

the words “plan, direct, and manage the memorial service referred to in subparagraph (A)” were used instead of “plan, direct, and manage the memorial service referred to in subparagraph (A) and related activities”.

AMENDMENTS

2000—Par. (1). Pub. L. 106-503, §113(a)(1) added par. (1) and struck out former par. (1) which read as follows: “primarily to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters’ Memorial and the annual memorial service associated with it;”.

Par. (2). Pub. L. 106-503, §113(a)(2), inserted “and Federal” after “non-Federal”.

Par. (3). Pub. L. 106-503, §113(a)(3), substituted “Federal, State, and local” for “State and local” and struck out “and” after semicolon.

Par. (4). Pub. L. 106-503, §113(a)(4), substituted semicolon for period at end.

Pars. (5), (6). Pub. L. 106-503, §113(a)(5), added pars. (5) and (6).

Statutory Notes and Related Subsidiaries

LOWERING OF FLAG IN HONOR OF NATIONAL FALLEN FIREFIGHTERS MEMORIAL SERVICE

Pub. L. 107-51, Oct. 16, 2001, 115 Stat. 267, provided that:

“Whereas 1,200,000 men and women comprise the American fire and emergency services;

“Whereas the fire and emergency services is considered one of the most dangerous jobs in the United States;

“Whereas fire and emergency services personnel respond to over 16 million emergency calls annually, without reservation and with little regard for their personal safety;

“Whereas fire and emergency services personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident;

“Whereas approximately one-third of all active fire and emergency personnel suffer debilitating injuries annually; and

“Whereas approximately 100 fire and emergency services personnel die annually in the line of duty: Now, therefore, be it

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each year, the American flags on all Federal office buildings will be lowered to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.”

§ 151303. Board of directors

(a) GENERAL.—The board of directors is the governing body of the corporation.

(b) MEMBERS AND APPOINTMENT.—(1) The Administrator of the United States Fire Administration of the Federal Emergency Management Agency is an ex officio nonvoting member of the board. The Administrator appoints the voting members of the board.

(2) The board consists of the following 12 voting members:

- (A) one active volunteer firefighter;
- (B) one active career firefighter;
- (C) one United States Government firefighter; and
- (D) nine individuals who have a demonstrated interest in the fire service.

(3) The terms of office of the voting members are 6 years (except for the initial members). The terms shall be staggered so that the terms of 4 members expire every 2 years.

(4) A vacancy on the board shall be filled within 60 days in the manner in which the original appointment was made.

(c) CHAIRMAN.—The chairman shall be elected by the board from its voting members for a 2-year term.

(d) QUORUM.—A majority of the current membership of the board is a quorum.

(e) MEETINGS.—The board shall meet at the call of the chairman at least once a year. If a member of the board misses 3 consecutive meetings, that member may be removed from the board and that vacancy may be filled as provided in subsection (b)(4) of this section.

(f) STATUS AND COMPENSATION.—

(1) Appointment to the board shall not constitute employment by or the holding of an office of the United States.

(2) Members of the board shall serve without compensation.

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

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1399; Pub. L. 105-354, §1(8), Nov. 3, 1998, 112 Stat. 3244; Pub. L. 106-503, title I, §113(b), Nov. 13, 2000, 114 Stat. 2304; Pub. L. 108-169, title II, §206(a), Dec. 6, 2003, 117 Stat. 2040; Pub. L. 109-284, §5(9), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES
PUB. L. 105-225

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151303(a)	36:5202(a)(1) (words before 1st comma).	Oct. 26, 1992, Pub. L. 102-522, title II, §§203(a)-(f), 204(c)(2) (words after 2d comma), 106 Stat. 3417, 3419.
151303(b)	36:5202(a)(1) (words after 1st comma), (2), (b), (c).	
151303(c)	36:5202(d).	
151303(d)	36:5202(e).	
151303(e)	36:5202(f).	
151303(f)	36:5202(a)(3), (4).	
151303(g)	36:5203(c)(2) (words after 2d comma).	

Subsection (a) is substituted for “The Foundation shall have a governing Board of Directors (hereafter in this chapter referred to as the ‘Board’)” for consistency in the revised title and to eliminate unnecessary words.

In subsection (b)(1), the words “(hereafter in this chapter referred to as the ‘Administrator’)” in 36:5202(a)(2) are omitted as unnecessary. The words “Within 3 months after October 26, 1992” in 36:5202(b) are omitted as obsolete.

Subsection (b)(3) is substituted for 36:5202(b) (last sentence) to eliminate obsolete and unnecessary words.

In subsection (d), the words “for the transaction of business” are omitted as unnecessary.

Subsection (f)(1) is substituted for “Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law” to eliminate unnecessary words.

PUB. L. 105-354

This amends subsections (f) and (g) of section 151303 of title 36, as enacted by section 1 of Public Law 105-225 (Aug. 12, 1998, 112 Stat. 1400). The amendment clarifies the restatement of 36:5202(a)(3) by making it clear that appointment to the board of directors of the National Fallen Firefighters Foundation does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States.

Editorial Notes

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-284 substituted “The chairman” for “The Chairman”.

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.”

Statutory Notes and Related Subsidiaries

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

Editorial Notes

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