

Nov. 29, 1973, see section 8 of Pub. L. 93-167, set out as a note under section 2101 of this title.

CHAPTER 49—FIRE PREVENTION AND CONTROL

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§ 2201. Congressional findings

The Congress finds that—

(1) The National Commission on Fire Prevention and Control, established pursuant to Public Law 90-259, has made an exhaustive and comprehensive examination of the Nation's fire problem, has made detailed findings as to the extent of this problem in terms of human suffering and loss of life and property, and has made ninety thoughtful recommendations.

(2) The United States today has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world.

(3) Fire is an undue burden affecting all Americans, and fire also constitutes a public

health and safety problem of great dimensions. Fire kills 12,000 and scars and injures 300,000 Americans each year, including 50,000 individuals who require extended hospitalization. Almost \$3 billion worth of property is destroyed annually by fire, and the total economic cost of destructive fire in the United States is estimated conservatively to be \$11,000,000,000 per year. Firefighting is the Nation's most hazardous profession.

(4) Such losses of life and property from fire are unacceptable to the Congress.

(5) While fire prevention and control is and should remain a State and local responsibility, the Federal Government must help if a significant reduction in fire losses is to be achieved.

(6) The fire service and the civil defense program in each locality would both benefit from closer cooperation.

(7) The Nation's fire problem is exacerbated by (A) the indifference with which some Americans confront the subject; (B) the Nation's failure to undertake enough research and development into fire and fire-related problems; (C) the scarcity of reliable data and information; (D) the fact that designers and purchasers of buildings and products generally give insufficient attention to fire safety; (E) the fact that many communities lack adequate building and fire prevention codes; and (F) the fact that local fire departments spend about 95 cents of every dollar appropriated to the fire services on efforts to extinguish fires and only about 5 cents on fire prevention.

(8) There is a need for improved professional training and education oriented toward improving the effectiveness of the fire services, including an increased emphasis on preventing fires and on reducing injuries to firefighters.

(9) A national system for the collection, analysis, and dissemination of fire data is needed to help local fire services establish research and action priorities.

(10) The number of specialized medical centers which are properly equipped and staffed for the treatment of burns and the rehabilitation of victims of fires is inadequate.

(11) The unacceptably high rates of death, injury, and property loss from fire can be reduced if the Federal Government establishes a coordinated program to support and reinforce the fire prevention and control activities of State and local governments.

(Pub. L. 93-498, § 2, Oct. 29, 1974, 88 Stat. 1535.)

REFERENCES IN TEXT

The National Commission on Fire Prevention and Control, established pursuant to Public Law 90-259, referred to in par. (1), refers to the Commission established pursuant to Pub. L. 90-259, title II, §§ 201-207, Mar. 1, 1968, 82 Stat. 36, which provisions were set out as a note under section 278f of this title. The Commission has expired pursuant to sections 203(c) and 207 of Pub. L. 90-259.

SHORT TITLE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title XVIII, § 1801, Jan. 2, 2013, 126 Stat. 2099, provided that: “This subtitle [subtitle A (§§ 1801-1807) of title XVIII of div. A of Pub. L. 112-239, amending sections 2203, 2204, 2206, 2210, 2214, 2215, 2217, 2218, 2224, 2226, 2229, 2229a of this title and section 290a of Title 42, The Public Health and Welfare] may be cited as the ‘Fire Grants Reauthorization Act of 2012.’”

Pub. L. 112-239, div. A, title XVIII, §1811, Jan. 2, 2013, 126 Stat. 2117, provided that: “This subtitle [subtitle B (§§1811-1815) of title XVIII of div. A of Pub. L. 112-239, amending sections 2204, 2205, 2208, 2216 of this title] may be cited as the ‘United States Fire Administration Reauthorization Act of 2012.’”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-376, §1, Oct. 8, 2008, 122 Stat. 4056, provided that: “This subtitle [probably should be “This Act”], enacting section 2234 of this title, amending sections 2203, 2206 to 2208, 2216, and 2218 of this title and section 321d of Title 6, Domestic Security, and enacting provisions set out as a note under this section] may be cited as the ‘United States Fire Administration Reauthorization Act of 2008.’”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-375, div. C, title XXXVI, §3601, Oct. 28, 2004, 118 Stat. 2195, provided that: “This title [amending section 2229 of this title] may be cited as the ‘Assistance to Firefighters Grant Program Reauthorization Act of 2004.’”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-169, title I, §101, Dec. 6, 2003, 117 Stat. 2036, provided that: “This title [amending section 2216 of this title and enacting provisions set out as a note under section 2204 of this title] may be cited as the ‘United States Fire Administration Reauthorization Act of 2003.’”

Pub. L. 108-169, title II, §201, Dec. 6, 2003, 117 Stat. 2036, provided that: “This title [amending sections 2206, 2207, 2209, and 2229 of this title and sections 151303, 151304, and 151307 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, and enacting provisions set out as notes under section 2206 of this title] may be cited as the ‘Firefighting Research and Coordination Act.’”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-503, title I, §101, Nov. 13, 2000, 114 Stat. 2298, provided that: “This title [enacting sections 2230 and 2231 of this title, amending sections 1511, 2203, 2204, 2206, 2209, 2210, 2214 to 2218 and 2220 of this title, sections 151302 to 151304 and 151307 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, and section 290a of Title 42, The Public Health and Welfare, and repealing sections 2222 and 2223 of this title] may be cited as the ‘Fire Administration Authorization Act of 2000.’”

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-108, §1, Nov. 20, 1997, 111 Stat. 2264, provided that: “This Act [amending sections 2216, 2225, and 2227 of this title and enacting provisions set out as notes under sections 2204 and 2218 of this title] may be cited as the ‘United States Fire Administration Authorization Act for Fiscal Years 1998 and 1999.’”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-254, §1, May 19, 1994, 108 Stat. 679, provided that: “This Act [enacting sections 2221 and 2228 of this title, amending sections 2216, 2220, and 2227 of this title, and enacting provisions set out as notes under this section and section 2216 of this title] may be cited as the ‘Arson Prevention Act of 1994.’”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-391, §1, Sept. 25, 1990, 104 Stat. 747, provided that: “This Act [enacting sections 2224, 2225, 2225a and 2226 of this title and section 5707a of Title 5, Government Organization and Employees, amending section 2203 of this title and sections 5701 and 5707 of Title 5, and enacting provisions set out as notes under this section and sections 5707 and 5707a of Title 5] may be cited as the ‘Hotel and Motel Fire Safety Act of 1990.’”

SHORT TITLE

Pub. L. 93-498, §1, Oct. 29, 1974, 88 Stat. 1535, provided: “That this Act [enacting this chapter and section 290a

of Title 42, The Public Health and Welfare, amending sections 278f and 1511 of this title, and repealing section 278g of this title] may be cited as the ‘Federal Fire Prevention and Control Act of 1974.’”

STUDY ON NEED FOR FEDERAL ASSISTANCE TO STATE AND LOCAL COMMUNITIES TO FUND FIREFIGHTING AND EMERGENCY RESPONSE ACTIVITIES

Pub. L. 106-398, §1 [[div. A], title XVII, §1701(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-363, required the Director of the Federal Emergency Management Agency to conduct a study in conjunction with the National Fire Protection Association related to the activities and needs of the fire services and submit a report on the results of the study to Congress within 18 months of Oct. 30, 2000.

LOCAL FIREFIGHTER AND EMERGENCY SERVICES TRAINING

Pub. L. 104-132, title VIII, §819, Apr. 24, 1996, 110 Stat. 1316, as amended by Pub. L. 109-295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410, provided that:

“(a) GRANT AUTHORIZATION.—The Attorney General, in consultation with the Administrator of the Federal Emergency Management Agency, may make grants to provide specialized training and equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1997, \$5,000,000 to carry out this section.”

ARSON PREVENTION AND CONTROL; CONGRESSIONAL FINDINGS

Pub. L. 103-254, §2, May 19, 1994, 108 Stat. 679, provided that: “Congress finds that—

“(1) arson is a serious and costly problem, and is responsible for approximately 25 percent of all fires in the United States;

“(2) arson is a leading cause of fire deaths, accounting for approximately 700 deaths annually in the United States, and is the leading cause of property damage due to fire in the United States;

“(3) estimates of arson property losses are in the range of \$2,000,000,000 annually, or approximately 1 of every 4 dollars lost to fire;

“(4) the incidence of arson in the United States is seriously underreported, in part because of the lack of adequate participation by local jurisdictions in the National Fire Incident Reporting System (NFIRS) and the Uniform Crime Reporting (UCR) program;

“(5) there is a need for expanded training programs for arson investigators;

“(6) there is a need for improved programs designed to enable volunteer firefighters to detect arson crimes and to preserve evidence vital to the investigation and prosecution of arson cases;

“(7) according to the National Fire Protection Association, of all the suspicious and incendiary fires estimated to occur, only 1/3 are confirmed as arson; and

“(8) improved training of arson investigators will increase the ability of fire departments to identify suspicious and incendiary fires, and will result in increased and more effective prosecution of arson offenses.”

CONGRESSIONAL FINDINGS AND PURPOSE

Pub. L. 110-376, §2, Oct. 8, 2008, 122 Stat. 4056, provided that: “Congress makes the following findings:

“(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2006, the National Fire Protection Association reported 3,245 civilian fire deaths, 16,400 civilian fire injuries, and \$11,307,000,000 in direct losses due to fire.

“(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administra-

tion should continue its leadership to help local fire agencies dramatically reduce these fatalities.

“(3) The Federal Government should continue to work with State and local governments and the fire service community to further the promotion of national voluntary consensus standards that increase firefighter safety.

“(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

“(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

“(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and nongovernmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

“(7) Because of the essential role of the United States Fire Administration and the fire service community in preparing for and responding to national [probably should be “natural”] and man-made disasters, the United States Fire Administration should have a prominent place within the Federal Emergency Management Agency and the Department of Homeland Security.”

Pub. L. 101-391, §2, Sept. 25, 1990, 104 Stat. 747, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) more than 400 Americans have lost their lives in multistory hotel fires over the last 5 years;

“(2) when properly installed and maintained, automatic sprinklers and smoke detectors provide the most effective safeguards against the loss of life and property from fire;

“(3) automatic sprinklers and smoke detectors should supplement and not supplant other fire protection measures, including existing requirements for fire resistive walls and fire retardant furnishings;

“(4) some State and local governments and the hotel industry need to act more rapidly to require the installation and use of automatic sprinkler systems in hotels; and

“(5) through the United States Fire Administration and the Center for Fire Research, the Federal Government has helped to develop and promote the use of residential sprinkler systems and other means of fire prevention and control.

“(b) PURPOSE.—It is the purpose of this Act [see Short Title of 1990 Amendment note above] to save lives and protect property by promoting fire and life safety in hotels, motels, and all places of public accommodation affecting commerce.”

WAIVER OF FEDERAL LIABILITY

Pub. L. 101-391, §7, Sept. 25, 1990, 104 Stat. 752, provided that: “In any action for damages resulting from a fire at a place of public accommodation, the Federal Government may not be found liable for the death of or injury to any person or damage to any property because an officer or employee of the Federal Government was negligent in carrying out any requirement under this Act [see Short Title of 1990 Amendment note above] or the amendments made by this Act.”

EFFECT ON CERTAIN REQUIREMENTS

Pub. L. 101-391, §8, Sept. 25, 1990, 104 Stat. 752, provided that: “Nothing in this Act [see Short Title of 1990

Amendment note above] shall be construed to encourage model building code organizations, or State or local governments, to reduce requirements for fire resistive walls or other safety features.”

REORGANIZATION PLAN NO. 3 OF 1978

43 F.R. 41943, 92 Stat. 3788

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 19, 1978, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.

PART I. FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 101. ESTABLISHMENT OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

There is hereby established as an independent establishment in the Executive Branch, the Federal Emergency Management Agency (the “Agency”).

SEC. 102. THE DIRECTOR

The Agency shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter prescribed by law for level II of the Executive Schedule [5 U.S.C. 5313].

SEC. 103. THE DEPUTY DIRECTOR

There shall be within the Agency a Deputy Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter prescribed by law for level IV of the Executive Schedule [5 U.S.C. 5315]. The Deputy Director shall perform such functions as the Director may from time to time prescribe and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

SEC. 104. ASSOCIATE DIRECTORS

There shall be within the Agency not more than four Associate Directors, who shall be appointed by the President, by and with the advice and consent of the Senate, two of whom shall be compensated at the rate now or hereafter prescribed by law for level IV of the Executive Schedule [5 U.S.C. 5315], one of whom shall be compensated at the rate now or hereafter prescribed by law for level V of the Executive Schedule [5 U.S.C. 5316] and one of whom shall be compensated at the rate now or hereafter prescribed by law for GS-18 of the General Schedule [set out under 5 U.S.C. 5332]. The Associate Directors shall perform such functions as the Director may from time to time prescribe.

SEC. 105. REGIONAL DIRECTORS

There shall be within the Agency ten regional directors who shall be appointed by the Director in the accepted service and shall be compensated at the rate now or hereafter prescribed by law for GS-16 of the General Schedule [set out under 5 U.S.C. 5332].

SEC. 106. PERFORMANCE OF FUNCTIONS

The Director may establish bureaus, offices, divisions, and other units within the Agency. The Director may from time to time make provision for the performance of any function of the Director by any officer, employee, or unit of the Agency.

PART II. TRANSFER OF FUNCTIONS

SEC. 201. FIRE PREVENTION

There are hereby transferred to the Director all functions vested in the Secretary of Commerce, the Administrator and Deputy Administrator of the National Fire Prevention and Control Administration, and the Superintendent of the National Academy for Fire Prevention and Control pursuant to the Federal Fire Prevention

and Control Act of 1974, as amended, (15 U.S.C. 2201 through 2219); exclusive of the functions set forth at Sections 18 and 23 of the Federal Fire Prevention and Control Act (15 U.S.C. 278(f) and 1511).

SEC. 202. FLOOD AND OTHER MATTERS

There are hereby transferred to the Director all functions vested in the Secretary of Housing and Urban Development pursuant to the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, (42 U.S.C. 2414 and 42 U.S.C. 4001 through 4128), and Section 1 of the National Insurance Development Act of 1975, as amended, (89 Stat. 68) [set out as a note under 12 U.S.C. 1749bbb].

SEC. 203. EMERGENCY BROADCAST SYSTEM

There are hereby transferred to the Director all functions concerning the Emergency Broadcast System, which were transferred to the President and all such functions transferred to the Secretary of Commerce, by Reorganization Plan Number 1 [set out in the Appendix to Title 5, Government Organization and Employees].

PART III. GENERAL PROVISIONS

SEC. 301. TRANSFER AND ABOLISHMENT OF AGENCIES AND OFFICERS

The National Fire Prevention and Control Administration and the National Academy for Fire Prevention and Control and the positions of Administrator of said Administration and Superintendent of said Academy are hereby transferred to the Agency. The position of Deputy Administrator of said Administration (established by 15 U.S.C. 2204(c)) is hereby abolished.

SEC. 302. INCIDENTAL TRANSFERS

So much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions transferred under this Plan, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate agency, or component at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for terminating the affairs of any agencies abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this Reorganization Plan.

SEC. 303. INTERIM OFFICERS

The President may authorize any persons who, immediately prior to the effective date of this Plan, held positions in the Executive Branch to which they were appointed by and with the advice and consent of the Senate, to act as Director, Deputy Director, and Associate Directors of the Agency, until those offices are for the first time filled pursuant to the provisions of this Reorganization Plan or by recess appointment, as the case may be. The President may authorize any such person to receive the compensation attached to the Office in respect of which that person so serves, in lieu of other compensation from the United States.

SEC. 304. EFFECTIVE DATE

The provisions of this Reorganization Plan shall become effective at such time or times, on or before April 1, 1979, as the President shall specify, but not sooner than the earliest time allowable under Section 906 of Title 5, United States Code.

[Pursuant to Ex. Ord. 12127, Mar. 31, 1979, 44 F.R. 19367, this Reorg. Plan is effective Apr. 1, 1979]

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

Today I am transmitting Reorganization Plan No. 3 of 1978. The plan improves Federal emergency management and assistance. By consolidating emergency preparedness, mitigation and response activities, it cuts duplicative administrative costs and strengthens our ability to deal effectively with emergencies.

The plan, together with changes I will make through Executive action, would merge five agencies from the Departments of Defense, Commerce, HUD, and GSA into one new agency.

For the first time, key emergency management and assistance functions would be unified and made directly accountable to the President and Congress. This will reduce pressures for increased costs to serve similar goals.

The present situation has severely hampered Federal support of State and local emergency organizations and resources, which bear the primary responsibility for preserving life and property in times of calamity. This reorganization has been developed in close cooperation with State and local governments.

If approved by the Congress, the plan will establish the Federal Emergency Management Agency, whose Director shall report directly to the President. The National Fire Prevention and Control Administration (in the Department of Commerce), the Federal Insurance Administration (in the Department of Housing and Urban Development), and oversight responsibility for the Federal Emergency Broadcast System (now assigned in the Executive Office of the President) would be transferred to the Agency. The Agency's Director, its Deputy Director, and its five principal program managers would be appointed by the President with the advice and consent of the Senate.

If the plan takes effect, I will assign to the Federal Emergency Management Agency all authorities and functions vested by law in the President and presently delegated to the Defense Civil Preparedness Agency (in the Department of Defense). This will include certain engineering and communications support functions for civil defense now assigned to the U.S. Army.

I will also transfer to the new Agency all authorities and functions under the Disaster Relief Acts of 1970 and 1974 [sections 4401 et seq. and 5121 et seq. of Title 42, The Public Health and Welfare] now delegated to the Federal Disaster Assistance Administration in the Department of Housing and Urban Development.

