

**(B) Certification requirement**

Before accepting any donations pursuant to an agreement under subsection (a) or (b), the Commissioner of U.S. Customs and Border Protection shall certify to the congressional committees set forth in paragraph (7) that the donation will not be used for the construction of a detention facility or a border fence or wall.

**(7) Annual reports**

The Commissioner of U.S. Customs and Border Protection, in collaboration with the Administrator of General Services, as applicable, shall submit an annual report identifying the activities undertaken and agreements entered into pursuant to subsections (a) and (b) to—

- (A) the Committee on Appropriations of the Senate;
- (B) the Committee on Environment and Public Works of the Senate;
- (C) the Committee on Finance of the Senate;
- (D) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (E) the Committee on the Judiciary of the Senate;
- (F) the Committee on Appropriations of the House of Representatives;
- (G) the Committee on Homeland Security of the House of Representatives;
- (H) the Committee on the Judiciary of the House of Representatives;
- (I) the Committee on Transportation and Infrastructure of the House of Representatives; and
- (J) the Committee on Ways and Means of the House of Representatives.

**(d) GAO report**

The Comptroller General of the United States shall submit an annual report to the congressional committees referred to in subsection (c)(7) that evaluates—

- (1) fee agreements entered into pursuant to section 301 of this title;
- (2) donation agreements entered into pursuant to subsections (a) and (b); and
- (3) the fees and donations received by U.S. Customs and Border Protection pursuant to such agreements.

**(e) Judicial review**

Decisions of the Commissioner of U.S. Customs and Border Protection and the Administrator of the General Services Administration under this section regarding the acceptance of real or personal property are in the discretion of the Commissioner and the Administrator and are not subject to judicial review.

**(f) Rule of construction**

Except as otherwise provided in this section, nothing in this section may be construed as affecting in any manner the responsibilities, duties, or authorities of U.S. Customs and Border Protection or the General Services Administration.

(Pub. L. 107–296, title IV, § 482, as added Pub. L. 114–279, § 2(a), Dec. 16, 2016, 130 Stat. 1417.)

**§ 301b. Current and proposed agreements**

Nothing in this part or in section 4 of the Cross-Border Trade Enhancement Act of 2016 may be construed as affecting—

(1) any agreement entered into pursuant to section 560 of division D of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6) or section 559 of title V of division F of the Consolidated Appropriations Act, 2014 (6 U.S.C. 211 note; Public Law 113–76), as in existence on the day before December 16, 2016, and any such agreement shall continue to have full force and effect on and after such date; or

(2) a proposal accepted for consideration by U.S. Customs and Border Protection pursuant to such section 559, as in existence on the day before December 16, 2016.

(Pub. L. 107–296, title IV, § 483, as added Pub. L. 114–279, § 2(a), Dec. 16, 2016, 130 Stat. 1421.)

## REFERENCES IN TEXT

Section 4 of the Cross-Border Trade Enhancement Act of 2016, referred to in text, is section 4 of Pub. L. 114–279, Dec. 16, 2016, 130 Stat. 1422, which repealed section 560 of division D of Pub. L. 113–6 and section 559 of title V of division F of Pub. L. 113–76. Section 560 of Pub. L. 113–6, was not classified to the Code. Section 559 of Pub. L. 113–76 was classified as a note under section 211 of this title.

**§ 301c. Definitions**

In this part:

**(1) Donor**

The term “donor” means any entity that is proposing to make a donation under this chapter.

**(2) Entity**

The term “entity” means any—

- (A) person;
- (B) partnership, corporation, trust, estate, cooperative, association, or any other organized group of persons;
- (C) Federal, State or local government (including any subdivision, agency or instrumentality thereof); or
- (D) any other private or governmental entity.

(Pub. L. 107–296, title IV, § 484, as added Pub. L. 114–279, § 2(a), Dec. 16, 2016, 130 Stat. 1421.)

## REFERENCES IN TEXT

This chapter, referred to in par. (1), was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

## SUBCHAPTER V—NATIONAL EMERGENCY MANAGEMENT

## CODIFICATION

Pub. L. 109–295, title VI, § 611(1), Oct. 4, 2006, 120 Stat. 1395, substituted “NATIONAL EMERGENCY MANAGEMENT” for “EMERGENCY PREPAREDNESS AND RESPONSE” in subchapter heading.

