

Reorganization Plan Numbered 3 of 1978, referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

The National Bureau of Standards Authorization Act for fiscal years 1981 and 1982, referred to in subsec. (d)(1)(A), is Pub. L. 96-461, Oct. 15, 1980, 94 Stat. 2049, which enacted section 278g of this title, amended sections 278d and 278h of this title, and enacted provisions set out as notes under section 278g of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

2018—Subsec. (g)(1)(M). Pub. L. 115-98 substituted “for each of fiscal years 2017 through 2023” for “fiscal year 2017” and inserted “for each such fiscal year” after “\$2,753,672”.

2013—Subsec. (g)(1)(E) to (M). Pub. L. 112-239 added subpars. (I) to (M) and realigned margins in subpars. (E) to (H).

2008—Subsec. (g)(1)(E) to (H). Pub. L. 110-376 added subpars. (E) to (H).

2003—Subsec. (g)(1). Pub. L. 108-169 added subpars. (A) to (D) and struck out former subpars. (A) to (K) which authorized appropriations for fiscal years 1989 to 2003.

2000—Subsec. (g)(1)(I) to (K). Pub. L. 106-503 added subpars. (I) to (K).

1997—Subsec. (g)(1)(G), (H). Pub. L. 105-108 added subpars. (G) and (H).

1994—Subsec. (h). Pub. L. 103-254 added subsec. (h).

1992—Subsec. (g)(1)(D) to (F). Pub. L. 102-522 added subpars. (D) to (F).

1988—Subsecs. (c)(3), (d), (e). Pub. L. 100-418 substituted “National Institute of Standards and Technology” for “National Bureau of Standards” wherever appearing.

Subsec. (g). Pub. L. 100-476 added subsec. (g).

1986—Subsec. (f). Pub. L. 99-359 substituted “are” for “is” and inserted “and \$18,300,000 for the fiscal year ending September 30, 1987”.

1985—Subsec. (f). Pub. L. 99-97 added subsec. (f).

1984—Subsec. (e). Pub. L. 98-241 added subsec. (e).

1981—Subsec. (d). Pub. L. 97-80 added subsec. (d).

1980—Subsec. (c). Pub. L. 96-472 added subsec. (c).

1979—Subsec. (a). Pub. L. 96-121 designated existing provisions as subsec. (a), substituted provisions authorizing to be appropriated an amount not to exceed \$25,210,000 for fiscal year ending Sept. 30, 1980, for provisions authorizing appropriations not to exceed \$3,750,000 for the transitional fiscal quarter of July 1, 1976 through Sept. 30, 1976, not to exceed \$15,000,000 for fiscal year ending Sept. 30, 1977, not to exceed \$20,000,000 for fiscal year ending Sept. 30, 1978, and not to exceed \$24,352,000 for fiscal year ending Sept. 30, 1979, and added pars. (1) to (6).

Subsec. (b). Pub. L. 96-121 added subsec. (b).

1978—Pub. L. 95-422 substituted “except as otherwise specifically provided, with respect to the payment of claims, under section 2210 of this title” for “except section 2210 of this title”, struck out “and” after “September 30, 1977”, and inserted provision authorizing appropriation of not to exceed \$24,352,000 for fiscal year ending Sept. 30, 1979.

1976—Pub. L. 94-411 substituted provisions authorizing to be appropriated not to exceed \$3,750,000 for the transitional fiscal quarter of July 1, 1976, through Sept. 30, 1976, not to exceed \$15,000,000 for fiscal year ending Sept. 30, 1977, and not to exceed \$20,000,000 for fiscal year ending Sept. 30, 1978, for provisions authorizing to be appropriated such sums as are necessary, not to exceed \$10,000,000 for fiscal year ending June 30, 1975, and not to exceed \$15,000,000 for fiscal year ending June 30, 1976.

#### Statutory Notes and Related Subsidiaries

##### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Cen-

ter of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(4), 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.

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.

##### ARSON PREVENTION GRANTS; TERMINATION OF APPROPRIATIONS

Pub. L. 103-254, § 8, May 19, 1994, 108 Stat. 683, provided that: “Notwithstanding any other provision of this Act [see Short Title of 1994 Amendment note set out under section 2201 of this title], no funds are authorized to be 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.”

#### Executive Documents

##### TRANSFER OF FUNCTIONS

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.

#### § 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.)

### Editorial Notes

#### 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.

### Statutory Notes and Related Subsidiaries

#### 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.

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## § 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 41<sup>1</sup> 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, information, 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.

<sup>1</sup> So in original. Probably should be followed by a comma.