. H. Sterner, Rochester, New York;
 R. S. Stone, San Francisco, California;
 L. S. Taylor, Bethesda, Maryland;
 E. D. Trout, Corvallis, Oregon;
 B. F. Trum, Boston, Massachusetts;
 Shields Warren, Boston, Massachusetts;
 E. G. Williams, Jacksonville, Florida;
 H. O. Wyckoff, Silver Spring, Maryland;

and their successors, are hereby created and declared to be a body corporate, by name of the National Council on Radiation Protection and Measurements (hereinafter called the corporation), and by such name shall be known, and have perpetual succession and the powers, limitations, and restrictions contained in this chapter.

(Pub. L. 88-376, § 1, July 14, 1964, 78 Stat. 320.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4502, 4507 of this title.

§ 4502. Completion of organization

The persons named in section 4501 of this title are authorized to complete the organization of the corporation by the selection of officers and

employees, the adoption of bylaws, not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 88-376, §2, July 14, 1964, 78 Stat. 321.)

§ 4503. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(1) to collect, analyze, develop, and disseminate in the public interest information and recommendations about (a) protection against radiation (referred to herein as “radiation protection”), and (b) radiation measurements, quantities, and units, particularly those concerned with radiation protection;

(2) to provide a means by which organizations concerned with the scientific and related aspects of radiation protection and of radiation quantities, units, and measurements may cooperate for effective utilization of their combined resources, and to stimulate the work of such organizations;

(3) to develop basic concepts about radiation quantities, units, and measurements, about the application of these concepts, and about radiation protection;

(4) to cooperate with the International Commission on Radiological Protection, the Federal Radiation Council, the International Commission on Radiological Units and Measurements, and other national and international organizations, governmental and private, concerned with radiation quantities, units, and measurements and with radiation protection.

(Pub. L. 88-376, §3, July 14, 1964, 78 Stat. 321.)

§ 4504. Powers of corporation

The corporation shall have power—

(1) To sue and be sued, complain and defend in any court of competent jurisdiction.

(2) To adopt, alter, and use a corporate seal.

(3) To choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require.

(4) To adopt, amend, and alter bylaws not inconsistent with the laws of the United States of America or of any State in which the corporation is to operate, for the management of its property and the regulation of its affairs.

(5) To make contracts.

(6) To take and hold by lease, gift, purchase, grant, devise, or bequest, or by any other method, any property, real or personal, necessary or proper for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the District of Columbia (a) governing the amount or kind of such property which may be held by, or (b) otherwise limiting or controlling the ownership of any such property by a corporation operating in such State or the District of Columbia.

(7) To transfer and convey real or personal property, and to mortgage, pledge, encumber, lease, and sublease the same.

(8) To borrow money for its corporate purposes and issue bonds or other evidences of indebtedness therefor, and to secure the same by mort-

gage, pledge, or lien, subject in every case to all applicable provisions of Federal or State law, or of the laws of the District of Columbia.

(9) To do any and all such acts and things necessary and proper to carry out the purposes of the corporation.

(Pub. L. 88-376, §4, July 14, 1964, 78 Stat. 321.)

§ 4505. Principal office; territorial scope of activities; service of process; authorized agent in District of Columbia

(a) The principal office of the corporation shall be located in the District of Columbia, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, the Commonwealth of Puerto Rico, and the possessions of the United States, and in other areas throughout the world.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

(Pub. L. 88-376, §5, July 14, 1964, 78 Stat. 322.)

§ 4506. Membership; voting rights

(a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be determined as the bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(Pub. L. 88-376, §6, July 14, 1964, 78 Stat. 322.)

§ 4507. Board of directors

(a) Composition of initial board

Upon enactment of this chapter the membership of the initial board of directors of the corporation shall be those persons whose names are listed in section 4501 of this title.

(b) Composition of subsequent boards; tenure

Thereafter, the board of directors of the corporation shall be selected in such manner and shall serve for such term as may be prescribed in the bylaws of the corporation.

(c) Governing period; duties

The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for the control of all funds of the corporation.

(Pub. L. 88-376, §7, July 14, 1964, 78 Stat. 322.)

§ 4508. Officers

(a) The officers of the corporation shall be a president, one or more vice presidents, a secretary, a treasurer, and such other officers as

may be prescribed in the bylaws. The duties of the officers shall be as prescribed in the bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

(Pub. L. 88-376, § 8, July 14, 1964, 78 Stat. 322.)

§ 4509. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 88-376, § 9, July 14, 1964, 78 Stat. 322.)