**§ 311. Definitions**

In this subchapter—

(1) the term “Administrator” means the Administrator of the Agency;

(2) the term “Agency” means the Federal Emergency Management Agency;

(3) the term “catastrophic incident” means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

(4) the terms “credentialed” and “credentialing” mean having provided, or providing, respectively, documentation that identifies personnel and authenticates and verifies the qualifications of such personnel by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for a particular position in accordance with standards created under section 320 of this title;

(5) the term “Federal coordinating officer” means a Federal coordinating officer as described in section 5143 of title 42;

(6) the term “interoperable” has the meaning given the term “interoperable communications” under section 194(g)(1) of this title;

(7) the term “National Incident Management System” means a system to enable effective, efficient, and collaborative incident management;

(8) the term “National Response Plan” means the National Response Plan or any successor plan prepared under section 314(a)(6)<sup>1</sup> of this title;

(9) the term “Regional Administrator” means a Regional Administrator appointed under section 317 of this title;

(10) the term “Regional Office” means a Regional Office established under section 317 of this title;

(11) the term “resources” means personnel and major items of equipment, supplies, and facilities available or potentially available for responding to a natural disaster, act of terrorism, or other man-made disaster;

(12) the term “surge capacity” means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident;

(13) the term “tribal government” means the government of any entity described in section 101(13)(B) of this title; and

(14) the terms “typed” and “typing” mean having evaluated, or evaluating, respectively, a resource in accordance with standards created under section 320 of this title.

(Pub. L. 107–296, title V, § 501, as added Pub. L. 109–295, title VI, § 611(10), Oct. 4, 2006, 120 Stat. 1395; amended Pub. L. 110–53, title IV, § 401(a), title V, § 502(c)(1), Aug. 3, 2007, 121 Stat. 301, 311;

Pub. L. 114–328, div. A, title XIX, § 1913(b)(2), Dec. 23, 2016, 130 Stat. 2687.)

#### REFERENCES IN TEXT

Section 314(a)(6) of this title, referred to in par. (8), was in the original “section 502(a)(6)” and was translated as meaning section 502 of Pub. L. 107–296 prior to its redesignation as section 504 by Pub. L. 109–295, § 611(8), and not section 506 which was redesignated section 502 by Pub. L. 109–295, § 611(9), and is classified to section 312 of this title, to reflect the probable intent of Congress.

#### PRIOR PROVISIONS

A prior section 311, Pub. L. 107–296, title V, § 501, Nov. 25, 2002, 116 Stat. 2212, provided for an Under Secretary for Emergency Preparedness and Response, prior to repeal by Pub. L. 109–295, title VI, § 611(2), Oct. 4, 2006, 120 Stat. 1395.

#### AMENDMENTS

2016—Par. (13). Pub. L. 114–328 substituted “101(13)(B)” for “101(11)(B)”.

2007—Pars. (4) to (12). Pub. L. 110–53, § 401(a)(1)–(4), added pars. (4) and (11) and redesignated former pars. (4) to (10) as (5) to (10) and (12), respectively. Former par. (11) redesignated (13).

Par. (13). Pub. L. 110–53, § 502(c)(1), substituted “101(11)(B)” for “101(10)(B)”.

Pub. L. 110–53, § 401(a)(1), redesignated par. (11) as (13).

Par. (14). Pub. L. 110–53, § 401(a)(5)–(7), added par. (14).

#### CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of this title.

#### INTERIM ACTIONS

Pub. L. 109–295, title VI, § 612(f)(1), Oct. 4, 2006, 120 Stat. 1411, provided that: “During the period beginning on the date of enactment of this Act [Oct. 4, 2006] and ending on March 31, 2007, the Secretary [of Homeland Security], the Under Secretary for Preparedness, and the Director of the Federal Emergency Management Agency shall take such actions as are necessary to provide for the orderly implementation of any amendment under this subtitle [subtitle A (§§ 611–614) of title VI of Pub. L. 109–295, see Tables for classification] that takes effect on March 31, 2007.”

### § 312. Definition

In this subchapter, the term “Nuclear Incident Response Team” means a resource that includes—

(1) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

(2) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions.

(Pub. L. 107–296, title V, § 502, formerly § 506, Nov. 25, 2002, 116 Stat. 2214; renumbered § 502, Pub. L. 109–295, title VI, § 611(9), Oct. 4, 2006, 120 Stat. 1395.)

<sup>1</sup> See References in Text note below.