I will also transfer all Presidential authorities and functions now delegated to the Federal Preparedness Agency in the General Services Administration, including the establishment of policy for the national stockpile. The stockpile disposal function, which is statutorily assigned to the General Services Administration, would remain there. Once these steps have been taken by Executive Order, these three agencies would be abolished.

Several additional transfers of emergency preparedness and mitigation functions would complete the consolidation. These include:

Oversight of the Earthquake Hazards Reduction Program, under Public Law 95-124 [section 7701 et seq. of Title 42], now carried out by the Office of Science and Technology Policy in the Executive Office of the President.

Coordination of Federal activities to promote dam safety, carried by the same Office.

Responsibility for assistance to communities in the development of readiness plans for severe weather-related emergencies, including floods, hurricanes, and tornadoes.

Coordination of natural and nuclear disaster warning systems.

Coordination of preparedness and planning to reduce the consequences of major terrorist incidents. This would not alter the present responsibility of the executive branch for reacting to the incidents themselves.

This reorganization rests on several fundamental principles:

First, Federal authorities to anticipate, prepare for, and respond to major civil emergencies should be supervised by

one official responsible to the President and given attention by other officials at the highest levels.

The new Agency would be in this position. To increase White House oversight and involvement still further, I shall establish by Executive Order an Emergency Management Committee, to be chaired by the Federal Emergency Management Agency Director. Its membership shall be comprised of the Assistants to the President for National Security, Domestic Affairs and Policy and Intergovernmental Relations, and the Director, Office of Management and Budget. It will advise the President on ways to meet national civil emergencies. It will also oversee and provide guidance on the management of all Federal emergency authorities, advising the President on alternative approaches to improve performance and avoid excessive costs.

Second, an effective civil defense system requires the most efficient use of all available emergency resources. At the same time, civil defense systems, organization, and resources must be prepared to cope with any disasters which threaten our people. The Congress has clearly recognized this principle in recent changes in the civil defense legislation.

The communications, warning, evacuation, and public education processes involved in preparedness for a possible nuclear attack should be developed, tested, and used for major natural and accidental disasters as well. Consolidation of civil defense functions in the new Agency will assure that attack readiness programs are effectively integrated into the preparedness organizations and programs of State and local government, private industry, and volunteer organizations.

While serving an important "all hazards" readiness and response role, civil defense must continue to be fully compatible with and be ready to play an important role in our Nation's overall strategic policy. Accordingly, to maintain a link between our strategic nuclear planning and our nuclear attack preparedness planning, I will make the Secretary of Defense and the National Security Council responsible for oversight of civil defense related programs and policies of the new Agency. This will also include appropriate Department of Defense support in areas like program development, technical support, research, communications, intelligence and emergency operations.

Third, whenever possible, emergency responsibilities should be extensions of the regular missions of Federal agencies. The primary task of the Federal Emergency Management Agency will be to coordinate and plan for the emergency deployment of resources that have other routine uses. There is no need to develop a separate set of Federal skills and capabilities for those rare occasions when catastrophe occurs.

Fourth, Federal hazard mitigation activities should be closely linked with emergency preparedness and response functions. This reorganization would permit more rational decisions on the relative costs and benefits of alternative approaches to disasters by making the Federal Emergency Management Agency the focal point of all Federal hazard mitigation activities and by combining these with the key Federal preparedness and response functions.

The affected hazard mitigation activities include the Federal Insurance Administration which seeks to reduce flood losses by assisting states and local governments in developing appropriate land uses and building standards and several agencies that presently seek to reduce fire and earthquake losses through research and education.

Most State and local governments have consolidated emergency planning, preparedness and response functions on an "all hazard" basis to take advantage of the similarities in preparing for and responding to the full range of potential emergencies. The Federal Government can and should follow this lead.

Each of the changes set forth in the plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. The plan does not call for abolishing any functions now authorized by law. The provisions in the plan for the ap-

pointment and pay of any head or officer of the new agency have been found by me to be necessary.

I do not expect these actions to result in any significant changes in program expenditures for those authorities to be transferred. However, cost savings of between \$10 to \$15 million annually can be achieved by consolidating headquarters and regional facilities and staffs. The elimination (through attrition) of about 300 jobs is also anticipated.

The emergency planning and response authorities involved in this plan are vitally important to the security and well-being of our Nation. I urge the Congress to approve it.

JIMMY CARTER.

THE WHITE HOUSE, June 19, 1978

EX. ORD. NO. 12127. TRANSFER OF FUNCTIONS TO FEDERAL EMERGENCY MANAGEMENT AGENCY

Ex. Ord. No. 12127, Mar. 31, 1979, 44 F.R. 19367, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 304 of Reorganization Plan No. 3 of 1978 [set out as a note under this section], and in order to provide for the orderly activation of the Federal Emergency Management Agency, it is hereby ordered as follows:

1-101. Reorganization Plan No. 3 of 1978 (43 FR 41943), which establishes the Federal Emergency Management Agency, provides for the transfer of functions, and the transfer and abolition of agencies and offices, is hereby effective.

1-102. The Director of the Office of Management and Budget shall, in accord with Section 302 of the Reorganization Plan, provide for all the appropriate transfers, including those transfers related to all the functions transferred from the Department of Commerce, the Department of Housing and Urban Development, and the President.

1-103. (a) The functions transferred from the Department of Commerce are those vested in the Secretary of Commerce, the Administrator and Deputy Administrator of the National Fire Prevention and Control Administration (now the United States Fire Administration (Sec. 2(a) of Public Law 95-422)), and the Superintendent of the National Academy for Fire Prevention and Control pursuant to the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.) [this chapter] but not including any functions vested by the amendments made to other acts by Sections 18 and 23 of that Act (15 U.S.C. 278f and 1511). The functions vested in the Administrator by Sections 24 and 25 of that Act, as added by Sections 3 and 4 of Public Law 95-422 (15 U.S.C. 2220 and 2221), are not transferred to the Director of the Federal Emergency Management Agency. Those functions are transferred with the Administrator and remain vested in him. (Section 201 of the Plan.)

(b) There was also transferred from the Department of Commerce any function concerning the Emergency Broadcast System which was transferred to the Secretary of Commerce by Section 5B of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978) [set out in Title 5, Appendix, Government Organization and Employees; set out as a note under section 305 of Title 47, Telecommunications]. (Section 203 of the Plan.)

1-104. The functions transferred from the Department of Housing and Urban Development are those vested in the Secretary of Housing and Urban Development pursuant to Section 15(e) of the Federal Flood Insurance Act of 1956, as amended (42 U.S.C. 2414(e)), and the National Flood Insurance Act of 1968, as amended [42 U.S.C. 4001 et seq.] and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), and Section 520(b) of the National Housing Act, as amended (12 U.S.C. 1735d(b)), to the extent necessary to borrow from the Treasury to make payments for reinsured and directly insured losses, and Title XII of the National

Housing Act, as amended ([formerly] 12 U.S.C. 1749bbb et seq., and as explained in Section 1 of the National Insurance Development Act of 1975 (Section 1 of Public Law 94-13 [formerly] at 12 U.S.C. 1749bbb note)). (Section 202 of the Plan.)

1-105. The functions transferred from the President are those concerning the Emergency Broadcast System which were transferred to the President by Section 5 of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978) [set out in Title 5, Appendix, Government Organization and Employees; set out as a note under section 305 of Title 47, Telecommunications]. (Section 203 of the Plan.)

1-106. This Order shall be effective Sunday, April 1, 1979.

JIMMY CARTER.

§ 2202. Declaration of purpose

It is declared to be the purpose of Congress in this chapter to—

- (1) reduce the Nation's losses caused by fire through better fire prevention and control;
- (2) supplement existing programs of research, training, and education, and to encourage new and improved programs and activities by State and local governments;
- (3) establish the United States Fire Administration and the Fire Research Center within the Department of Commerce; and
- (4) establish an intensified program of research into the treatment of burn and smoke injuries and the rehabilitation of victims of fires within the National Institutes of Health.

(Pub. L. 93-498, §3, Oct. 29, 1974, 88 Stat. 1536; Pub. L. 95-422, §2(a)(1), Oct. 5, 1978, 92 Stat. 932.)

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.

AMENDMENTS

1978—Par. (3). Pub. L. 95-422 substituted "United States Fire Administration" for "National Fire Prevention and Control Administration".

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.

The National Fire Prevention and Control Administration [now United States Fire Administration] and the National Academy for Fire Prevention and Control and the positions of Administrator of the Administration and Superintendent of the Academy were transferred to an independent agency in the Executive Branch, to be known as the Federal Emergency Management Agency, and all functions vested in the Sec-

retary of Commerce, the Administrator and Deputy Administrator of the National Fire Prevention and Control Administration, and the Superintendent of the National Academy for Fire Prevention and Control pursuant to the provisions of this chapter, with the exception of those functions under sections 2220 and 2221 of this title which remain vested in the Administrator of the United States Fire Administration, were transferred to the Director of the Federal Emergency Management Agency pursuant to Reorg. Plan No. 3 of 1978, §§201, 301, June 19, 1978, 43 F.R. 41944, 92 Stat. 3788, set out as a note under section 2201 of this title, effective Apr. 1, 1979, pursuant to Ex. Ord. No. 12127, §§1-101, 1-103(a), Mar. 31, 1979, 44 F.R. 19367.

§ 2203. Definitions

As used in this chapter, the term—

- (1) "Academy" means the National Academy for Fire Prevention and Control;
- (2) "Administration" means the United States Fire Administration established pursuant to section 2204 of this title;
- (3) "Administrator" means, except as otherwise provided, the Administrator of the United States Fire Administration, within the Federal Emergency Management Agency;
- (4) "Administrator of FEMA" means the Administrator of the Federal Emergency Management Agency;
- (5) "fire service" means any organization in any State consisting of personnel, apparatus, and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire, including a private firefighting brigade. The personnel of any such organization may be paid employees or unpaid volunteers or any combination thereof. The location of any such organization and its responsibility for extinguishment and suppression of fires may include, but need not be limited to, a Federal installation, a State, city, town, borough, parish, county, Indian tribe, fire district, fire protection district, rural fire district, or other special district. The terms "fire prevention", "firefighting", and "fire control" relate to activities conducted by a fire service;
- (6) "Indian tribe" has the meaning given that term in section 5304 of title 25 and "tribal" means of or pertaining to an Indian tribe;
- (7) "local" means of or pertaining to any city, town, county, special purpose district, unincorporated territory, or other political subdivision of a State;
- (8) "place of public accommodation affecting commerce" means any inn, hotel, or other establishment not owned by the Federal Government that provides lodging to transient guests, except that such term does not include an establishment treated as an apartment building for purposes of any State or local law or regulation or an establishment located within a building that contains not more than 5 rooms for rent or hire and that is actually occupied as a residence by the proprietor of such establishment;
- (9) "Secretary" means, except as otherwise provided, the Secretary of Homeland Security;
- (10) "State" has the meaning given the term in section 101 of title 6.¹

¹ So in original. The period probably should be "; and".

(11) “wildland-urban interface” has the meaning given such term in section 6511 of title 16.

(Pub. L. 93-498, §4, Oct. 29, 1974, 88 Stat. 1536; Pub. L. 95-422, §2(a)(1), Oct. 5, 1978, 92 Stat. 932; Pub. L. 101-391, §3(b), Sept. 25, 1990, 104 Stat. 749; Pub. L. 106-503, title I, §110(a)(2)(A), Nov. 13, 2000, 114 Stat. 2302; Pub. L. 110-376, §10, Oct. 8, 2008, 122 Stat. 4061; Pub. L. 112-239, div. A, title XVIII, §1802(a), Jan. 2, 2013, 126 Stat. 2099.)

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.

AMENDMENTS

2013—Par. (3). Pub. L. 112-239, §1802(a)(1), inserted “, except as otherwise provided,” after “means”.

Par. (4). Pub. L. 112-239, §1802(a)(2), substituted “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;” for “‘Director’ means the Director of the Federal Emergency Management Agency;”.

Par. (5). Pub. L. 112-239, §1802(a)(3), inserted “Indian tribe,” after “county,” and substituted “and ‘fire control’” for “and ‘firecontrol’”.

Pars. (6) to (8). Pub. L. 112-239, §1802(a)(4), (5), added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively. Former par. (8) redesignated (9).

Par. (9). Pub. L. 112-239, §1802(a)(6), (7), added par. (9) and redesignated former par. (9) as (10). Former par. (10) redesignated (11).

Pub. L. 112-239, §1802(a)(4), redesignated par. (8) as (9). Former par. (9) redesignated (10).

Par. (10). Pub. L. 112-239, §1802(a)(8), amended par. (10) generally. Prior to amendment, par. (10) defined the term “State”.

Pub. L. 112-239, §1802(a)(6), redesignated par. (9) as (10). Former par. (10) redesignated (11).

Pub. L. 112-239, §1802(a)(4), redesignated par. (9) as (10).

Par. (11). Pub. L. 112-239, §1802(a)(6), redesignated par. (10) as (11).

2008—Par. (3). Pub. L. 110-376, §10(1), substituted “Administration, within the Federal Emergency Management Agency” for “Administration”.

Par. (9). Pub. L. 110-376, §10(2)-(4), added par. (9).

2000—Pars. (7) to (9). Pub. L. 106-503 inserted “and” after semicolon in par. (7), redesignated par. (9) as (8), and struck out former par. (8) which read as follows: “‘Secretary’ means the Secretary of Commerce; and”.

1990—Pars. (4) to (9). Pub. L. 101-391 added pars. (4) and (7) and redesignated former pars. (4), (5), (6), and (7) as (5), (6), (8), and (9), respectively.

1978—Pars. (2), (3). Pub. L. 95-422 substituted “United States Fire Administration” for “National Fire Prevention and Control Administration”.

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.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 2204. United States Fire Administration

(a) Establishment

There is hereby established in the Department of Commerce an agency which shall be known as the United States Fire Administration.

(b) Administrator

There shall be at the head of the Administration the Administrator of the United States Fire Administration. The Administrator shall be appointed by the President and shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule pay rates (5 U.S.C. 5315). The Administrator shall report and be responsible to the Administrator of FEMA.

(c) Deputy Administrator

The Administrator may appoint a Deputy Administrator, who shall—

(1) perform such functions as the Administrator shall from time to time assign or delegate; and

(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(Pub. L. 93-498, §5, Oct. 29, 1974, 88 Stat. 1536; Pub. L. 95-422, §2(a)(1), Oct. 5, 1978, 92 Stat. 932; Pub. L. 106-503, title I, §110(a)(2)(B)(i), Nov. 13, 2000, 114 Stat. 2302; Pub. L. 112-166, §2(f)(2), Aug. 10, 2012, 126 Stat. 1284; Pub. L. 112-239, div. A, title XVIII, §§1802(b)(1), 1812, Jan. 2, 2013, 126 Stat. 2100, 2117.)

AMENDMENTS

2013—Subsec. (b). Pub. L. 112-239, §1802(b)(1), substituted “Administrator of FEMA” for “Director”.

Subsec. (c). Pub. L. 112-239, §1812, amended subsec. (c) generally. Prior to amendment, text read as follows: “There shall be in the Administration a Deputy Administrator of the United States Fire Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule pay rates (5 U.S.C. 5316). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”

2012—Subsec. (b). Pub. L. 112-166 struck out “, by and with the advice and consent of the Senate,” after “President”.

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

1978—Subsecs. (a) to (c). Pub. L. 95-422 substituted “United States Fire Administration” for “National Fire Prevention and Control Administration”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

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.

RE-ESTABLISHMENT OF POSITION OF UNITED STATES
FIRE ADMINISTRATOR

Pub. L. 108-169, title I, §102, Dec. 6, 2003, 117 Stat. 2036, provided that: "Section 1513 of the Homeland Security Act of 2002 (6 U.S.C. 553) does not apply to the position or office of Administrator of the United States Fire Administration, who shall continue to be appointed and compensated as provided by section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b))."

TERMINATION OR PRIVATIZATION OF FUNCTIONS

Pub. L. 105-108, §4, Nov. 20, 1997, 111 Stat. 2264, provided that:

"(a) IN GENERAL.—Not later than 60 days before the termination or transfer to a private sector person or entity of any significant function of the United States Fire Administration, as described in subsection (b), the Administrator of the United States Fire Administration shall transmit to Congress a report providing notice of that termination or transfer.

"(b) COVERED TERMINATIONS AND TRANSFERS.—For purposes of subsection (a), a termination or transfer to a person or entity described in that subsection shall be considered to be a termination or transfer of a significant function of the United States Fire Administration if the termination or transfer—

"(1) relates to a function of the Administration that requires the expenditure of more than 5 percent of the total amount of funds made available by appropriations to the Administration; or

"(2) involves the termination of more than 5 percent of the employees of the Administration."

NOTICE OF REPROGRAMMING OR REORGANIZATION

Pub. L. 105-108, §5, Nov. 20, 1997, 111 Stat. 2265, provided that:

"(a) MAJOR REORGANIZATION DEFINED.—With respect to the United States Fire Administration, the term 'major reorganization' means any reorganization of the Administration that involves the reassignment of more than 25 percent of the employees of the Administration.

"(b) NOTICE OF REPROGRAMMING.—If any funds appropriated pursuant to the amendments made by this Act

[see Short Title of 1997 Amendment note set out under section 2201 of this title] are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science [now Committee on Science, Space, and Technology] of the House of Representatives.

"(c) NOTICE OF REORGANIZATION.—Not later than 15 days before any major reorganization of any program, project, or activity of the United States Fire Administration, the Administrator of the United States Fire Administration shall provide notice to the Committees on Science [now Science, Space, and Technology] and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate."

§ 2205. Public education

The Administrator is authorized to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness. Such steps may include, but are not limited to, publications, audiovisual presentations, and demonstrations. Such public education efforts shall include programs to provide specialized information for those groups of individuals who are particularly vulnerable to fire hazards, such as the young and the elderly. The Administrator shall sponsor and encourage research, testing, and experimentation to determine the most effective means of such public education.

