

**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.