

2003—Subsec. (b)(2). Pub. L. 108-169, §206(a)(1), (2), substituted “12” for “9” in introductory provisions and “nine” for “six” in subpar. (D).

Subsec. (b)(3). Pub. L. 108-169, §206(a)(3), substituted “4 members” for “3 members”.

2000—Subsec. (f). Pub. L. 106-503, §113(b)(1), added subsec. (f) and struck out heading and text of former subsec. (f). Text read as follows: “Appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States.”

Subsecs. (g), (h). Pub. L. 106-503, §113(b), redesignated subsec. (h) as (g) and struck out heading and text of former subsec. (g). Text read as follows: “Members of the board serve without compensation.”

1998—Subsecs. (f) to (h). Pub. L. 105-354 amended subsecs. (f) and (g) generally and added subsec. (h). Prior to amendment, subsecs. (f) and (g) read as follows:

“(f) STATUS AND COMPENSATION.—Members of the board—

“(1) are not officers or employees of the United States Government; and

“(2) serve without compensation.

“(g) LIABILITY OF DIRECTORS.—Members of the board are not personally liable, except for gross negligence.”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-354, §3, Nov. 3, 1998, 112 Stat. 3245, provided that: “The amendment made by section 1(8) of this Act [amending this section] shall take effect as if included in the provisions of Public Law 105-225, as of the date of enactment of Public Law 105-225 [Aug. 12, 1998].”

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.

§ 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.)

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.

CODIFICATION

Section 5202(g)(1) of former Title 36, from which this section was derived, was amended after the Aug. 15, 1997, cutoff date 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. The subsequent amendment made directly to this section by section 113(c)(1) of Pub. L. 106-503 replicated the prior amendment made by Pub. L. 105-276.

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.

§ 151306. Principal office

The principal office of the corporation shall be in Maryland. However, the corporation may conduct business throughout the States, territories, and possessions of the United States.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1401.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------|---|
| 151306 | 36:5203(a)(2), (3). | Oct. 26, 1992, Pub. L. 102-522, title II, § 204(a)(2), (3), 106 Stat. 3419. |

This section is substituted for the source provisions for consistency in the revised title.

§ 151307. Provision and acceptance of support by Administrator

(a) PROVISION BY ADMINISTRATOR.—(1) The Administrator of the United States Fire Administration of the Federal Emergency Management Agency—

(A) may provide personnel, facilities, and other administrative services to the corporation; and

(B) may require and accept reimbursements for these personnel, facilities, and services.

(2) Reimbursements under paragraph (1) of this subsection shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the services.

(3) Notwithstanding any other law, United States Government personnel and stationery may not be used to solicit funding for the corporation.

(b) ACCEPTANCE BY ADMINISTRATOR.—The Administrator may accept, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5 and related regulations, the services of the corporation and its directors, officers, and employees as volunteers in performing functions authorized under this chapter, without compensation from the Administration.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1401; Pub. L. 106-503, title I, § 113(d), Nov. 13, 2000, 114 Stat. 2304; Pub. L. 108-169, title II, § 206(c), Dec. 6, 2003, 117 Stat. 2041.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 151307(a) | 36:5204. | Oct. 26, 1992, Pub. L. 102-522, title II, §§ 205, 206, 106 Stat. 3419. |
| 151307(b) | 36:5205. | |

In subsection (b), the words “chapters 33 and 51 and subchapter III of chapter 53 of title 5 and related regulations” are substituted for “the Federal civil service classification laws, rules, or regulations” for consistency in the revised title and with other titles of the United States Code.

CODIFICATION

Section 5204 of former Title 36, from which subsec. (a) of this section was derived, was amended generally after the Aug. 15, 1997, cutoff date by Pub. L. 105-276, title IV, § 427(c), 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. The subsequent amendment made directly to this section by Pub. L. 106-503 replicated the prior amendment made by Pub. L. 105-276, with the following exceptions—(1) in the introductory provisions of subsec. (a)(1), the words “During the 10-year period beginning on the date of the enactment of the Fire Administration Authorization Act of 2000” were used instead of “During the 10-year period beginning on the date of the enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999”; (2) in subsec. (a)(1)(A), the words “other administrative services to” were used instead of “other required services for the operation of”, and (3) in subsec. (a)(1)(B), the words “may require and accept reimbursements” were used instead of “may accept reimbursement”.

AMENDMENTS

2003—Subsec. (a)(1). Pub. L. 108-169 substituted “The” for “During the 10-year period beginning on the date of the enactment of the Fire Administration Authorization Act of 2000, the”.

2000—Subsec. (a)(1). Pub. L. 106-503, § 113(d)(1), substituted “During the 10-year period beginning on the date of the enactment of the Fire Administration Authorization Act of 2000, the Administrator” for “The Administrator” in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 106-503, § 113(d)(2), substituted “may” for “shall”.

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