(Pub. L. 93-498, §6, Oct. 29, 1974, 88 Stat. 1537; Pub. L. 112-239, div. A, title XVIII, §1813, Jan. 2, 2013, 126 Stat. 2117.)

AMENDMENTS

2013—Pub. L. 112-239 substituted "to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness." for "to take all steps necessary to educate the public and to overcome public indifference as to fire and fire prevention."

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.

§ 2206. National Academy for Fire Prevention and Control

(a) Establishment

The Administrator of FEMA shall establish, at the earliest practicable date, a National Academy for Fire Prevention and Control. The purpose of the Academy shall be to advance the professional development of fire service personnel and of other persons engaged in fire prevention and control activities.

(b) Superintendent

The Academy shall be headed by a Superintendent, who shall be appointed by the Administrator of FEMA. In exercising the powers and authority contained in this section the Superintendent shall be subject to the direction of the Administrator.

(c) Powers of Superintendent

The Superintendent is authorized to—

- (1) develop and revise curricula, standards for admission and performance, and criteria for the awarding of degrees and certifications;
- (2) appoint such teaching staff and other personnel as he determines to be necessary or appropriate;
- (3) conduct courses and programs of training and education, as defined in subsection (d) of this section;
- (4) appoint faculty members and consultants without regard to the provisions of title 5, governing appointments in the competitive service, and, with respect to temporary and intermittent services, to make appointments to the same extent as is authorized by section 3109 of title 5;
- (5) establish fees and other charges for attendance at, and subscription to, courses and programs offered by the Academy. Such fees may be modified or waived as determined by the Superintendent;
- (6) conduct short courses, seminars, workshops, conferences, and similar education and training activities in all parts and localities of the United States, including on-site training;
- (7) enter into such contracts and take such other actions as may be necessary in carrying out the purposes of the Academy; and
- (8) consult with officials of the fire services and other interested persons in the exercise of the foregoing powers.

(d) Program of the Academy

The Superintendent is authorized to—

- (1) train fire service personnel in such skills and knowledge as may be useful to advance their ability to prevent and control fires, including, but not limited to—
 - (A) techniques of fire prevention, fire inspection, firefighting, and fire and arson investigation;
 - (B) tactics and command of firefighting for present and future fire chiefs and commanders;
 - (C) administration and management of fire services;
 - (D) tactical training in the specialized field of aircraft fire control and crash rescue;
 - (E) tactical training in the specialized field of fire control and rescue aboard waterborne vessels;

(F) strategies for building collapse rescue;

(G) the use of technology in response to fires, including terrorist incidents and other national emergencies;

(H) tactics and strategies for dealing with natural disasters, acts of terrorism, and other man-made disasters;

(I) tactics and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

(J) tactics and strategies for fighting fires occurring at the wildland-urban interface;

(K) tactics and strategies for fighting fires involving hazardous materials;

(L) advanced emergency medical services training;

(M) use of and familiarity with the Federal Response Plan;

(N) leadership and strategic skills, including integrated management systems operations and integrated response;

(O) applying new technology and developing strategies and tactics for fighting wildland fires;

(P) integrating the activities of terrorism response agencies into national terrorism incident response systems;

(Q) tactics and strategies for fighting fires at United States ports, including fires on the water and aboard vessels; and

(R) the training of present and future instructors in the aforementioned subjects;

(2) develop model curricula, training programs and other educational materials suitable for use at other educational institutions, and to make such materials available without charge;

(3) develop and administer a program of correspondence courses to advance the knowledge and skills of fire service personnel;

(4) develop and distribute to appropriate officials model questions suitable for use in conducting entrance and promotional examinations for fire service personnel; and

(5) encourage the inclusion of fire prevention and detection technology and practices in the education and professional practice of architects, builders, city planners, and others engaged in design and planning affected by fire safety problems.

(e) Technical assistance

The Administrator is authorized, to the extent that he determines it necessary to meet the needs of the Nation, to encourage new programs and to strengthen existing programs of education and training by local fire services, units, and departments, State and local governments, and private institutions, by providing technical assistance and advice to—

(1) vocational training programs in techniques of fire prevention, fire inspection, firefighting, and fire and arson investigation;

(2) fire training courses and programs at junior colleges; and

(3) four-year degree programs in fire engineering at colleges and universities.

(f) Assistance to State and local fire service training programs

The Administrator is authorized to provide assistance to State and local fire service training

programs through grants, contracts, or otherwise. Such assistance shall not exceed 7.5 percent of the amount authorized to be appropriated in each fiscal year pursuant to section 2216 of this title.

(g) Site selection

The Academy shall be located on such site as the Administrator of FEMA selects, subject to the following provisions:

(1) The Administrator of FEMA is authorized to appoint a Site Selection Board consisting of the Academy Superintendent and two other members to survey the most suitable sites for the location of the Academy and to make recommendations to the Administrator of FEMA.

(2) The Site Selection Board in making its recommendations and the Administrator of FEMA in making his final selection, shall give consideration to the training and facility needs of the Academy, environmental effects, the possibility of using a surplus Government facility, and such other factors as are deemed important and relevant. The Administrator of FEMA shall make a final site selection not later than 2 years after October 29, 1974.

(h) Construction costs

Of the sums authorized to be appropriated for the purpose of implementing the programs of the Administration, not more than \$9,000,000 shall be available for the construction of facilities of the Academy on the site selected under subsection (g) of this section. Such sums for such construction shall remain available until expended.

(i) Educational and professional assistance

The Administrator is authorized to—

(1) provide stipends to students attending Academy courses and programs, in amounts up to 75 per centum of the expense of attendance, as established by the Superintendent;

(2) provide stipends to students attending courses and nondegree training programs approved by the Superintendent at universities, colleges, and junior colleges, in amounts up to 50 per centum of the cost of tuition;

(3) make or enter into contracts to make payments to institutions of higher education for loans, not to exceed \$2,500 per academic year for any individual who is enrolled on a full-time basis in an undergraduate or graduate program of fire research or engineering which is certified by the Superintendent. Loans under this paragraph shall be made on such terms and subject to such conditions as the Superintendent and each institution involved may jointly determine; and

(4) establish and maintain a placement and promotion opportunities center in cooperation with the fire services, for firefighters who wish to learn and take advantage of different or better career opportunities. Such center shall not limit such assistance to students and graduates of the Academy, but shall undertake to assist all fire service personnel.

(j) Board of Visitors

Upon establishment of the Academy, the Administrator of FEMA shall establish a procedure for the selection of professionals in the field of

fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management to serve as members of a Board of Visitors for the Academy. Pursuant to such procedure, the Administrator of FEMA shall select eight such persons to serve as members of such Board of Visitors to serve such terms as the Administrator of FEMA may prescribe. The function of such Board shall be to review annually the program of the Academy and to make comments and recommendations to the Administrator of FEMA regarding the operation of the Academy and any improvements therein which such Board deems appropriate. Each member of such Board shall be reimbursed for any expenses actually incurred by him in the performance of his duties as a member of such Board.

(k) Accreditation

The Superintendent is authorized to establish a Committee on Fire Training and Education which shall inquire into and make recommendations regarding the desirability of establishing a mechanism for accreditation of fire training and education programs and courses, and the role which the Academy should play if such a mechanism is recommended. The Committee shall consist of the Superintendent as Chairman and eighteen other members appointed by the Administrator from among individuals and organizations possessing special knowledge and experience in the field of fire training and education or related fields. The Committee shall submit to the Administrator within two years after its appointment, a full and complete report of its findings and recommendations. Upon the submission of such report, the Committee shall cease to exist. Each appointed member of the Committee shall be reimbursed for expenses actually incurred in the performance of his duties as a member.

(l) Admission

The Superintendent is authorized to admit to the courses and programs of the Academy individuals who are members of the firefighting, rescue, and civil defense forces of the Nation and such other individuals, including candidates for membership in these forces, as he determines can benefit from attendance. Students shall be admitted from any State, with due regard to adequate representation in the student body of all geographic regions of the Nation. In selecting students, the Superintendent may seek nominations and advice from the fire services and other organizations which wish to send students to the Academy. The Superintendent shall offer, at the Academy and at other sites, courses and training assistance as necessary to accommodate all geographic regions and needs of career and volunteer firefighters.

(m) On-site training

(1) In general

Except as provided in paragraph (2), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facili-

tate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

(2) Limitation

(A) In general

The Administrator may not enter into a contract with an organization described in paragraph (1) unless such organization provides training that—

- (i) leads to certification by a program that is accredited by a nationally recognized accreditation organization; or
- (ii) the Administrator determines is of equivalent quality to a fire service training program described by clause (i).

(B) Approval of unaccredited fire service training programs

The Administrator may consider the fact that an organization has provided a satisfactory fire service training program pursuant to a cooperative agreement with a Federal agency as evidence that such program is of equivalent quality to a fire service training program described by subparagraph (A)(i).

(3) Restriction on use of funds

The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 7.5 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 2216 of this title.

(n) Triennial report

In the first annual report filed pursuant to section 2215 of this title for which the deadline for filing is after the expiration of the 18-month period that begins on October 8, 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

- (1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and
- (2) the desired training outcome of all such changes.

(Pub. L. 93-498, § 7, Oct. 29, 1974, 88 Stat. 1537; Pub. L. 106-503, title I, § 110(a)(2)(B)(ii), Nov. 13, 2000, 114 Stat. 2302; Pub. L. 108-169, title II, § 204(a), (d), Dec. 6, 2003, 117 Stat. 2039; Pub. L. 110-376, § 4(a)-(c), Oct. 8, 2008, 122 Stat. 4057, 4058; Pub. L. 112-239, div. A, title XVIII, § 1802(b)(1), Jan. 2, 2013, 126 Stat. 2100.)

AMENDMENTS

2013—Subsecs. (a), (b), (g), (j). Pub. L. 112-239 substituted “Administrator of FEMA” for “Director” wherever appearing.

2008—Subsec. (c)(6). Pub. L. 110-376, § 4(b)(1), inserted “, including on-site training” after “United States”.

Subsec. (d)(1)(H). Pub. L. 110-376, § 4(a)(1), amended subpar. (H) generally. Prior to amendment, subpar. (H) read as follows: “response, tactics, and strategies for dealing with terrorist-caused national catastrophes;”.

Subsec. (d)(1)(I), (J). Pub. L. 110-376, § 4(a)(5), added subpars. (I) and (J). Former subpars. (I) and (J) redesignated (M) and (N), respectively.

Subsec. (d)(1)(K). Pub. L. 110-376, § 4(a)(5), added subpar. (K). Former subpar. (K) redesignated (O).

Pub. L. 110-376, § 4(a)(2), substituted “wildland” for “forest”.

Subsec. (d)(1)(L). Pub. L. 110-376, § 4(a)(5), added subpar. (L). Former subpar. (L) redesignated (P).

Subsec. (d)(1)(M). Pub. L. 110-376, § 4(a)(4), redesignated subpar. (I) as (M). Former subpar. (M) redesignated (Q).

Pub. L. 110-376, § 4(a)(3), struck out “response” before “tactics”.

Subsec. (d)(1)(N) to (R). Pub. L. 110-376, § 4(a)(4), redesignated subpars. (J) to (N) as (N) to (R), respectively.

Subsec. (f). Pub. L. 110-376, § 4(b)(2), which directed substitution of “7.5 percent” for “4 percent”, was executed by making the substitution for “4 per centum” to reflect the probable intent of Congress.

Subsecs. (m), (n). Pub. L. 110-376, § 4(b)(3), (c), added subsecs. (m) and (n).

2003—Subsec. (d)(1)(F) to (N). Pub. L. 108-169, § 204(a), added subpars. (F) to (M) and redesignated former subpar. (F) as (N).

Subsec. (l). Pub. L. 108-169, § 204(d), inserted at end “The Superintendent shall offer, at the Academy and at other sites, courses and training assistance as necessary to accommodate all geographic regions and needs of career and volunteer firefighters.”

2000—Subsecs. (a), (b), (g), (j). Pub. L. 106-503 substituted “Director” for “Secretary” wherever appearing.

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.

CONSULTATION ON FIRE ACADEMY CLASSES

Pub. L. 108-169, title II, § 204(b), Dec. 6, 2003, 117 Stat. 2039, provided that: “The Superintendent of the National Fire Academy may consult with other Federal, State, and local agency officials in developing curricula for classes offered by the Academy.”

COORDINATION WITH OTHER PROGRAMS TO AVOID DUPLICATION

Pub. L. 108-169, title II, § 204(c), Dec. 6, 2003, 117 Stat. 2039, provided that: “The Administrator of the United States Fire Administration shall coordinate training provided under section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the Attorney General, the Secretary of Health and Human Services, and the heads of other Federal agencies—

- “(1) to ensure that such training does not duplicate existing courses available to fire service personnel; and

“(2) to establish a mechanism for eliminating duplicative training programs.”

LIMITATIONS ON AUTHORITY OF SUPERINTENDENT OF FIRE ACADEMY; EXCLUSIVE CONTROL AND DIRECTION OF UNITED STATES FIRE ADMINISTRATOR

Pub. L. 101-507, title III, Nov. 5, 1990, 104 Stat. 1377, provided that: “The Superintendent of the Fire Academy, in exercising the powers and authority provided by section 7 of the Federal Fire Prevention Control Act of 1974 [15 U.S.C. 2206], shall be subject to the exclusive direction of the Administrator, United States Fire Administration: *Provided*, That all funds appropriated by this or any other Act, with respect for any fiscal year, or otherwise made available, for the National Fire Academy in Emmitsburg, Maryland, or any Fire Academy field programs, shall be placed under the exclusive control of the United States Fire Administration.”

§ 2207. Fire technology

(a) Development

The Administrator shall conduct a continuing program of development, testing, and evaluation of equipment for use by the Nation’s fire, rescue, and civil defense services, with the aim of making available improved suppression, protective, auxiliary, and warning devices incorporating the latest technology. Attention shall be given to the standardization, compatibility, and interchangeability of such equipment. Such development, testing, and evaluation activities shall include, but need not be limited to—

- (1) safer, less cumbersome articles of protective clothing, including helmets, boots, and coats;
- (2) breathing apparatus with the necessary duration of service, reliability, low weight, and ease of operation for practical use;
- (3) safe and reliable auxiliary equipment for use in fire prevention, detection, and control, such as fire location detectors, visual and audio communications equipment, and mobile equipment;
- (4) special clothing and equipment needed for forest fires, brush fires, oil and gasoline fires, aircraft fires and crash rescue, fires occurring aboard waterborne vessels, and in other special firefighting situations;
- (5) fire detectors and related equipment for residential use with high sensitivity and reliability, and which are sufficiently inexpensive to purchase, install, and maintain to insure wide acceptance and use;
- (6) in-place fire prevention systems of low cost and of increased reliability and effectiveness;
- (7) methods of testing fire alarms and fire protection devices and systems on a non-interference basis;
- (8) the development of purchase specifications, standards, and acceptance and validation test procedures for all such equipment and devices; and
- (9) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

(b) Limitation on manufacture and sale of equipment

The Administration shall not engage in the manufacture or sale of any equipment or device developed pursuant to this section, except to the

extent that it deems it necessary to adequately develop, test, or evaluate such equipment or device.

(c) Management studies

(1) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire services, utilizing quantitative techniques, such as operations research, management economics, cost effectiveness studies, and such other techniques and methods as may be applicable and useful. Such studies shall include, but need not be limited to, the allocation of resources, the optimum location of fire stations, the optimum geographical area for an integrated fire service, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, firefighting under conditions of civil disturbance, and the effectiveness, frequency, and methods of building inspections.

(2) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire service-based emergency medical services and coordination between emergency medical services and fire services. Such studies may include the optimum protocols for on-scene care, the allocation of resources, and the training requirements for fire service-based emergency medical services.

(3) The Administrator is authorized to conduct, directly or through contracts or grants, research concerning the productivity and efficiency of fire service personnel, the job categories and skills required by fire services under varying conditions, the reduction of injuries to fire service personnel, the most effective fire prevention programs and activities, and techniques for accuracy measuring and analyzing the foregoing.

(4) The Administrator is authorized to conduct, directly or through contracts, grants, or other forms of assistance, development, testing and demonstration projects to the extent deemed necessary to introduce and to encourage the acceptance of new technology, standards, operating methods, command techniques, and management systems for utilization by the fire services.

(5) The Administrator is authorized to assist the Nation’s fire services, directly or through contracts, grants, or other forms of assistance, to measure and evaluate, on a cost-benefit basis, the effectiveness of the programs and activities of each fire service and the predictable consequences on the applicable local fire services of coordination or combination, in whole or in part, in a regional, metropolitan, or statewide fire service.

(d) Rural and wildland-urban interface assistance

The Administrator may, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the Wildland Fire Leadership Council, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, in sponsoring and encouraging research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

- (1) the rural and remote areas of the United States; and
- (2) the wildland-urban interface.

(e) Assistance to other Federal agencies

At the request of other Federal agencies, including the Department of Agriculture and the Department of the Interior, the Administrator may provide assistance in fire prevention and control technologies, including methods of containing insect-infested forest fires and limiting dispersal of resultant fire particle smoke, and methods of measuring and tracking the dispersal of fine particle smoke resulting from fires of insect-infested fuel.

(f) Technology evaluation and standards development

(1) In general

In addition to, or as part of, the program conducted under subsection (a), the Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, the National Institute for Occupational Safety and Health, the Directorate of Science and Technology of the Department of Homeland Security, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties, shall—

(A) develop new, and utilize existing, measurement techniques and testing methodologies for evaluating new firefighting technologies, including—

- (i) personal protection equipment;
- (ii) devices for advance warning of extreme hazard;
- (iii) equipment for enhanced vision;
- (iv) devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;
- (v) equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;
- (vi) equipment and methods for training, especially for virtual reality training; and
- (vii) robotics and other remote-controlled devices;

(B) evaluate the compatibility of new equipment and technology with existing firefighting technology; and

(C) support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies based on techniques and methodologies described in subparagraph (A).

