

appropriated for any fiscal year after fiscal year 1996 for carrying out the programs for which funds are authorized by this Act, or the amendments made by this Act.”

§ 2217. Public access to information

Copies of any document, report, statement, or information received or sent by the Administrator of FEMA or the Administrator shall be made available to the public pursuant to the provisions of section 552 of title 5: *Provided*, That, notwithstanding the provisions of subsection (b) of such section and of section 1905 of title 18, the Administrator of FEMA may disclose information which concerns or relates to a trade secret—

- (1) upon request, to other Federal Government departments and agencies for official use;
- (2) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates;
- (3) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and
- (4) to the public when he determines such disclosure to be necessary in order to protect health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety).

(Pub. L. 93-498, §20, Oct. 29, 1974, 88 Stat. 1547; Pub. L. 106-503, title I, §110(a)(2)(B)(viii), Nov. 13, 2000, 114 Stat. 2302; Pub. L. 112-239, div. A, title XVIII, §1802(b)(1), Jan. 2, 2013, 126 Stat. 2100.)

AMENDMENTS

2013—Pub. L. 112-239 substituted “Administrator of FEMA” for “Director” in two places in introductory provisions.

2000—Pub. L. 106-503 substituted “Director” for “Secretary” in two places in introductory provisions.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of 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.

Functions of National Fire Prevention and Control Administration [now United States Fire Administration] and National Academy for Fire Prevention and Control generally transferred to Federal Emergency Management Agency. For further details see Transfer of Functions note set out under section 2202 of this title.

§ 2218. Administrative provisions

(a) Assistance to Administrator

Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to furnish to the Administrator, upon written request, on a reimbursable basis or otherwise, such assistance as the Administrator deems necessary to carry out his functions and duties pursuant to this chapter, including, but not limited to, transfer of personnel with their consent and without prejudice to their position and ratings.

(b) Powers of Administrator

With respect to this chapter, the Administrator is authorized to—

- (1) enter into, without regard to section 6101 of title 41¹ such contracts, grants, leases, cooperative agreements, or other transactions as may be necessary to carry out the provisions of this chapter;
- (2) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31;
- (3) purchase, lease, or otherwise acquire, own, hold, improve, use, or deal in and with any property (real, personal, or mixed, tangible or intangible), or interest in property, wherever situated; and sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of property and assets;
- (4) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-15 of the General Schedule (5 U.S.C. 5332(a)) for qualified experts; and
- (5) establish such rules, regulations, and procedures as are necessary to carry out the provisions of this chapter.

(c) Audit

The Administrator of FEMA and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipients of contracts, grants, or other forms of assistance that are pertinent to its activities under this chapter for the purpose of audit or to determine if a proposed activity is in the public interest.

(d) Inventions and discoveries

All property rights with respect to inventions and discoveries, which are made in the course of or under contract with any government agency pursuant to this chapter, shall be subject to the basic policies set forth in the President’s Statement of Government Patent Policy issued August 23, 1971, or such revisions of that statement of the policy as may subsequently be promulgated and published in the Federal Register.

(e) Coordination

(1) In general

To the extent practicable, the Administrator shall use existing programs, data, informa-

¹ So in original. Probably should be followed by a comma.

tion, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

(2) Coordination of fire prevention and control programs

The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with Federal, State, and local government agencies and departments and nongovernmental organizations concerned with any matter related to programs of fire prevention and control.

(3) Coordination of emergency medical services programs

The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator related to emergency medical services provided by fire service-based systems with Federal, State, and local government agencies and departments and nongovernmental organizations so concerned, as well as those entities concerned with emergency medical services generally.

(Pub. L. 93-498, §21, Oct. 29, 1974, 88 Stat. 1548; Pub. L. 96-121, §2, Nov. 16, 1979, 93 Stat. 863; Pub. L. 106-503, title I, §110(a)(2)(B)(ix), Nov. 13, 2000, 114 Stat. 2302; Pub. L. 110-376, §9(a), Oct. 8, 2008, 122 Stat. 4061; Pub. L. 112-239, div. A, title XVIII, §1802(b)(1), Jan. 2, 2013, 126 Stat. 2100.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 93-498, Oct. 29, 1974, 88 Stat. 1535, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

CODIFICATION

In subsec. (b)(1), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (b)(2), “section 1342 of title 31” substituted for “section 3679 of the Revised Statutes (31 U.S.C. 665(b))” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

2013—Subsec. (c). Pub. L. 112-239 substituted “Administrator of FEMA” for “Director”.

2008—Subsec. (e). Pub. L. 110-376 amended subsec. (e) generally. Prior to amendment, text read as follows: “To the extent practicable, the Administrator shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities. The Administrator shall provide liaison at an appropriate organizational level to assure coordination of his activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to programs of fire prevention and control and with private and other Federal organizations and offices so concerned.”

2000—Subsec. (c). Pub. L. 106-503 substituted “Director” for “Secretary”.

1979—Subsec. (b)(4). Pub. L. 96-121 substituted “the daily equivalent of the maximum annual rate of basic

pay then in effect for grade GS-15 of the General Schedule (5 U.S.C. 5332(a))” for “\$100 a day”.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of 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.

Functions of National Fire Prevention and Control Administration [now United States Fire Administration] and National Academy for Fire Prevention and Control generally transferred to Federal Emergency Management Agency. For further details see Transfer of Functions note set out under section 2202 of this title.

ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS

Pub. L. 105-108, §7, Nov. 20, 1997, 111 Stat. 2265, provided that:

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the United States Fire Administration.

“(2) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term ‘educationally useful Federal equipment’ means computers and related peripheral tools and research equipment that is appropriate for use in schools.

“(3) SCHOOL.—The term ‘school’ means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

“(b) SENSE OF CONGRESS.—

“(1) IN GENERAL.—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999 [40 U.S.C. 549 note]), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

“(2) REPORTS.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Nov. 20, 1997], and annually thereafter, the Administrator shall prepare and submit to the President a report that meets the requirements of this paragraph. The President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

“(B) CONTENTS OF REPORT.—The report prepared by the Administrator under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.”

§ 2219. Assistance to Consumer Product Safety Commission

Upon request, the Administrator shall assist the Consumer Product Safety Commission in the development of fire safety standards or codes for consumer products, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(Pub. L. 93-498, §22, Oct. 29, 1974, 88 Stat. 1549.)