

the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 151304. Officers and employees

(a) APPOINTMENT.—The board of directors may appoint officers or employees, but only after the corporation has sufficient funds to pay for their services.

(b) STATUS AND COMPENSATION.—Officers and employees of the corporation—

(1) shall not be considered employees of the United States Government;

(2) shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service; and

(3) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5, except that an officer or employee may not be paid more than 15 percent above the annual rate of basic pay for level GS-15 of the General Schedule under section 5107 of title 5.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1400; Pub. L. 106-503, title I, §113(c), Nov. 13, 2000, 114 Stat. 2304; Pub. L. 108-169, title II, §206(b), Dec. 6, 2003, 117 Stat. 2040.)

AMENDMENT SUBSEQUENT TO AUGUST 15, 1997

Section 5202(g)(1) of former Title 36, from which this section was derived, was amended by Pub. L. 105-276, title IV, §427(b), Oct. 21, 1998, 112 Stat. 2511, see section 5(a) of Pub. L. 105-225, set out as a Legislative Purpose and Construction note preceding section 101 of this title. As subsequently amended by Pub. L. 106-503, this section restated the provisions of section 5202(g)(1) of former Title 36, as amended by Pub. L. 105-276, §427(b).

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151304(a)	36:5202(g)(1)(A), (2).	Oct. 26, 1992, Pub. L. 102-522, title II, §203(g)(1)(A), (2), (h), 106 Stat. 3418.
151304(b)	36:5202(h).	

Subsection (a) is substituted for the source provisions for clarity.

In subsection (b)(3), the words “relating to classification and General Schedule pay rates” are omitted as unnecessary.

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b)(3), is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

2003—Subsec. (b)(3). Pub. L. 108-169 inserted “15 percent above” after “more than”.

2000—Subsec. (a). Pub. L. 106-503, §113(c)(1), struck out “not more than 2” after “appoint”.

Subsec. (b)(1). Pub. L. 106-503, §113(c)(2), substituted “shall not be considered” for “are not”.

§ 151305. Powers

(a) GENERAL.—The corporation may—

(1) adopt a constitution and bylaws;

(2) adopt a seal which shall be judicially noticed; and

(3) do any other act necessary to carry out this chapter.

(b) POWERS AS TRUSTEE.—To carry out its purposes, the corporation has the usual powers of a corporation acting as a trustee in Maryland, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in the property;

(2) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from the property;

(3) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

(4) to sue and be sued; and

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

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1400; Pub. L. 105-354, §1(9), Nov. 3, 1998, 112 Stat. 3244.)

**HISTORICAL AND REVISION NOTES
PUB. L. 105-225**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151305(a)	36:5202(g)(1)(B), (C).	Oct. 26, 1992, Pub. L. 102-522, title II, §§203(g)(1)(B), (C), 204(b), (c)(1), (2) (words before 2d comma), (3)-(5), 106 Stat. 3418, 3419.
151305(b)	36:5203(b). 36:5203(c)(1), (2) (words before 2d comma), (3)-(5).	

Subsection (a)(1) is substituted for 36:5202(g)(1)(B) for consistency in the revised title. The words “consistent with this chapter” are omitted as unnecessary.

Subsection (a)(2) is substituted for 36:5203(b) for consistency in the revised title.

Subsection (a)(3) is substituted for 36:5202(g)(1)(C) for consistency in the revised title.

In subsection (b), before clause (1), the words “under section 5201 of this title” and “in addition to the powers otherwise given it under this chapter” are omitted as unnecessary. In clause (1), the words “real or personal” are omitted as unnecessary and for consistency in the revised title. In clause (4), the words “and complain and defend itself in any court of competent jurisdiction” are omitted as unnecessary. In clause (5), the words “any other act” are substituted for “any and all acts” to eliminate unnecessary words.

PUB. L. 105-354

This amends section 151305(b) of title 36 to correct an inconsistency in the revised title.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-354 struck out “the State of” before “Maryland” in introductory provisions.