(2) Standards for new equipment

(A) The Administrator shall, by regulation, require that new equipment or systems purchased through the assistance program established by section 2229 of this title meet or exceed applicable voluntary consensus standards for such equipment or systems for which applicable voluntary consensus standards have been established. The Administrator may waive the requirement under this subparagraph with respect to specific standards.

(B) If an applicant for a grant under section 2229 of this title proposes to purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that do meet or exceed such standards.

(C) In making a determination whether or not to waive the requirement under subparagraph (A) with respect to a specific standard, the Administrator shall, to the greatest extent practicable—

(i) consult with grant applicants and other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

(ii) take into consideration the explanation provided by the applicant under subparagraph (B); and

(iii) seek to minimize the impact of the requirement to meet or exceed the specific standard on the applicant, particularly if meeting the standard would impose additional costs.

(D) Applicants that apply for a grant under the terms of subparagraph (B) may include a second grant request in the application to be considered by the Administrator in the event that the Administrator does not approve the primary grant request on the grounds of the equipment not meeting applicable voluntary consensus standards.

(g) Coordination

In establishing and conducting programs under this section, the Administrator shall take full advantage of applicable technological developments made by other departments and agencies of the Federal Government, by State and local governments, and by business, industry, and nonprofit associations.

(h) Publication of research results

(1) In general

For each fire-related research program funded by the Administration, the Administrator shall make available to the public on the Internet website of the Administration the following:

(A) A description of such research program, including the scope, methodology, and goals thereof.

(B) Information that identifies the individuals or institutions conducting the research program.

(C) The amount of funding provided by the Administration for such program.

(D) The results or findings of the research program.

(2) Deadlines

(A) In general

Except as provided in subparagraph (B), the information required by paragraph (1) shall be published with respect to a research program as follows:

- (i) The information described in subparagraphs (A), (B), and (C) of paragraph (1)

with respect to such research program shall be made available under paragraph (1) not later than 30 days after the Administrator has awarded the funding for such research program.

(ii) The information described in subparagraph (D) of paragraph (1) with respect to a research program shall be made available under paragraph (1) not later than 60 days after the date such research program has been completed.

(B) Exception

No information shall be required to be published under this subsection before the date that is 1 year after October 8, 2008.

(Pub. L. 93-498, § 8, Oct. 29, 1974, 88 Stat. 1540; Pub. L. 108-169, title II, § 202, Dec. 6, 2003, 117 Stat. 2037; Pub. L. 110-376, §§ 6, 9(b), Oct. 8, 2008, 122 Stat. 4059, 4061.)

AMENDMENTS

2008—Subsec. (c)(2) to (5). Pub. L. 110-376, § 9(b), added par. (2) and redesignated former pars. (2) to (4) as (3) to (5), respectively.

Subsec. (d). Pub. L. 110-376, § 6(a), amended subsec. (d) generally. Prior to amendment, text read as follows: “The Administrator is authorized to assist the Nation’s fire services, directly or through contracts, grants, or other forms of assistance, to sponsor and encourage research into approaches, techniques, systems, and equipment to improve fire prevention and control in the rural and remote areas of the Nation.”

Subsec. (h). Pub. L. 110-376, § 6(b), added subsec. (h).

2003—Subsecs. (e) to (g). Pub. L. 108-169 added subsecs. (e) and (f) and redesignated former subsec. (e) as (g).

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.

§ 2208. National Fire Data Center

(a) Functions

The Administrator shall operate, directly or through contracts or grants, an integrated, comprehensive National Fire Data Center for the selection, analysis, publication, and dissemination of information related to the prevention, occurrence, control, and results of fires of all types. The program of such Data Center shall be designed to (1) provide an accurate nationwide analysis of the fire problem, (2) identify major

problem areas, (3) assist in setting priorities, (4) determine possible solutions to problems, and (5) monitor the progress of programs to reduce fire losses. To carry out these functions, the Data Center shall gather and analyze—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards faced by firefighters, including the causes of deaths and injuries arising, directly and indirectly, from firefighting activities;

(4) information on all types of firefighting activities, including inspection practices;

(5) technical information related to building construction, fire properties of materials, and similar information;

(6) information on fire prevention and control laws, systems, methods, techniques, and administrative structures used in foreign nations;

(7) information on the causes, behavior, and best method of control of other types of fire, including, but not limited to, forest fires, brush fires, fire underground, oil blow-out fires, and water-borne fires; and

(8) such other information and data as is deemed useful and applicable.

(b) Methods

In carrying out the program of the Data Center, the Administrator is authorized to—

(1) develop standardized data reporting methods;

(2) encourage and assist Federal, State, local, and other agencies, public and private, in developing and reporting information; and

(3) make full use of existing data gathering and analysis organizations, both public and private.

(c) Dissemination of fire data

The Administrator shall insure dissemination to the maximum extent possible of fire data collected and developed by the Data Center, and shall make such data, information, and analysis available in appropriate form to Federal agencies, State and local governments, private organizations, industry, business, and other interested persons.

(d) National Fire Incident Reporting System update

The Administrator shall update the National Fire Incident Reporting System to ensure that the information in the system is available, and can be updated, through the Internet and in real time.

(Pub. L. 93-498, § 9, Oct. 29, 1974, 88 Stat. 1541; Pub. L. 110-376, § 5, Oct. 8, 2008, 122 Stat. 4059; Pub. L. 112-239, div. A, title XVIII, § 1815, Jan. 2, 2013, 126 Stat. 2118.)

AMENDMENTS

2013—Subsec. (d). Pub. L. 112-239 struck out par. (1) designation and heading and par. (2). Prior to amendment, text of par. (2) read as follows: “Of the amounts made available pursuant to subparagraphs (E), (F), and

(G) of section 2216(g)(1) of this title, the Administrator shall use not more than an aggregate amount of \$5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out the activities required by paragraph (1).”

2008—Subsec. (b)(2), Pub. L. 110-376, §5(b), substituted “assist Federal, State,” for “assist State.”

Subsec. (d), Pub. L. 110-376, §5(a), added subsec. (d).

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.

§ 2209. Master plans

(a) Encouragement by Administrator

The establishment of master plans for fire prevention and control are the responsibility of the States and the political subdivisions thereof. The Administrator is authorized to encourage and assist such States and political subdivisions in such planning activities, consistent with his powers and duties under this chapter.

(b) Mutual aid systems

(1) In general

The Administrator shall provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies that—

(A) include threat assessment and equipment deployment strategies;

(B) include means of collecting asset and resource information to provide accurate and timely data for regional deployment; and

(C) are consistent with the Federal Response Plan.

(2) Model mutual aid plans

The Administrator shall develop and make available to State and local fire service officials model mutual aid plans for both intrastate and interstate assistance.

(c) “Master plan” defined

For the purposes of this section, a “master plan” is one which will result in the planning and implementation in the area involved of a general program of action for fire prevention and control. Such master plan is reasonably expected to include (1) a survey of the resources and personnel of existing fire services and an

analysis of the effectiveness of the fire and building codes in such area; (2) an analysis of short and long term fire prevention and control needs in such area; (3) a plan to meet the fire prevention and control needs in such area; and (4) an estimate of cost and realistic plans for financing the implementation of the plan and operation on a continuing basis and a summary of problems that are anticipated in implementing such master plan.

(Pub. L. 93-498, §10, Oct. 29, 1974, 88 Stat. 1542; Pub. L. 106-503, title I, §110(a)(1)(A), Nov. 13, 2000, 114 Stat. 2302; Pub. L. 108-169, title II, §203(a), Dec. 6, 2003, 117 Stat. 2038.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

AMENDMENTS

2003—Subsecs. (b), (c), Pub. L. 108-169 added subsec. (b) and redesignated former subsec. (b) as (c).

2000—Subsecs. (b), (c), Pub. L. 106-503 redesignated subsec. (c) as (b) and struck out former subsec. (b) which required Secretary to submit to Congress a report on establishment and effectiveness of master plans four years after Oct. 29, 1974.

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.

§ 2210. Reimbursement for costs of firefighting on Federal property

(a) Filing of claims

Each fire service that engages in the fighting of a fire on property which is under the jurisdiction of the United States may file a claim with the Administrator for the amount of direct expenses and direct losses incurred by such fire service as a result of fighting such fire. The claim shall include such supporting information as the Administrator may prescribe.

(b) Determination

Upon receipt of a claim filed under subsection (a) of this section, the Administrator shall determine—

(1) what payments, if any, to the fire service or its parent jurisdiction, including taxes or payments in lieu of taxes, the United States has made for the support of fire services on the property in question;

(2) the extent to which the fire service incurred additional firefighting costs, over and above its normal operating costs, in connection with the fire which is the subject of the claim; and

(3) the amount, if any, of the additional costs referred to in paragraph (2) of this subsection which were not adequately covered by the payments referred to in paragraph (1) of this subsection.

(c) Payment

The Administrator of FEMA shall forward the claim and a copy of the Administrator's determination under subsection (b)(3) of this section to the Secretary of the Treasury. The Secretary of the Treasury shall, upon receipt of the claim and determination, pay such fire service or its parent jurisdiction, from any moneys in the Treasury not otherwise appropriated but subject to reimbursement (from any appropriations which may be available or which may be made available for the purpose) by the Federal department or agency under whose jurisdiction the fire occurred, a sum no greater than the amount determined with respect to the claim under subsection (b)(3) of this section.

(d) Adjudication

In the case of a dispute arising in connection with a claim under this section, the United States Court of Federal Claims shall have jurisdiction to adjudicate the claim and enter judgment accordingly.

(Pub. L. 93-498, §11, Oct. 29, 1974, 88 Stat. 1543; Pub. L. 97-164, title I, §146, Apr. 2, 1982, 96 Stat. 45; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 106-503, title I, §110(a)(2)(B)(iii), 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—Subsec. (c). Pub. L. 112-239 substituted “Administrator of FEMA” for “Director”.

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

1992—Subsec. (d). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Subsec. (d). Pub. L. 97-164 substituted “United States Claims Court” for “Court of Claims of the United States”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

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.

§ 2211. Review of fire prevention codes

The Administrator is authorized to review, evaluate, and suggest improvements in State and local fire prevention codes, building codes, and any relevant Federal or private codes and regulations. In evaluating any such code or codes, the Administrator shall consider the human impact of all code requirements, standards, or provisions in terms of comfort and habitability for residents or employees, as well as the fire prevention and control value or potential of each such requirement, standard, or provision.

(Pub. L. 93-498, §12, Oct. 29, 1974, 88 Stat. 1543.)

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.

§ 2212. Fire safety effectiveness statements

The Administrator is authorized to encourage owners and managers of residential multiple-unit, commercial, industrial, and transportation structures to prepare Fire Safety Effectiveness Statements, pursuant to standards, forms, rules, and regulations to be developed and issued by the Administrator.

(Pub. L. 93-498, §13, Oct. 29, 1974, 88 Stat. 1544.)

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.

§ 2213. Annual conference

The Administrator is authorized to organize, or to participate in organizing, an annual conference on fire prevention and control. He may pay, in whole or in part, the cost of such conference and the expenses of some or all of the participants. All of the Nation's fire services shall be eligible to send representatives to each such conference to discuss, exchange ideas on, and participate in educational programs on new techniques in fire prevention and control. Such conferences shall be open to the public.

(Pub. L. 93-498, §14, Oct. 29, 1974, 88 Stat. 1544.)

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.

§ 2214. Public safety awards

(a) Establishment

There is hereby established an honorary award for the recognition of outstanding and distinguished service by public safety officers to be known as the Administrator's Award For Distinguished Public Safety Service ("Administrator's Award").

(b) Description

The Administrator's Award shall be presented by the Administrator of FEMA or by the Attor-

ney General to public safety officers for distinguished service in the field of public safety.

(c) Award

Each Administrator's Award shall consist of an appropriate citation.

(d) Regulations

The Administrator of FEMA and the Attorney General are authorized and directed to issue jointly such regulations as may be necessary to carry out this section.

(e) "Public safety officer" defined

As used in this section, the term "public safety officer" means a person serving a public agency, with or without compensation, as—

- (1) a firefighter;
- (2) a law enforcement officer, including a corrections or court officer; or
- (3) a civil defense officer.

(Pub. L. 93-498, §15, Oct. 29, 1974, 88 Stat. 1544; Pub. L. 98-241, title II, §202, Mar. 22, 1984, 98 Stat. 96; Pub. L. 106-503, title I, §110(a)(2)(B)(iv), (v), (C), Nov. 13, 2000, 114 Stat. 2302; Pub. L. 107-12, §8, May 30, 2001, 115 Stat. 22; Pub. L. 112-239, div. A, title XVIII, §1802(b), Jan. 2, 2013, 126 Stat. 2100.)

AMENDMENTS

2013—Pub. L. 112-239, §1802(b)(2), substituted "Administrator's Award" for "Director's Award" wherever appearing.

Pub. L. 112-239, §1802(b)(1), substituted "Administrator of FEMA" for "Director" in two places.

2001—Subsec. (a). Pub. L. 107-12, §8(1), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: "There are hereby established two classes of honorary awards for the recognition of outstanding and distinguished service by public safety officers—

"(1) the President's Award For Outstanding Public Safety Service ('President's Award'); and

"(2) the Director's Award For Distinguished Public Safety Service ('Director's Award')."

Subsec. (b). Pub. L. 107-12, §8(2), struck out pars. (1) and (2) designations and text of par. (1) which read as follows: "The President's Award shall be presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contribution to public safety."

Subsec. (c). Pub. L. 107-12, §8(3), (4), redesignated subsec. (e) as (c) and struck out pars. (1) and (2) designations and text of par. (1), which read as follows: "Each President's Award shall consist of—

"(A) a medal suitably inscribed, bearing such devices and emblems, and struck from such material as the Secretary of the Treasury, after consultation with the Director and the Attorney General deems appropriate. The Secretary of the Treasury shall cause the medal to be struck and furnished to the President; and

"(B) an appropriate citation."

Former subsec. (c) was struck out.

Pub. L. 107-12, §8(3), struck out heading and text of subsec. (c). Text read as follows: "The Director and the Attorney General shall advise and assist the President in the selection of individuals to whom the President's Award shall be tendered and in the course of performing such duties they shall seek and review nominations for such awards which are submitted to them by Federal, State, county, and local government officials. They shall annually transmit to the President the names of those individuals determined by them to merit the award, together with the reasons therefor. Recipients of the President's Award shall be selected by the President."

Subsec. (d). Pub. L. 107-12, §8(3), redesignated subsec. (f) as (d) and struck out heading and text of former subsec. (d). Text read as follows:

“(1) There shall not be presented in any one calendar year in excess of twelve President’s Awards.

“(2) There shall be no limitation on the number of Director’s Awards presented.”

Subsecs. (e) to (g). Pub. L. 107-12, §8(3), redesignated subsecs. (e) to (g) as (c) to (e), respectively.

2000—Subsec. (a)(2). Pub. L. 106-503, §110(a)(2)(C), substituted “Director’s” for “Secretary’s” in two places.

Subsec. (b)(2). Pub. L. 106-503, §110(a)(2)(B)(iv), (C), substituted “Director’s” for “Secretary’s” and “Director” for “Secretary”.

Subsec. (c). Pub. L. 106-503, §110(a)(2)(B)(iv), substituted “Director” for “Secretary”.

Subsec. (d)(2). Pub. L. 106-503, §110(a)(2)(C), substituted “Director’s” for “Secretary’s”.

Subsec. (e)(1)(A). Pub. L. 106-503, §110(a)(2)(B)(v), substituted “with the Director” for “with the Secretary”.

Subsec. (e)(2). Pub. L. 106-503, §110(a)(2)(C), substituted “Director’s” for “Secretary’s”.

Subsec. (f). Pub. L. 106-503, §110(a)(2)(B)(iv), substituted “Director” for “Secretary”.

1984—Subsecs. (b)(2), (c), (e)(1)(A), (f). Pub. L. 98-241 struck out “, the Secretary of Defense,” after “Secretary” wherever appearing.

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.

EX. ORD. NO. 13161. ESTABLISHMENT OF THE PRESIDENTIAL MEDAL OF VALOR FOR PUBLIC SAFETY OFFICERS

Ex. Ord. No. 13161, June 29, 2000, 65 F.R. 41543, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is ordered:

SECTION 1. The Presidential Medal of Valor for Public Safety Officers (Medal) is established for the purpose of recognizing those public safety officers adjudged to have shown extraordinary valor above and beyond the call of duty in the exercise of their official duties. As used in this section, the term “public safety officer” means a person serving a public agency with or without compensation:

- (1) as a law enforcement officer, including police, correctional, probation, or parole officers;
- (2) as a firefighter or emergency responder; and
- (3) who is employed by the Government of the United States, any State of the United States, any officially recognized elective body within a State of the United States, or any Federally recognized tribal organization.

SEC. 2. Eligible recipients generally will be recommended to the President by the Attorney General by

April 1 of each year. Pursuant to 36 U.S.C. 136-137, the President designates May 15 of each year as “Peace Officers Memorial Day” and the week in which it falls as “Police Week.” Presentation of the Medal shall occur at an appropriate time during the commemoration of Police Week, as far as is practicable.

SEC. 3. The President may select for the Medal up to ten persons annually from among those persons recommended to the President by the Attorney General. In submitting recommendations to the President, the Attorney General may consult with experts representing all segments of the public safety sector, including representatives from law enforcement, firefighters, and emergency services.