§ 4510. Nonpolitical nature of corporation

The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

(Pub. L. 88-376, § 10, July 14, 1964, 78 Stat. 323.)

§ 4511. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 88-376, § 11, July 14, 1964, 78 Stat. 323.)

§ 4512. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

(Pub. L. 88-376, § 12, July 14, 1964, 78 Stat. 323.)

§ 4513. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 88-376, § 13, July 14, 1964, 78 Stat. 323.)

§ 4514. Audit of financial transactions

(a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent cer-

tified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus, or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of \$10,000 and any payments of compensation, salaries, or fees at a rate in excess of \$10,000 per annum. The report shall not be printed as a public document.

(Pub. L. 88-376, § 14, July 14, 1964, 78 Stat. 323.)

§ 4515. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the bylaws of the corporation and all Federal and State laws applicable thereto. Such distribution shall be consistent with the purposes of the corporation.

(Pub. L. 88-376, § 15, July 14, 1964, 78 Stat. 324.)

§ 4516. Acquisition of assets and liabilities of existing association

The corporation may and shall acquire all of the assets of the existing unincorporated organization known as the National Committee on Radiation Protection and Measurements, subject to any liabilities and obligations of the said organization.

(Pub. L. 88-376, § 16, July 14, 1964, 78 Stat. 324.)

§ 4517. Reservation of right to amend or repeal chapter

The right to alter, amend, or repeal this chapter is hereby expressly reserved.

(Pub. L. 88-376, § 17, July 14, 1964, 78 Stat. 324.)

**CHAPTER 78—NATIONAL TROPICAL
BOTANICAL GARDEN**

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§ 4601. Corporation created

The following persons: Henry Francis duPont, Winterthur, Delaware; Deane Waldo Malott, Ithaca, New York; Horace Marden Albright, Los Angeles, California; Robert Allerton, Kauai, Hawaii; and Paul Bigelow Sears, New Haven, Connecticut; and their successors, are hereby created and declared to be a body corporate by the name of National Tropical Botanical Garden (hereinafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers, limitations, and restriction herein contained.

(Pub. L. 88-449, §1, Aug. 19, 1964, 78 Stat. 496; Pub. L. 100-539, §1, Oct. 28, 1988, 102 Stat. 2718.)

AMENDMENTS

1988—Pub. L. 100-539 substituted "National Tropical Botanical Garden" for "Pacific Tropical Botanical Garden".

CHANGE OF NAME

Section 1 of Pub. L. 100-539 provided that: "Upon the enactment of this Act, the Pacific Tropical Botanical Garden, created by the Act entitled 'An Act to charter by Act of Congress the Pacific Tropical Botanical Garden', approved August 19, 1964 (Public Law 88-449; 78 Stat. 496) [36 U.S.C. 4601 et seq.], shall be known as the 'National Tropical Botanical Garden', and any reference in that Act to the Pacific Tropical Botanical Garden shall be deemed to be a reference to the National Tropical Botanical Garden."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4602 of this title.

§ 4602. Completion of organization

The persons named in section 4601 of this title shall be the incorporators of the corporation and members of the initial board of trustees and are authorized to complete the organization of the corporation by the selection of other trustees and officers, the adoption of bylaws, not inconsistent with this chapter, and the doing of such other acts necessary to carry into effect the provisions of this chapter.

(Pub. L. 88-449, §2, Aug. 19, 1964, 78 Stat. 496.)

§ 4603. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(a) 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 a tropical botanical garden or gardens, together with such facilities as libraries, herbaria, laboratories, and museums which are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;

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

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

(d) 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;¹

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

(Pub. L. 88-449, §3, Aug. 19, 1964, 78 Stat. 496.)

§ 4604. Powers of corporation

The corporation shall have the following powers:

(a) to sue and be sued, and to complain and defend in any court of competent jurisdiction;

(b) to adopt, use, and alter a corporate seal;

(c) to choose such trustees, officers, managers, agents, and employees as the activities of the corporation may require;

(d) to adopt, amend, and alter bylaws, not inconsistent with the laws of the United States of America or of any State in which the corporation is to operate, or of the District of Columbia, for the management of its property and the regulation of its affairs;

(e) to make contracts;

(f) to 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, 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;

(g) to transfer, convey, lease, sublease, mortgage, encumber, and otherwise alienate real, personal, or mixed property; and¹

(h) to borrow money for the purposes of the corporation, issue bonds or other evidences of indebtedness therefor, and secure the same by

¹ So in original. Probably should be followed by "and".

¹ So in original. The word "and" probably should not appear.