SEC. 4. Those chosen for recognition shall receive a medal and a certificate, the designs of which shall be submitted by the Attorney General for the President’s approval no later than December 1, 2000. The medal and certificate shall be prepared by the Department of Justice.

SEC. 5. The Medal may be given posthumously.

WILLIAM J. CLINTON.

§ 2215. Reports to Congress and President

The Administrator of FEMA shall report to the Congress and the President not later than ninety calendar days following the year ending September 30, 1980 and similarly each year thereafter on all activities relating to fire prevention and control, and all measures taken to implement and carry out this chapter during the preceding calendar year. Such report shall include, but need not be limited to—

(a) a thorough appraisal, including statistical analysis, estimates, and long-term projections of the human and economic losses due to fire;

(b) a survey and summary, in such detail as is deemed advisable, of the research and technology program undertaken or sponsored pursuant to this chapter;

(c) a summary of the activities of the Academy for the preceding 12 months, including, but not limited to—

(1) an explanation of the curriculum of study;

(2) a description of the standards of admission and performance;

(3) the criteria for the awarding of degrees and certificates; and

(4) a statistical compilation of the number of students attending the Academy and receiving degrees or certificates;

(d) a summary of the activities undertaken to assist the Nation’s fire services;

(e) a summary of the public education programs undertaken;

(f) an analysis of the extent of participation in preparing and submitting Fire Safety Effectiveness Statements;

(g) a summary of outstanding problems confronting the administration of this chapter, in order of priority;

(h) such recommendations for additional legislation as are deemed necessary or appropriate; and

(i) a summary of reviews, evaluations, and suggested improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes, regulations, and fire services.

(Pub. L. 93-498, §16, Oct. 29, 1974, 88 Stat. 1545; Pub. L. 96-472, title II, §202, Oct. 19, 1980, 94 Stat.

2260; Pub. L. 106-503, title I, §110(a)(2)(B)(vi), Nov. 13, 2000, 114 Stat. 2302; 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.

AMENDMENTS

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

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

1980—Pub. L. 96-472 substituted “ninety calendar days following the year ending September 30, 1980 and similarly each year thereafter” for “June 30 of the year following October 29, 1974, and each year thereafter”.

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.

§ 2216. Authorization of appropriations

(a) There are authorized to be appropriated to carry out the foregoing provisions of this chapter, except as otherwise specifically provided, with respect to the payment of claims, under section 2210 of this title, an amount not to exceed \$25,210,000 for the fiscal year ending September 30, 1980, which amount includes—

(1) \$4,781,000 for programs which are recommended in the report submitted to the Congress by the Administrator pursuant to section 2220(b)(1)¹ of this title;

(2) \$9,430,000 for the National Academy for Fire Prevention and Control;

(3) \$307,000 for adjustments required by law in salaries, pay, retirement, and employee benefits;

(4) \$500,000 for additional rural firefighting technical assistance and information activities;

(5) \$500,000 for the study required by section 2222¹ of this title; and

(6) \$110,000 for the study required by section 2223¹ of this title.

(b) There are authorized to be appropriated for the additional administrative expenses of the Federal Emergency Management Agency, which are related to this chapter and which result from Reorganization Plan Numbered 3 of 1978 (submitted June 19, 1978) and related Executive orders, an amount not to exceed \$600,000 for the fiscal year ending September 30, 1980.

(c) There are authorized to be appropriated to carry out this chapter, except as otherwise specifically provided with respect to the payment of claims under section 2210 of this title, an amount not to exceed \$23,814,000 for the fiscal year ending September 30, 1981, which amount includes—

(1) not less than \$1,100,000 for the first year of a three-year concentrated demonstration program of fire prevention and control in two States with high fire death rates;

(2) not less than \$2,575,000 for rural fire prevention and control; and

(3) not less than \$4,255,000 for research and development for the activities under section 278f of this title at the Fire Research Center of the National Institute of Standards and Technology, of which not less than \$250,000 shall be available for adjustments required by law in salaries, pay, retirement, and employee benefits.

The funds authorized in paragraph (3) shall be in addition to funds authorized in any other law for research and development at the Fire Research Center.

(d) Except as otherwise specifically provided with respect to the payment of claims under section 2210 of this title, to carry out the purposes of this chapter, there are authorized to be appropriated—

(1) \$20,815,000 for the fiscal year ending September 30, 1982, and \$23,312,800 for the fiscal year ending September 30, 1983, which amount shall include—

(A) such sums as may be necessary for the support of research and development at the Fire Research Center of the National Institute of Standards and Technology under section 278f of this title, which sums shall be in addition to those funds authorized to be appropriated under the National Bureau of Standards Authorization Act for fiscal years 1981 and 1982; and

(B) \$654,000 for the fiscal year ending September 30, 1982, and \$732,480 for the fiscal year ending September 30, 1983, for executive direction by the Federal Emergency Management Agency of program activities for which appropriations are authorized by this subsection; and

(2) such further sums as may be necessary in each of the fiscal years ending September 30, 1982, and September 30, 1983, for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

The funds authorized under section 278f of this title shall be in addition to funds authorized in any other law for research and development at the Fire Research Center of the National Institute of Standards and Technology.

¹ See References in Text note below.

(e) Except as otherwise specifically provided with respect to the payment of claims under section 2210 of this title, to carry out the purposes of this chapter, there are authorized to be appropriated—

(1) \$15,720,000 for the fiscal year ending September 30, 1984, and \$20,983,000 for the fiscal year ending September 30, 1985; and

(2) such further sums as may be necessary in each of the fiscal years ending September 30, 1984, and September 30, 1985, for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

The funds authorized under this subsection shall be in addition to funds authorized in any other law for research and development at the Fire Research Center of the National Institute of Standards and Technology.

(f) Except as otherwise specifically provided with respect to the payment of claims under section 2210 of this title, to carry out the purposes of this chapter, there are authorized to be appropriated \$22,037,000 for the fiscal year ending September 30, 1986 and \$18,300,000 for the fiscal year ending September 30, 1987.

(g)(1) Except as otherwise specifically provided with respect to the payment of claims under section 2210 of this title, there are authorized to be appropriated to carry out the purposes of this chapter—

(A) \$63,000,000 for fiscal year 2005, of which \$2,266,000 shall be used to carry out section 2207(f) of this title;

(B) \$64,850,000 for fiscal year 2006, of which \$2,334,000 shall be used to carry out section 2207(f) of this title;

(C) \$66,796,000 for fiscal year 2007, of which \$2,404,000 shall be used to carry out section 2207(f) of this title;

(D) \$68,800,000 for fiscal year 2008, of which \$2,476,000 shall be used to carry out section 2207(f) of this title;

(E) \$70,000,000 for fiscal year 2009, of which \$2,520,000 shall be used to carry out section 2207(f) of this title;

(F) \$72,100,000 for fiscal year 2010, of which \$2,595,600 shall be used to carry out section 2207(f) of this title;

(G) \$74,263,000 for fiscal year 2011, of which \$2,673,468 shall be used to carry out section 2207(f) of this title;

(H) \$76,490,890 for fiscal year 2012, of which \$2,753,672 shall be used to carry out section 2207(f) of this title;

(I) \$76,490,890 for fiscal year 2013, of which \$2,753,672 shall be used to carry out section 2207(f) of this title;

(J) \$76,490,890 for fiscal year 2014, of which \$2,753,672 shall be used to carry out section 2207(f) of this title;

(K) \$76,490,890 for fiscal year 2015, of which \$2,753,672 shall be used to carry out section 2207(f) of this title;

(L) \$76,490,890 for fiscal year 2016, of which \$2,753,672 shall be used to carry out section 2207(f) of this title; and

(M) \$76,490,890 for fiscal year 2017, of which \$2,753,672 shall be used to carry out section 2207(f) of this title.

(2) Of the amounts referred to in paragraph (1), not more than \$4,150,000 is authorized to be appropriated for each fiscal year for National Emergency Training Center site administration.

(h) In addition to any other amounts that are authorized to be appropriated to carry out this chapter, there are authorized to be appropriated to carry out this chapter—

(1) \$500,000 for fiscal year 1995 for basic research on the development of an advanced course on arson prevention;

(2) \$2,000,000 for fiscal year 1996 for the expansion of arson investigator training programs at the Academy under section 2220 of this title and at the Federal Law Enforcement Training Center, or through regional delivery sites;

(3) \$4,000,000 for each of fiscal years 1995 and 1996 for carrying out section 2221 of this title, except for salaries and expenses for carrying out section 2221 of this title; and

(4) \$250,000 for each of the fiscal years 1995 and 1996 for salaries and expenses for carrying out section 2221 of this title.

(Pub. L. 93-498, §17, Oct. 29, 1974, 88 Stat. 1545; Pub. L. 94-411, §1(a), Sept. 13, 1976, 90 Stat. 1254; Pub. L. 95-422, §1(a), Oct. 5, 1978, 92 Stat. 932; Pub. L. 96-121, §1, Nov. 16, 1979, 93 Stat. 863; Pub. L. 96-472, title II, §201, Oct. 19, 1980, 94 Stat. 2260; Pub. L. 97-80, title II, §201, Nov. 20, 1981, 95 Stat. 1081; Pub. L. 98-241, title II, §201, Mar. 22, 1984, 98 Stat. 95; Pub. L. 99-97, Sept. 26, 1985, 99 Stat. 465; Pub. L. 99-359, §1, July 8, 1986, 100 Stat. 764; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 100-476, §1, Oct. 6, 1988, 102 Stat. 2304; Pub. L. 102-522, title I, §101, Oct. 26, 1992, 106 Stat. 3410; Pub. L. 103-254, §7, May 19, 1994, 108 Stat. 682; Pub. L. 105-108, §2, Nov. 20, 1997, 111 Stat. 2264; Pub. L. 106-503, title I, §102, Nov. 13, 2000, 114 Stat. 2298; Pub. L. 108-169, title I, §103, Dec. 6, 2003, 117 Stat. 2036; Pub. L. 110-376, §3, Oct. 8, 2008, 122 Stat. 4057; Pub. L. 112-239, div. A, title XVIII, §1814, Jan. 2, 2013, 126 Stat. 2118.)

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.

Section 2220(b)(1) of this title, referred to in subsec. (a)(1), was repealed by Pub. L. 106-503, title I, §110(a)(1)(D), Nov. 13, 2000, 114 Stat. 2302.

Sections 2222 and 2223 of this title, referred to in subsec. (a)(5), (6), respectively, were repealed by Pub. L. 106-503, title I, §110(a)(1)(B), Nov. 13, 2000, 114 Stat. 2302.

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

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.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Center 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.

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.

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.”

§ 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 treat-

ment 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, 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.

(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 facili-

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

ties 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 de-

scribe 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.)

REFERENCES IN TEXT

The Consumer Product Safety Act, referred to in text, is Pub. L. 92-573, Oct. 27, 1972, 86 Stat. 1207, as amended, which is classified generally to chapter 47 (§2051 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2051 of this title and Tables.

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.

§ 2220. Arson prevention, detection, and control

The Administrator shall—

(1) develop arson detection techniques to assist Federal agencies and States and local jurisdictions in improving arson prevention, detection, and control;

(2) provide training and instructional materials in the skills and knowledge necessary to assist Federal, State, and local fire service and law enforcement personnel in arson prevention, detection, and control, with particular emphasis on the needs of volunteer firefighters for improved and more widely available arson training courses;

(3) formulate methods for collection of arson data which would be compatible with methods of collection used for the uniform crime statistics of the Federal Bureau of Investigation;

(4) develop and implement programs for improved collection of nationwide arson statistics within the National Fire Incident Reporting System at the National Fire Data Center;

(5) develop programs for public education on the extent, causes, and prevention of arson; and

(6) develop handbooks to assist Federal, State, and local fire service and law enforce-

ment personnel in arson prevention and detection.

(Pub. L. 93-498, §24, as added Pub. L. 95-422, §3(a), Oct. 5, 1978, 92 Stat. 932; amended Pub. L. 103-254, §4, May 19, 1994, 108 Stat. 682; Pub. L. 106-503, title I, §110(a)(1)(C), (D), Nov. 13, 2000, 114 Stat. 2302.)

AMENDMENTS

2000—Pub. L. 106-503 struck out subsec. (a) designation and struck out subsec. (b) which required the Administrator to submit a report to Congress by Mar. 15, 1979, on ways to assist the States and local jurisdictions with arson control.

1994—Subsec. (a)(2). Pub. L. 103-254 inserted before semicolon at end “, with particular emphasis on the needs of volunteer firefighters for improved and more widely available arson training courses”.

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 Administrator of United States Fire Administration under this section and section 2221 of this title to remain vested in Administrator and not to be transferred to Director of Federal Emergency Management Agency, pursuant to Reorg. Plan No. 3 of 1978, §§201, 301, June 19, 1978, 43 F.R. 41944, 92 Stat. 3788, set out as a note under section 2201 of this title, effective Apr. 1, 1979, pursuant to Ex. Ord. No. 12127, §1-103(a), Mar. 31, 1979, 44 F.R. 19367.

§ 2221. Arson prevention grants

(a) Definitions

As used in this section:

(1) Arson

The term “arson” includes all incendiary and suspicious fires.

(2) Office

The term “Office” means the Office of Fire Prevention and Arson Control of the United States Fire Administration.

(b) Grants

The Administrator, acting through the Office, shall carry out a demonstration program under which not more than 10 grant awards shall be made to States, or consortia of States, for programs relating to arson research, prevention, and control.

(c) Goals

In carrying out this section, the Administrator shall award 2-year grants on a competitive, merit basis to States, or consortia of States, for projects that promote one or more of the following goals:

(1) To improve the training by States leading to professional certification of arson inves-

tigators, in accordance with nationally recognized certification standards.

(2) To provide resources for the formation of arson task forces or interagency organizational arrangements involving police and fire departments and other relevant local agencies, such as a State arson bureau and the office of a fire marshal of a State.

(3) To combat fraud as a cause of arson and to advance research at the State and local levels on the significance and prevention of fraud as a motive for setting fires.

(4) To provide for the management of arson squads, including—

(A) training courses for fire departments in arson case management, including standardization of investigative techniques and reporting methodology;

(B) the preparation of arson unit management guides; and

(C) the development and dissemination of new public education materials relating to the arson problem.

(5) To combat civil unrest as a cause of arson and to advance research at the State and local levels on the prevention and control of arson linked to urban disorders.

(6) To combat juvenile arson, such as juvenile fire-setter counseling programs and similar intervention programs, and to advance research at the State and local levels on the prevention of juvenile arson.

(7) To combat drug-related arson and to advance research at the State and local levels on the causes and prevention of drug-related arson.

(8) To combat domestic violence as a cause of arson and to advance research at the State and local levels on the prevention of arson arising from domestic violence.

(9) To combat arson in rural areas and to improve the capability of firefighters to identify and prevent arson initiated fires in rural areas and public forests.

(10) To improve the capability of firefighters to identify and combat arson through expanded training programs, including—

(A) training courses at the State fire academies; and

(B) innovative courses developed with the Academy and made available to volunteer firefighters through regional delivery methods, including teleconferencing and satellite delivered television programs.

(d) Structuring of applications

The Administrator shall assist grant applicants in structuring their applications so as to ensure that at least one grant is awarded for each goal described in subsection (c).

(e) State qualification criteria

In order to qualify for a grant under this section, a State, or consortium of States, shall provide assurances adequate to the Administrator that the State or consortium—

(1) will obtain at least 25 percent of the cost of programs funded by the grant, in cash or in kind, from non-Federal sources;

(2) will not as a result of receiving the grant decrease the prior level of spending of funds of

the State or consortium from non-Federal sources for arson research, prevention, and control programs;

(3) will use no more than 10 percent of funds provided under the grant for administrative costs of the programs; and

(4) is making efforts to ensure that all local jurisdictions will provide arson data to the National Fire Incident Reporting System or the Uniform Crime Reporting program.

(f) Extension

A grant awarded under this section may be extended for one or more additional periods, at the discretion of the Administrator, subject to the availability of appropriations.

(g) Technical assistance

The Administrator shall provide technical assistance to States in carrying out programs funded by grants under this section.

(h) Consultation and cooperation

In carrying out this section, the Administrator shall consult and cooperate with other Federal agencies to enhance program effectiveness and avoid duplication of effort, including the conduct of regular meetings initiated by the Administrator with representatives of other Federal agencies concerned with arson and concerned with efforts to develop a more comprehensive profile of the magnitude of the national arson problem.

(i) Assessment

Not later than 18 months after May 19, 1994, the Administrator shall submit a report to Congress that—

- (1) identifies grants made under this section;
- (2) specifies the identity of grantees;
- (3) states the goals of each grant; and
- (4) contains a preliminary assessment of the effectiveness of the grant program under this section.

(j) Regulations

Not later than 90 days after May 19, 1994, the Administrator shall issue regulations to implement this section, including procedures for grant applications.

(k) Administration

The Administrator shall directly administer the grant program required by this section, and shall not enter into any contract under which the grant program or any portion of the program will be administered by another party.

(l) Purchase of American made equipment and products

(1) Sense of Congress

It is the sense of Congress that any recipient of a grant under this section should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(2) Notice to recipients of assistance

In allocating grants under this section, the Administrator shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

(Pub. L. 93-498, §25, as added Pub. L. 103-254, §3, May 19, 1994, 108 Stat. 679.)

PRIOR PROVISIONS

A prior section 2221, Pub. L. 93-498, §25, as added Pub. L. 95-422, §4, Oct. 5, 1978, 92 Stat. 933, authorized sale by United States Fire Administrator of former Marjorie Webster Junior College facility, located in Washington, D.C., which had previously been purchased as site for National Academy for Fire Prevention and Control, prior to repeal by Pub. L. 97-80, title II, §202(b), Nov. 20, 1981, 95 Stat. 1083.

§§ 2222, 2223. Repealed. Pub. L. 106-503, title I, § 110(a)(1)(B), Nov. 13, 2000, 114 Stat. 2302

Section 2222, Pub. L. 93-498, §26, as added Pub. L. 96-121, §4, Nov. 16, 1979, 93 Stat. 864, related to an effectiveness study concerning smoke detectors, heat detectors, and sprinkler suppression systems.

Section 2223, Pub. L. 93-498, §27, as added Pub. L. 96-121, §5, Nov. 16, 1979, 93 Stat. 865, related to a firefighter safety study.

§ 2223a. Review

The Administrator of the United States Fire Administration (hereafter in sections 2223a to 2223e of this title referred to as the “Administrator”) shall conduct a review of existing response information used by emergency response personnel at the State and local levels to evaluate its accuracy and consistency, and to determine whether it is properly expressed. Such information should clearly communicate to emergency response personnel the probable hazards which they must contend with in an emergency situation involving hazardous materials, and the appropriate response to those hazards.

(Pub. L. 101-446, §2, Oct. 22, 1990, 104 Stat. 1045.)

CODIFICATION

Section was enacted as part of the Firefighters’ Safety Study Act, and not as part of the Federal Fire Prevention and Control Act of 1974 which comprises this chapter.

SHORT TITLE

Pub. L. 101-446, §1, Oct. 22, 1990, 104 Stat. 1045, provided that: “This Act [enacting this section and sections 2223b to 2223e of this title] may be cited as the ‘Firefighters’ Safety Study Act.’”

§ 2223b. Working group

For the purpose of carrying out section 2223a of this title, the Administrator shall establish a working group which shall, at a minimum, consist of—

- (1) program officials from each of—
 - (A) the Environmental Protection Agency;
 - (B) the National Oceanic and Atmospheric Administration;
 - (C) the Department of Transportation;
 - (D) the Occupational Safety and Health Administration; and
 - (E) the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice,

who develop and disseminate hazardous materials identification and response data, and who collect, collate, analyze, and disseminate hazardous materials incident data;

(2) State and local operational officials with emergency response or relevant regulatory responsibilities; and

(3) representatives of companies engaged in the manufacture and processing of chemicals.

(Pub. L. 101-446, § 3, Oct. 22, 1990, 104 Stat. 1045; Pub. L. 107-296, title XI, § 1112(d), Nov. 25, 2002, 116 Stat. 2276.)

CODIFICATION

Section was enacted as part of the Firefighters' Safety Study Act, and not as part of the Federal Fire Prevention and Control Act of 1974 which comprises this chapter.

AMENDMENTS

2002—Par. (1)(E). Pub. L. 107-296 substituted “the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice,” for “the Bureau of Alcohol, Tobacco, and Firearms.”

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

§ 2223c. Report and recommendations

The working group established under section 2223b of this title shall, within 1 year after October 22, 1990, submit a report to the Administrator and to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate presenting the results of the review carried out under sections 2223a to 2223e of this title, along with recommendations to ensure that response information disseminated to emergency response personnel is appropriate for operational personnel at the local level.

(Pub. L. 101-446, § 4, Oct. 22, 1990, 104 Stat. 1045.)

CODIFICATION

Section was enacted as part of the Firefighters' Safety Study Act, and not as part of the Federal Fire Prevention and Control Act of 1974 which comprises this chapter.

§ 2223d. Annual revision of recommendations

After the submission of the report cited in section 2223c of this title, the working group established under section 2223b of this title shall meet as needed, but at least once every 12 months, to review and recommend changes and additions to the report cited in section 2223c of this title, that are necessary and appropriate for operational personnel at the local level.

(Pub. L. 101-446, § 5, Oct. 22, 1990, 104 Stat. 1046.)

CODIFICATION

Section was enacted as part of the Firefighters' Safety Study Act, and not as part of the Federal Fire Prevention and Control Act of 1974 which comprises this chapter.

§ 2223e. “Emergency response personnel” defined

As used in sections 2223a to 2223e of this title, the term “emergency response personnel” means personnel responsible for mitigation activities in a medical emergency, fire emergency, hazardous material emergency, or natural disaster.

(Pub. L. 101-446, § 6, Oct. 22, 1990, 104 Stat. 1046.)

CODIFICATION

Section was enacted as part of the Firefighters' Safety Study Act, and not as part of the Federal Fire Pre-

vention and Control Act of 1974 which comprises this chapter.

§ 2224. Listings of places of public accommodation

(a) Submissions by States

(1) Not later than 2 years after September 25, 1990, each State (acting through its Governor or the Governor's designee) shall, under procedures formulated by the Administrator of FEMA, submit to the Administrator of FEMA a list of those places of public accommodation affecting commerce located in the State which meet the requirements of the guidelines described in section 2225 of this title.

(2) The Administrator of FEMA shall formulate procedures under which each State (acting through its Governor or the Governor's designee) shall periodically update the list submitted pursuant to paragraph (1).

(b) Compilation and distribution of master list

(1) Not later than 60 days after the expiration of the 2-year period referred to in subsection (a), the Administrator of FEMA shall compile and publish in the Federal Register a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines described in section 2225 of this title, and shall distribute such list to each agency of the Federal Government and take steps to make the employees of such agencies aware of its existence and contents.

(2) The Administrator of FEMA shall periodically update the national master list compiled pursuant to paragraph (1) to reflect changes in the State lists submitted to the Administrator of FEMA pursuant to subsection (a), and shall periodically redistribute the updated master list to each agency of the Federal Government.

(3) For purposes of this subsection, the term “agency” has the meaning given to it under section 5701(1) of title 5.

(Pub. L. 93-498, § 28, as added Pub. L. 101-391, § 3(a), Sept. 25, 1990, 104 Stat. 747; amended Pub. L. 102-522, title I, § 104, Oct. 26, 1992, 106 Stat. 3411; Pub. L. 112-239, div. A, title XVIII, § 1802(b)(1), Jan. 2, 2013, 126 Stat. 2100.)

AMENDMENTS

Pub. L. 112-239 substituted “Administrator of FEMA” for “Director” wherever appearing.

1992—Pub. L. 102-522, § 104(1), struck out “certified” before “places” in section catchline.

Subsec. (a). Pub. L. 102-522, § 104(2), inserted “(acting through its Governor or the Governor's designee)” after “each State” in pars. (1) and (2) and struck out “the Governor of the State or his designee certifies” after “in the State which” in par. (1).

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.

§ 2225. Fire prevention and control guidelines for places of public accommodation

(a) Contents of guidelines

The guidelines referred to in sections 2224 and 2226 of this title consist of—

(1) a requirement that hard-wired, single-station smoke detectors be installed in accordance with National Fire Protection Association Standard 74 or any successor standard to that standard in each guest room in each place of public accommodation affecting commerce; and

(2) a requirement that an automatic sprinkler system be installed in accordance with National Fire Protection Association Standard 13 or 13-R, or any successor standard to that standard, whichever is appropriate, in each place of public accommodation affecting commerce except those places that are 3 stories or lower.

(b) Exceptions

(1) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce with an automatic sprinkler system installed before October 25, 1992, if the automatic sprinkler system is installed in compliance with an applicable standard (adopted by the governmental authority having jurisdiction, and in effect, at the time of installation) that required the placement of a sprinkler head in the sleeping area of each guest room.

(2) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce to the extent that such place of public accommodation affecting commerce is subject to a standard that includes a requirement or prohibition that prevents compliance with a provision of National Fire Protection Association Standard 13 or 13-R, or any successor standard to that standard. In such a case, the place of public accommodation affecting commerce is exempt only from that specific provision.

(c) Effect on State and local law

The provisions of this section shall not be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

(d) Definitions

For purposes of this section, the following definitions shall apply:

(1) The term “smoke detector” means an alarm that is designed to respond to the presence of visible or invisible particles of combustion.

(2) The term “automatic sprinkler system” means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will pro-

tect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by Federal, State, or local laws or regulations) through the building’s fire alarm system.

(3) The term “governmental authority having jurisdiction” means the Federal, State, local, or other governmental entity with statutory or regulatory authority for the approval of fire safety systems, equipment, installations, or procedures within a specified locality.

(Pub. L. 93–498, §29, as added Pub. L. 101–391, §3(a), Sept. 25, 1990, 104 Stat. 748; amended Pub. L. 102–522, title I, §105, Oct. 26, 1992, 106 Stat. 3411; Pub. L. 105–108, §3(1)–(3), Nov. 20, 1997, 111 Stat. 2264.)

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–108, §3(1), inserted “or any successor standard to that standard” after “Association Standard 74”.

Subsec. (a)(2). Pub. L. 105–108, §3(2), inserted “, or any successor standard to that standard” before “, whichever is appropriate.”

Subsec. (b)(2). Pub. L. 105–108, §3(3), inserted “, or any successor standard to that standard” after “Association Standard 13 or 13-R”.

1992—Subsecs. (b) to (d). Pub. L. 102–522, §105(a), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Subsec. (d)(3). Pub. L. 102–522, §105(b), added par. (3).

§ 2225a. Prohibiting Federal funding of conferences held at non-certified places of public accommodation

(a) In general

No Federal funds may be used to sponsor or fund in whole or in part a meeting, convention, conference, or training seminar that is conducted in, or that otherwise uses the rooms, facilities, or services of, a place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 2225 of this title.

(b) Waiver

(1) In general

The head of an agency of the Federal Government sponsoring or funding a particular meeting, convention, conference, or training seminar may waive the prohibition described in subsection (a) if the head of such agency determines that a waiver of such prohibition is necessary in the public interest in the case of such particular event.

(2) Delegation of authority

The head of an agency of the Federal Government may delegate the authority provided under paragraph (1) to waive the prohibition described in subsection (a) and to determine whether such a waiver is necessary in the public interest to an officer or employee of the agency if such officer or employee is given such authority with respect to all meetings, conventions, conferences, and training seminars sponsored or funded by the agency.

(c) Notice requirements

(1) Advertisements and applications

(A) Any advertisement for or application for attendance at a meeting, convention, con-

ference, or training seminar sponsored or funded in whole or in part by the Federal Government shall include a notice regarding the prohibition described in subsection (a).

(B) The requirement described in subparagraph (A) shall not apply in the case of an event for which a head of an agency of the Federal Government, pursuant to subsection (b), waives the prohibition described in subsection (a).

(2) Providing notice to recipients of funds

(A) Each Executive department, Government corporation, and independent establishment providing Federal funds to non-Federal entities shall notify recipients of such funds of the prohibition described in subsection (a).

(B) In subparagraph (A), the terms “Executive department”, “Government corporation”, and “independent establishment” have the meanings given such terms in chapter 1 of title 5.

(d) Effective date

The provisions of this section shall take effect on the first day of the first fiscal year that begins after the expiration of the 425-day period that begins on the date of the publication in the Federal Register of the master list referred to in section 2224(b) of this title.

(Pub. L. 101–391, § 6, Sept. 25, 1990, 104 Stat. 751.)

CODIFICATION

Section was enacted as part of the Hotel and Motel Fire Safety Act of 1990, and not as part of the Federal Fire Prevention and Control Act of 1974 which comprises this chapter.

§ 2226. Dissemination of fire prevention and control information

The Administrator of FEMA, acting through the Administrator, is authorized to take steps to encourage the States to promote the use of automatic sprinkler systems and automatic smoke detection systems, and to disseminate to the maximum extent possible information on the life safety value and use of such systems. Such steps may include, but need not be limited to, providing copies of the guidelines described in section 2225 of this title and of the master list compiled under section 2224(b) of this title to Federal agencies, State and local governments, and fire services throughout the United States, and making copies of the master list compiled under section 2224(b) of this title available upon request to interested private organizations and individuals.

(Pub. L. 93–498, § 30, as added Pub. L. 101–391, § 3(a), Sept. 25, 1990, 104 Stat. 748; amended 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”.

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.

§ 2227. Fire safety systems in federally assisted buildings

(a) Definitions

For purposes of this section, the following definitions apply:

(1) The term “affordable cost” means the cost to a Federal agency of leasing office space in a building that is protected by an automatic sprinkler system or equivalent level of safety, which cost is no more than 10 percent greater than the cost of leasing available comparable office space in a building that is not so protected.

(2) The term “automatic sprinkler system” means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire—

(A) will protect human lives by discharging water over the fire area, in accordance with the National Fire Protection Association Standard 13, 13D, or 13R, whichever is appropriate for the type of building and occupancy being protected, or any successor standard thereto; and

(B) includes an alarm signaling system with appropriate warning signals (to the extent such alarm systems and warning signals are required by Federal, State, or local laws or regulations) installed in accordance with the National Fire Protection Association Standard 72, or any successor standard thereto.

(3) The term “equivalent level of safety” means an alternative design or system (which may include automatic sprinkler systems), based upon fire protection engineering analysis, which achieves a level of safety equal to or greater than that provided by automatic sprinkler systems.

(4) The term “Federal employee office building” means any office building in the United States, whether owned or leased by the Federal Government, that is regularly occupied by more than 25 full-time Federal employees in the course of their employment.

(5) The term “housing assistance”—

(A) means assistance provided by the Federal Government to be used in connection with the provision of housing,¹ that is provided in the form of a grant, contract, loan, loan guarantee, cooperative agreement, interest subsidy, insurance, or direct appropriation; and

(B) does not include assistance provided by the Secretary of Veterans Affairs; the Fed-

¹ So in original. The comma probably should not appear.

eral Emergency Management Agency; the Secretary of Housing and Urban Development under the single family mortgage insurance programs under the National Housing Act [12 U.S.C. 1701 et seq.] or the homeownership assistance program under section 235 of such Act [12 U.S.C. 1715z]; the National Homeownership Trust; the Federal Deposit Insurance Corporation under the affordable housing program under section 1831q of title 12; or the Resolution Trust Corporation under the affordable housing program under section 1441a(c)² of title 12.

(6) The term “hazardous areas” means those areas in a building referred to as hazardous areas in National Fire Protection Association Standard 101, known as the Life Safety Code, or any successor standard thereto.

(7) The term “multifamily property” means—

(A) in the case of housing for Federal employees or their dependents, a residential building consisting of more than 2 residential units that are under one roof; and

(B) in any other case, a residential building consisting of more than 4 residential units that are under one roof.

(8) The term “prefire plan” means specific plans for fire fighting activities at a property or location.

(9) The term “rebuilding” means the repairing or reconstructing of portions of a multifamily property where the cost of the alterations is 70 percent or more of the replacement cost of the completed multifamily property, not including the value of the land on which the multifamily property is located.

(10) The term “renovated” means the repairing or reconstructing of 50 percent or more of the current value of a Federal employee office building, not including the value of the land on which the Federal employee office building is located.

(11) The term “smoke detectors” means single or multiple station, self-contained alarm devices designed to respond to the presence of visible or invisible particles of combustion, installed in accordance with the National Fire Protection Association Standard 74 or any successor standard thereto.

(12) The term “United States” means the States collectively.

(b) Federal employee office buildings

(1)(A) No Federal funds may be used for the construction or purchase of a Federal employee office building of 6 or more stories unless during the period of occupancy by Federal employees the building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the construction or purchase of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the building are protected by automatic sprinkler systems or an equivalent level of safety.

(B)(i) Except as provided in clause (ii), no Federal funds may be used for the lease of a Federal

employee office building of 6 or more stories, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,000 square feet of space is federally occupied, unless during the period of occupancy by Federal employees the entire Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the lease of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the entire Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

(ii) The first sentence of clause (i) shall not apply to the lease of a building the construction of which is completed before October 26, 1992, if the leasing agency certifies that no suitable building with automatic sprinkler systems or an equivalent level of safety is available at an affordable cost.

(2) Paragraph (1) shall not apply to—

(A) a Federal employee office building that was owned by the Federal Government before October 26, 1992;

(B) space leased in a Federal employee office building if the space was leased by the Federal Government before October 26, 1992;

(C) space leased on a temporary basis for not longer than 6 months;

(D) a Federal employee office building that becomes a Federal employee office building pursuant to a commitment to move Federal employees into the building that is made prior to October 26, 1992; or

(E) a Federal employee office building that is owned or managed by the Resolution Trust Corporation.

Nothing in this subsection shall require the installation of an automatic sprinkler system or equivalent level of safety by reason of the leasing, after October 26, 1992, of space below the sixth floor in a Federal employee office building.

(3) No Federal funds may be used for the renovation of a Federal employee office building of 6 or more stories that is owned by the Federal Government unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the renovation of any other Federal employee office building that is owned by the Federal Government unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

(4) No Federal funds may be used for entering into or renewing a lease of a Federal employee office building of 6 or more stories that is renovated after October 26, 1992, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,000 square feet of space is federally occupied, unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for entering into or renewing a lease of any other Federal employee office building that is renovated after October 26, 1992, unless after that renovation the hazard-

² See References in Text note below.

ous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

(c) Housing

(1)(A) Except as otherwise provided in this paragraph, no Federal funds may be used for the construction, purchase, lease, or operation by the Federal Government of housing in the United States for Federal employees or their dependents unless—

(i) in the case of a multifamily property acquired or rebuilt by the Federal Government after October 26, 1992, the housing is protected, before occupancy by Federal employees or their dependents, by an automatic sprinkler system (or equivalent level of safety) and hard-wired smoke detectors; and

(ii) in the case of any other housing, the housing, before—

(I) occupancy by the first Federal employees (or their dependents) who do not occupy such housing as of October 26, 1992; or

(II) the expiration of 3 years after October 26, 1992,

whichever occurs first, is protected by hard-wired smoke detectors.

(B) Nothing in this paragraph shall be construed to supersede any guidelines or requirements applicable to housing for Federal employees that call for a higher level of fire safety protection than is required under this paragraph.

(C) Housing covered by this paragraph that does not have an adequate and reliable electrical system shall not be subject to the requirement under subparagraph (A) for protection by hard-wired smoke detectors, but shall be protected by battery operated smoke detectors.

(D) If funding has been programmed or designated for the demolition of housing covered by this paragraph, such housing shall not be subject to the fire protection requirements of subparagraph (A), but shall be protected by battery operated smoke detectors.

(2)(A)(i) Housing assistance may not be used in connection with any newly constructed multifamily property, unless after the new construction the multifamily property is protected by an automatic sprinkler system and hard-wired smoke detectors.

(ii) For purposes of clause (i), the term “newly constructed multifamily property” means a multifamily property of 4 or more stories above ground level—

(I) that is newly constructed after October 26, 1992; and

(II) for which (a) housing assistance is used for such new construction, or (b) a binding commitment is made, before commencement of such construction, to provide housing assistance for the newly constructed property.

(iii) Clause (i) shall not apply to any multifamily property for which, before October 26, 1992, a binding commitment is made to provide housing assistance for the new construction of the property or for the newly constructed property.

(B)(i) Except as provided in clause (ii), housing assistance may not be used in connection with any rebuilt multifamily property, unless after

the rebuilding the multifamily property complies with the chapter on existing apartment buildings of National Fire Protection Association Standard 101 (known as the Life Safety Code) or any successor standard to that standard, as in effect at the earlier of (I) the time of any approval by the Department of Housing and Urban Development of the specific plan or budget for rebuilding, or (II) the time that a binding commitment is made to provide housing assistance for the rebuilt property.

(ii) If any rebuilt multifamily property is subject to, and in compliance with, any provision of a State or local fire safety standard or code that prevents compliance with a specific provision of National Fire Protection Association Standard 101 or any successor standard to that standard, the requirement under clause (i) shall not apply with respect to such specific provision.

(iii) For purposes of this subparagraph, the term “rebuilt multifamily property” means a multifamily property of 4 or more stories above ground level—

(I) that is rebuilt after the last day of the second fiscal year that ends after October 26, 1992; and

(II) for which (a) housing assistance is used for such rebuilding, or (b) a binding commitment is made, before commencement of such rebuilding, to provide housing assistance for the rebuilt property.

(C) After the expiration of the 180-day period beginning on October 26, 1992, housing assistance may not be used in connection with any other dwelling unit, unless the unit is protected by a hard-wired or battery-operated smoke detector. For purposes of this subparagraph, housing assistance shall be considered to be used in connection with a particular dwelling unit only if such assistance is provided (i) for the particular unit, in the case of assistance provided on a unit-by-unit basis, or (ii) for the multifamily property in which the unit is located, in the case of assistance provided on a structure-by-structure basis.

(d) Regulations

The Administrator of General Services, in cooperation with the United States Fire Administration, the National Institute of Standards and Technology, and the Department of Defense, within 2 years after October 26, 1992, shall promulgate regulations to further define the term “equivalent level of safety”, and shall, to the extent practicable, base those regulations on nationally recognized codes.

(e) State and local authority not limited

Nothing in this section shall be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard that establishes requirements concerning fire prevention and control. Nothing in this section shall be construed to reduce fire resistance requirements which otherwise would have been required.

(f) Prefire plan

The head of any Federal agency that owns, leases, or operates a building or housing unit with Federal funds shall invite the local agency or voluntary organization having responsibility

for fire protection in the jurisdiction where the building or housing unit is located to prepare, and biennially review, a prefire plan for the building or housing unit.

(g) Reports to Congress

(1) Within 3 years after October 26, 1992, and every 3 years thereafter, the Administrator of General Services shall transmit to Congress a report on the level of fire safety in Federal employee office buildings subject to fire safety requirements under this section. Such report shall contain a description of such buildings for each Federal agency.

(2) Within 10 years after October 26, 1992, each Federal agency providing housing to Federal employees or housing assistance shall submit a report to Congress on the progress of that agency in implementing subsection (c) and on plans for continuing such implementation.

(3)(A) The National Institute of Standards and Technology shall conduct a study and submit a report to Congress on the use, in combination, of fire detection systems, fire suppression systems, and compartmentation. Such study shall—

(i) quantify performance and reliability for fire detection systems, fire suppression systems, and compartmentation, including a field assessment of performance and determination of conditions under which a reduction or elimination of 1 or more of those systems would result in an unacceptable risk of fire loss; and

(ii) include a comparative analysis and compartmentation using fire resistive materials and compartmentation using noncombustible materials.

(B) The National Institute of Standards and Technology shall obtain funding from non-Federal sources in an amount equal to 25 percent of the cost of the study required by subparagraph (A). Funding for the National Institute of Standards and Technology for carrying out such study shall be derived from amounts otherwise authorized to be appropriated, for the Building and Fire Research Center at the National Institute of Standards and Technology, not to exceed \$750,000. The study shall commence until receipt of all matching funds from non-Federal sources. The scope and extent of the study shall be determined by the level of project funding. The Institute shall submit a report to Congress on the study within 30 months after October 26, 1992.

(h) Relation to other requirements

In the implementation of this section, the process for meeting space needs in urban areas shall continue to give first consideration to a centralized community business area and adjacent areas of similar character to the extent of any Federal requirement therefor.

(Pub. L. 93-498, §31, as added Pub. L. 102-522, title I, §106(a), Oct. 26, 1992, 106 Stat. 3412; amended Pub. L. 103-254, §6, May 19, 1994, 108 Stat. 682; Pub. L. 104-316, title I, §107, Oct. 19, 1996, 110 Stat. 3832; Pub. L. 105-108, §3(4), (5), Nov. 20, 1997, 111 Stat. 2264.)

REFERENCES IN TEXT

The National Housing Act, referred to in subsec. (a)(5)(B), is act June 27, 1934, ch. 847, 48 Stat. 1246, as

amended, which is classified principally to chapter 13 (§1701 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see References in Text note set out under section 1701 of Title 12 and Tables.

Section 1441a(c) of title 12, referred to in subsec. (a)(5)(B), was repealed by Pub. L. 111-203, title III, §364(b), July 21, 2010, 124 Stat. 1555.

AMENDMENTS

1997—Subsec. (c)(2)(B)(i). Pub. L. 105-108, §3(4), inserted “or any successor standard to that standard” after “(known as the Life Safety Code)”.

Subsec. (c)(2)(B)(ii). Pub. L. 105-108, §3(5), inserted “or any successor standard to that standard” after “Association Standard 101”.

1996—Subsec. (b)(1)(B)(iii). Pub. L. 104-316 struck out cl. (iii) which read as follows: “Within 3 years after October 26, 1992, and periodically thereafter, the Comptroller General shall audit a selection of certifications made under clause (i) and report to Congress on the results of such audit.”

1994—Subsec. (c)(1)(A). Pub. L. 103-254, §6(1), substituted “Except as otherwise provided in this paragraph, no Federal” for “No Federal”.

Subsec. (c)(1)(C), (D). Pub. L. 103-254, §6(2), added subpars. (C) and (D).

EFFECTIVE DATE

Pub. L. 102-522, title I, §106(b), Oct. 26, 1992, 106 Stat. 3417, provided that: “Subsection (b) of section 31 of the Federal Fire Prevention and Control Act of 1974 [15 U.S.C. 2227], as added by subsection (a) of this section, shall take effect 2 years after the date of enactment of this Act [Oct. 26, 1992].”

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.

§ 2228. CPR training

No funds shall be made available to a State or local government under section 2221 of this title unless such government has a policy to actively promote the training of its firefighters in cardiopulmonary resuscitation.

(Pub. L. 93-498, §32, as added Pub. L. 103-254, §5, May 19, 1994, 108 Stat. 682.)

§ 2229. Firefighter assistance

(a) Definitions

In this section:

(1) Administrator of FEMA

The term “Administrator of FEMA” means the Administrator of FEMA, acting through the Administrator.

(2) Available grant funds

The term “available grant funds”, with respect to a fiscal year, means those funds ap-

appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

(3) Career fire department

The term “career fire department” means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

(4) Combination fire department

The term “combination fire department” means a fire department that has—

- (A) paid firefighting personnel; and
- (B) volunteer firefighting personnel.

(5) Firefighting personnel

The term “firefighting personnel” means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

(6) Institution of higher education

The term “institution of higher education” has the meaning given such term in section 1001 of title 20.

(7) Nonaffiliated EMS organization

The term “nonaffiliated EMS organization” means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

(8) Paid-on-call

The term “paid-on-call” with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

(9) Volunteer fire department

The term “volunteer fire department” means a fire department that has an all-volunteer force of firefighting personnel.

(b) Assistance program

(1) Authority

In accordance with this section, the Administrator of FEMA may award—

- (A) assistance to firefighters grants under subsection (c); and
- (B) fire prevention and safety grants and other assistance under subsection (d).

(2) Administrative assistance

The Administrator of FEMA shall—

- (A) establish specific criteria for the selection of grant recipients under this section; and
- (B) provide assistance with application preparation to applicants for such grants.

(c) Assistance to firefighters grants

(1) In general

The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

(2) Maximum grant amounts

(A) Population

The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

(B) Aggregate

(i) In general

Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

(ii) Exception

The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

(3) Use of grant funds

Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

(A) To train firefighting personnel in—

- (i) firefighting;
- (ii) emergency medical services and other emergency response (including re-

sponse to natural disasters, acts of terrorism, and other man-made disasters);

(iii) arson prevention and detection;

(iv) maritime firefighting; or

(v) the handling of hazardous materials.

(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

(D) To certify—

(i) fire inspectors; and

(ii) building inspectors—

(I) whose responsibilities include fire safety inspections; and

(II) who are employed by or serving as volunteers with a fire department.

(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

(H) To acquire additional firefighting equipment, including equipment for—

(i) fighting fires with foam in remote areas without access to water; and

(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

(I) To acquire personal protective equipment, including personal protective equipment—

(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

(K) To educate the public about arson prevention and detection.

(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

(d) Fire prevention and safety grants

(1) In general

For the purpose of assisting fire prevention programs and supporting firefighter health

and safety research and development, the Administrator of FEMA may, on a competitive basis—

(A) award grants to fire departments;

(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

(i) fire prevention programs; and

(ii) research to improve firefighter health and life safety; and

(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

(2) Maximum grant amount

A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

(3) Use of grant funds

Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

(A) To enforce fire codes and promote compliance with fire safety standards.

(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

(4) Limitation

None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

(e) Applications for grants

(1) In general

An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

(2) Elements

Each application submitted under paragraph (1) shall include the following:

(A) A description of the financial need of the applicant for the grant.

(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

(D) A list of other sources of funding received by the applicant—

(i) for the same purpose for which the application for a grant under this section was submitted; or

(ii) from the Federal Government for other fire-related purposes.

(E) Such other information as the Administrator of FEMA determines appropriate.

(3) Joint or regional applications

(A) In general

Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

(B) Nonexclusivity

Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

(C) Guidance

The Administrator of FEMA shall—

(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

(f) Peer review of grant applications

(1) In general

The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

(2) Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

(g) Prioritization of grant awards

In awarding grants under this section, the Administrator of FEMA shall consider the following:

(1) The findings and recommendations of the peer reviews carried out under subsection (f).

(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

(h) Allocation of grant awards

In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

(5) not less than 10 percent are awarded under subsection (d); and

(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

(i) Additional requirements and limitations

(1) Funding for emergency medical services

Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

(2) State fire training academies

(A) Maximum share

Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

(B) Maximum grant amount

The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

(3) Amounts for purchasing firefighting vehicles

Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

(j) Further considerations

(1) Assistance to firefighters grants to fire departments

In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

(i) Population served.

(ii) Geographic response area.

(iii) Hazards vulnerability.

(iv) Call volume.

(v) Financial situation, including unemployment rate of the area being served.

(vi) Need for training or equipment.

(2) Applications from nonaffiliated EMS organizations

In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

(3) Awarding fire prevention and safety grants to certain organizations that are not fire departments

In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

- (A) prevention of injuries to high risk groups from fire; and
- (B) research programs that demonstrate a potential to improve firefighter safety.

(4) Awarding grants for fire safety research centers

(A) Considerations

In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

- (i) select each grant recipient on—
 - (I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;
 - (II) the capability of the recipient to provide leadership in making national contributions to fire safety;
 - (III) the recipient's ability to disseminate the results of fire safety research; and
 - (IV) the strategic plan the recipient proposes to carry out under the grant;

(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

- (I) a national fire service organization or a national fire safety organization; and
- (II) an institution of higher education, including a minority-serving institution (as described in section 1067q(a) of title 20); and

(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

(B) Research needs

(i) In general

Not later than 90 days after January 2, 2013, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

(ii) Publication

The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

(C) Limitations on grants for fire safety research centers

(i) In general

The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

(ii) Recipients

An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

(5) Avoiding duplication

The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

(k) Matching and maintenance of expenditure requirements

(1) Matching requirement for assistance to firefighters grants

(A) In general

Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

(B) Exception for entities serving small communities

In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

- (i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and
- (ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

(2) Matching requirement for fire prevention and safety grants

(A) In general

An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

(B) Means of matching

An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or

the provision of staff, facilities, services, material, or equipment.

(3) Maintenance of expenditures

An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

(4) Waiver

(A) In general

Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

(B) Guidelines

(i) In general

The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

(ii) Consultation

In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

(iii) Considerations

In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

(I) Changes in rates of unemployment from previous years.

(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

(IV) Such other factors as the Administrator of FEMA considers appropriate.

(C) Certain applicants for fire prevention and safety grants

The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

(i) is described in subsection (d)(1)(B); and

(ii) is not a fire department or emergency medical services organization.

(I) Grant guidelines

(1) Guidelines

For each fiscal year, prior to awarding any grants under this section, the Administrator

of FEMA shall publish in the Federal Register—

(A) guidelines that describe—

(i) the process for applying for grants under this section; and

(ii) the criteria that will be used for selecting grant recipients; and

(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

(2) Annual meeting to obtain recommendations

(A) In general

For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

(i) Criteria for the awarding of grants under this section.

(ii) Administrative changes to the assistance program established under subsection (b).

(B) Qualified members

For purposes of this paragraph, a qualified member of an organization is a member who—

(i) is recognized for expertise in firefighting or emergency medical services;

(ii) is not an employee of the Federal Government; and

(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

(I) providers of emergency medical services that are affiliated with fire departments; or

(II) nonaffiliated EMS providers.

(3) Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

(m) Accounting determination

Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

(n) Eligible grantee on behalf of Alaska Native villages

The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

(o) Training standards

If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 747 of title 6, the

applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

(p) Ensuring effective use of grants

(1) Audits

The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

- (A) the grant amounts are expended for the intended purposes; and
- (B) the grant recipient complies with the requirements of subsection (k).

(2) Performance assessment

(A) In general

The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

(B) Consultation

The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

(3) Annual reports to Administrator of FEMA

Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

(4) Annual reports to Congress

(A) In general

Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report that provides—

- (i) information on the performance assessment system developed under paragraph (2); and
- (ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

(B) Additional information

The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

(q) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section—

(A) \$750,000,000 for fiscal year 2013; and

(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

- (i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds
- (ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

(2) Administrative expenses

Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

(3) Congressionally directed spending

Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

(r) Sunset of authorities

The authority to award assistance and grants under this section shall expire on the date that is 5 years after January 2, 2013.

(Pub. L. 93-498, § 33, as added Pub. L. 106-398, § 1 [[div. A], title XVII, § 1701(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-360; amended Pub. L. 107-107, div. A, title X, § 1061, Dec. 28, 2001, 115 Stat. 1231; Pub. L. 108-7, div. K, title IV, § 421, Feb. 20, 2003, 117 Stat. 526; Pub. L. 108-169, title II, § 205, Dec. 6, 2003, 117 Stat. 2040; Pub. L. 108-375, div. C, title XXXVI, § 3602, Oct. 28, 2004, 118 Stat. 2195; Pub. L. 112-239, div. A, title XVIII, § 1803, Jan. 2, 2013, 126 Stat. 2100.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsecs. (f)(2) and (l)(3), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Another section 33 of Pub. L. 93-498 was renumbered section 35 and is classified to section 2230 of this title.

AMENDMENTS

2013—Pub. L. 112-239 amended section generally. Prior to amendment, section authorized grants for firefighter assistance.

2004—Subsec. (b)(1)(A). Pub. L. 108-375, § 3602(1), inserted “throughout the Nation” after “personnel” and struck out “and” at end.

Subsec. (b)(1)(B). Pub. L. 108-375, § 3602(2), inserted “and firefighter safety research and development” after “fire prevention” and substituted “; and” for period at end.

Subsec. (b)(1)(C). Pub. L. 108-375, § 3602(3), added subpar. (C).

Subsec. (b)(3)(F). Pub. L. 108-375, § 3602(4), inserted “and nonaffiliated EMS organizations” after “fire departments”.

Subsec. (b)(4). Pub. L. 108-375, § 3602(5)(A), inserted “and firefighter safety research and development” after “prevention” in heading.

Subsec. (b)(4)(A)(ii). Pub. L. 108-375, §3602(5)(B), inserted “that are not fire departments and” after “community organizations”, “and firefighter research and development programs,” after “fire safety programs and activities,” and “and research to improve firefighter health and life safety” after “fire prevention programs”.

Subsec. (b)(4)(B). Pub. L. 108-375, §3602(5)(C), substituted “to high risk groups from fire, as well as research programs that demonstrate the potential to improve firefighter safety” for “to children from fire”.

Subsec. (b)(4)(C). Pub. L. 108-375, §3602(5)(D), added subpar. (C).

Subsec. (b)(5)(B)(iv), (v). Pub. L. 108-375, §3602(6), added cl. (iv) and redesignated former cl. (iv) as (v).

Subsec. (b)(6). Pub. L. 108-375, §3602(7), added subpars. (A) to (C) and struck out former subpars. (A) and (B) which read as follows:

“(A) IN GENERAL.—Subject to subparagraph (B), the Director may provide assistance under this subsection only if the applicant for the assistance agrees to match with an equal amount of non-Federal funds 30 percent of the assistance received under this subsection for any fiscal year.

“(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS.—In the case of an applicant whose personnel serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent.”

Subsec. (b)(10)(A). Pub. L. 108-375, §3602(8)(A), amended heading and text of subpar. (A) generally. Prior to amendment, text read as follows: “A grant recipient under this section may not receive more than \$750,000 under this section for any fiscal year.”

Subsec. (b)(10)(B) to (F). Pub. L. 108-375, §3602(8)(B)–(D), redesignated subpar. (B) as (C) and added new subpars. (B) and (D) to (F).

Subsec. (b)(13) to (17). Pub. L. 108-375, §3602(9), added pars. (13) to (17).

Subsec. (d). Pub. L. 108-375, §3602(10), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “In this section, the term ‘State’ includes the District of Columbia and the Commonwealth of Puerto Rico.”

Subsec. (e)(1). Pub. L. 108-375, §3602(11), substituted “There are authorized to be appropriated for the purposes of this section \$900,000,000 for fiscal year 2005, \$950,000,000 for fiscal year 2006, and \$1,000,000,000 for each of the fiscal years 2007 through 2009.” for “There are authorized to be appropriated \$900,000,000 for each of the fiscal years 2002 through 2004 for the purposes of this section.”

2003—Subsec. (b)(2). Pub. L. 108-169, §205(a)(1), added par. (2) and struck out heading and text of former par. (2). Text read as follows:

“(A) ESTABLISHMENT.—Before providing assistance under paragraph (1), the Director shall establish an office in the Federal Emergency Management Agency to administer the assistance under this section.

“(B) INCLUDED DUTIES.—The duties of the office shall include the following:

“(i) RECIPIENT SELECTION CRITERIA.—To establish specific criteria for the selection of recipients of the assistance under this section.

“(ii) GRANT-WRITING ASSISTANCE.—To provide grant-writing assistance to applicants.”

Subsec. (b)(3)(B). Pub. L. 108-169, §205(b), inserted “maritime firefighting,” after “arson prevention and detection,”.

Subsec. (b)(3)(H). Pub. L. 108-169, §205(c)(1), inserted “equipment for fighting fires with foam in remote areas without access to water, and” after “including”.

Subsec. (b)(12). Pub. L. 108-7 added par. (12).

Subsec. (e)(1). Pub. L. 108-169, §205(c)(2), inserted at end “Of the amounts authorized in this paragraph, \$3,000,000 shall be made available each year through fiscal year 2008 for foam firefighting equipment.”

Subsec. (e)(2). Pub. L. 108-169, §205(a)(2), struck out “operate the office established under subsection (b)(2) of this section and” before “make grants and provide assistance under this section.”

2001—Subsec. (b)(3). Pub. L. 107-107, §1061(b), (c), substituted “the grant funds for one or more of the following purposes:” for “the grant funds—” in introductory provisions, capitalized the initial letter of the first word of each of subpars. (A) to (N), substituted a period for the semicolon at end of each of subpars. (A) to (L) and a period for “; or” at end of subpar. (M), inserted “(including response to a terrorism incident or use of a weapon of mass destruction)” after “emergency response” in subpar. (B), substituted “, monitoring, and response to a terrorism incident or use of a weapon of mass destruction” for “and monitoring” in subpar. (H), and inserted “, including protective equipment to respond to a terrorism incident or the use of a weapon of mass destruction” after “equipment for firefighting personnel” in subpar. (I).

Subsec. (e). Pub. L. 107-107, §1061(a), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated for the purposes of this section amounts as follows:

“(1) \$100,000,000 for fiscal year 2001.

“(2) \$300,000,000 for fiscal year 2002.”

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.

§ 2229a. Staffing for adequate fire and emergency response

(a) Expanded authority to make grants

(1) Hiring grants

(A) The Administrator of FEMA shall make grants directly to career fire departments, combination fire departments, and volunteer fire departments, in consultation with the chief executive of the State in which the applicant is located, for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments that antedate the creation of the Department of Homeland Security.

(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters and to provide specialized training to paramedics, emergency medical services workers, and other first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crises.

(C) In awarding grants under this subsection, the Administrator of FEMA may give preferential consideration to applications that involve a non-Federal contribution exceeding the minimums under subparagraph (E).

(D) The Administrator of FEMA may provide technical assistance to States, units of local government, Indian tribal governments, and to other public entities, in furtherance of the purposes of this section.

(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

- (i) 75 percent in the first year of the grant;
- (ii) 75 percent in the second year of the grant; and
- (iii) 35 percent in the third year of the grant.

(F) Notwithstanding any other provision of law, any firefighter hired with funds provided under this subsection shall not be discriminated against for, or be prohibited from, engaging in volunteer activities in another jurisdiction during off-duty hours.

(G) All grants made pursuant to this subsection shall be awarded on a competitive basis through a neutral peer review process.

(H) At the beginning of the fiscal year, the Administrator of FEMA shall set aside 10 percent of the funds appropriated for carrying out this paragraph for departments with majority volunteer or all volunteer personnel. After awards have been made, if less than 10 percent of the funds appropriated for carrying out this paragraph are not awarded to departments with majority volunteer or all volunteer personnel, the Administrator of FEMA shall transfer from funds appropriated for carrying out this paragraph to funds available for carrying out paragraph (2) an amount equal to the difference between the amount that is provided to such fire departments and 10 percent.

(2) Recruitment and retention grants

In addition to any amounts transferred under paragraph (1)(H), the Administrator of FEMA shall direct at least 10 percent of the total amount of funds appropriated pursuant to this section annually to a competitive grant program for the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. Eligible entities shall include volunteer or combination fire departments, and national, State, local, or tribal organizations that represent the interests of volunteer firefighters.

(b) Applications

(1) No grant may be made under this section unless an application has been submitted to, and approved by, the Administrator of FEMA.

(2) An application for a grant under this section shall be submitted in such form, and contain such information, as the Administrator of FEMA may prescribe.

(3) At a minimum, each application for a grant under this section shall—

- (A) explain the applicant's inability to address the need without Federal assistance;
- (B) in the case of a grant under subsection (a)(1), explain how the applicant plans to meet the requirements of subsection (a)(1)(B)(ii) and (F);
- (C) specify long-term plans for retaining firefighters following the conclusion of Federal support provided under this section; and

(D) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within firefighting.

(c) Limitation on use of funds

(1) Funds made available under this section to fire departments for salaries and benefits to hire new, additional firefighters shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this section, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

(2) No grant shall be awarded pursuant to this section to a municipality or other recipient whose annual budget at the time of the application for fire-related programs and emergency response has been reduced below 80 percent of the average funding level in the 3 years prior to November 24, 2003.

(3) Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing firefighting functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.

(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

- (A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;
- (B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and
- (C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.

(d) Waivers

(1) In general

In a case of demonstrated economic hardship, the Administrator of FEMA may—

- (A) waive the requirements of subsection (c)(1); or
- (B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

(2) Guidelines

(A) In general

The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

(B) Consultation

In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

- (i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

(C) Considerations

In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

(i) Changes in rates of unemployment from previous years.

(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

(iv) Such other factors as the Administrator of FEMA considers appropriate.

(e) Performance evaluation

(1) In general

The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

(2) Submittal of information

The Administrator of FEMA may require a grant recipient to submit any information the Administrator of FEMA considers reasonably necessary to evaluate the program.

(f) Report

Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report on the experience with, and effectiveness of, such grants in meeting the objectives of this section. The report may include any recommendations the Administrator of FEMA may have for amendments to this section and related provisions of law.

(g) Revocation or suspension of funding

If the Administrator of FEMA determines that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under this section, the Administrator of FEMA may revoke or suspend funding of that grant, in whole or in part.

(h) Access to documents

(1) The Administrator of FEMA shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this section and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this section.

(2) Paragraph (1) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by

an authorized representative of the Comptroller General.

(i) Definitions

In this section:

(1) The term “firefighter” has the meaning given the term “employee in fire protection activities” under section 203(y) of title 29.¹

(2) The terms “Administrator of FEMA”, “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 2229(a) of this title.

(j) Authorization of appropriations

(1) In general

There are authorized to be appropriated for the purposes of carrying out this section—

(A) \$1,000,000,000 for fiscal year 2004;

(B) \$1,030,000,000 for fiscal year 2005;

(C) \$1,061,000,000 for fiscal year 2006;

(D) \$1,093,000,000 for fiscal year 2007;

(E) \$1,126,000,000 for fiscal year 2008;

(F) \$1,159,000,000 for fiscal year 2009;

(G) \$1,194,000,000 for fiscal year 2010;

(H) \$750,000,000 for fiscal year 2013; and

(I) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).

(2) Administrative expenses

Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.

(3) Congressionally directed spending

Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).

(k) Sunset of authorities

The authority to award assistance and grants under this section shall expire on the date that is 5 years after January 2, 2013.

(Pub. L. 93-498, §34, as added Pub. L. 108-136, div. A, title X, §1057, Nov. 24, 2003, 117 Stat. 1616; amended Pub. L. 112-239, div. A, title XVIII, §1804, Jan. 2, 2013, 126 Stat. 2111; Pub. L. 113-66, div. A, title X, §1091(b)(9), Dec. 26, 2013, 127 Stat. 876; Pub. L. 114-255, div. B, title XIV, §14001(c), Dec. 13, 2016, 130 Stat. 1288.)

REFERENCES IN TEXT

Section 203(y) of title 29, referred to in subsec. (i)(1), was in the original “section 3(y) of the Fair Labor

¹ See References in Text note below.

Standards Act” and has been translated as reading “section 3(y) of the Fair Labor Standards Act of 1938” to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 34 of Pub. L. 93-498 was renumbered section 36 and is classified to section 2231 of this title.

AMENDMENTS

2016—Subsec. (a)(1)(B). Pub. L. 114-255 inserted before period at end “and to provide specialized training to paramedics, emergency medical services workers, and other first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crises”.

2013—Pub. L. 112-239, §1804(j), substituted “Staffing for adequate fire and emergency response” for “Expansion of pre-September 11, 2001, fire grant program” in section catchline.

Pub. L. 112-239, §1804(i), as amended by Pub. L. 113-66, §1091(b)(9)(B), substituted “Administrator of FEMA” for “Administrator” wherever appearing, except in those places in which “Administrator of FEMA” already appeared.

Subsec. (a)(1)(A). Pub. L. 112-239, §1804(g)(2), substituted “career fire departments, combination fire departments, and volunteer fire departments” for “career, volunteer, and combination fire departments”.

Subsec. (a)(1)(B). Pub. L. 112-239, §1804(a)(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows:

“(B)(i) Grants made under this paragraph shall be for 4 years and be used for programs to hire new, additional firefighters.

“(ii) Grantees are required to commit to retaining for at least 1 year beyond the termination of their grants those firefighters hired under this paragraph.”

Subsec. (a)(1)(E). Pub. L. 112-239, §1804(a)(2), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 90 percent in the first year of the grant;

“(ii) 80 percent in the second year of the grant;

“(iii) 50 percent in the third year of the grant; and

“(iv) 30 percent in the fourth year of the grant.”

Subsec. (a)(2). Pub. L. 112-239, §1804(b), substituted “national, State, local, or tribal organizations” for “organizations on a local or statewide basis”.

Subsec. (c)(4). Pub. L. 112-239, §1804(c), amended par. (4) generally. Prior to amendment, par. (4) read as follows:

“(4)(A) Total funding provided under this section over 4 years for hiring a firefighter may not exceed \$100,000.

“(B) The \$100,000 cap shall be adjusted annually for inflation beginning in fiscal year 2005.”

Subsec. (d). Pub. L. 112-239, §1804(d)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 112-239, §1804(e), added par. (1) and designated existing provisions as par. (2) and inserted heading.

Pub. L. 112-239, §1804(d)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 112-239, §1804(f), substituted “Report” for “Sunset and reports” in heading and “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report on” for “The authority under this section to make grants shall lapse at the conclusion of 10 years from November 24, 2003. Not later than 6 years after November 24, 2003, the Administrator shall submit a report to Congress concerning” in text.

Pub. L. 112-239, §1804(d)(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsecs. (g), (h). Pub. L. 112-239, §1804(d)(1), redesignated subsecs. (f) and (g) as (g) and (h), respectively. Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 112-239, §1804(g)(1)(A), substituted “In this section:” for “In this section, the term—” in introductory provisions.

Pub. L. 112-239, §1804(d)(1), redesignated subsec. (h) as (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 112-239, §1804(g)(1)(B), inserted “The term” before “‘firefighter’ has” and substituted period for “; and”.

Subsec. (i)(2). Pub. L. 112-239, §1804(g)(1)(C), (D), added par. (2) and struck out former par. (2) which read as follows: “‘Indian tribe’ means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

Subsec. (j). Pub. L. 112-239, §1804(h)(2), (3), designated existing provisions as par. (1), inserted heading, redesignated former pars. (1) to (9) as subpars. (A) to (I), respectively, of par. (1), redesignated subpars. (A) and (B) of former par. (9) as cls. (i) and (ii) of subpar. (I), and added pars. (2) and (3).

Pub. L. 112-239, §1804(d)(1), redesignated subsec. (i) as (j).

Subsec. (j)(8), (9). Pub. L. 112-239, §1804(h)(1), as amended by Pub. L. 113-66, §1091(b)(9)(A), added pars. (8) and (9).

Subsec. (k). Pub. L. 112-239, §1804(k), added subsec. (k).

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-66, div. A, title X, §1091(b), Dec. 26, 2013, 127 Stat. 876, provided in part that the amendment made by section 1091(b)(9) is effective as of Jan. 2, 2013, and as if included in Pub. L. 112-239 as enacted.

§ 2230. Surplus and excess Federal equipment

The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.

(Pub. L. 93-498, §35, formerly §33, as added Pub. L. 106-503, title I, §105, Nov. 13, 2000, 114 Stat. 2301; renumbered §35, Pub. L. 108-136, div. A, title X, §1057, Nov. 24, 2003, 117 Stat. 1616.)

§ 2231. Cooperative agreements with Federal facilities

The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.

(Pub. L. 93-498, §36, formerly §34, as added Pub. L. 106-503, title I, §106, Nov. 13, 2000, 114 Stat. 2301; renumbered §36, Pub. L. 108-136, div. A, title X, §1057, Nov. 24, 2003, 117 Stat. 1616.)

§ 2232. Burn research

(a) Office

The Administrator of the Federal Emergency Management Agency shall establish an office in the Agency to establish specific criteria of grant recipients and to administer grants under this section.

(b) Safety organization grants

The Administrator may make grants, on a competitive basis, to safety organizations that

have experience in conducting burn safety programs for the purpose of assisting those organizations in conducting burn prevention programs or augmenting existing burn prevention programs.

(c) Hospital grants

The Administrator may make grants, on a competitive basis, to hospitals that serve as regional burn centers to conduct acute burn care research.

(d) Other grants

The Administrator may make grants, on a competitive basis, to governmental and non-governmental entities to provide after-burn treatment and counseling to individuals that are burn victims.

(e) Report

(1) In general

The Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of the grants provided under this section.

(2) Content

The report shall contain the following:

(A) A list of the organizations, hospitals, or other entities to which the grants were provided and the purpose for which those entities were provided grants.

(B) Efforts taken to ensure that potential grant applicants are provided with information necessary to develop an effective application.

(C) The Administrator's assessment regarding the appropriate level of funding that should be provided annually through the grant program.

(D) The Administrator's assessment regarding the appropriate purposes for such grants.

(E) Any other information the Administrator determines necessary.

(3) Submission date

The report shall be submitted not later than February 1, 2002.

(f) Authorization of appropriations

There are authorized to be appropriated for the purposes of this section amounts as follows:

- (1) \$10,000,000 for fiscal year 2001.
- (2) \$20,000,000 for fiscal year 2002.

(Pub. L. 106-398, § 1 [[div. A], title XVII, § 1703], Oct. 30, 2000, 114 Stat. 1654, 1654A-364; Pub. L. 109-295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410.)

CODIFICATION

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and not as part of the Federal Fire Prevention and Control Act of 1974 which comprises this chapter.

CHANGE OF NAME

“Administrator” substituted for “Director” and “Administrators” substituted for “Director’s” on authority of section 612(c) of Pub. L. 109-295, set out as a note

under section 313 of Title 6, Domestic Security. 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 Title 6.

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.

§ 2233. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies

(a) Liability protection

A person who donates qualified fire control or rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) Exceptions

Subsection (a) does not apply to a person if—

- (1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct;
- (2) the person is the manufacturer of the qualified fire control or rescue equipment; or
- (3) the person or agency modified or altered the equipment after it had been recertified by an authorized technician as meeting the manufacturer's specifications.

(c) Preemption

This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) Definitions

In this section:

(1) Person

The term “person” includes any governmental or other entity.

(2) Fire control or rescue equipment

The term “fire control or fire rescue equipment” includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) Qualified fire control or rescue equipment

The term “qualified fire control or rescue equipment” means fire control or fire rescue

equipment that has been recertified by an authorized technician as meeting the manufacturer's specifications.

(4) State

The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(5) Volunteer fire company

The term "volunteer fire company" means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(6) Authorized technician

The term "authorized technician" means a technician who has been certified by the manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by the State or local agency administering the distribution of the fire control or fire rescue equipment.

(e) Effective date

This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after March 9, 2006.

(Pub. L. 109-177, title I, §125, Mar. 9, 2006, 120 Stat. 226.)

CODIFICATION

Section was enacted as part of the USA PATRIOT Improvement and Reauthorization Act of 2005, and not as part of the Federal Fire Prevention and Control Act of 1974 which comprises this chapter.

§ 2234. Encouraging adoption of standards for firefighter health and safety

The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

- (1) educating fire services about such standards;
- (2) encouraging the adoption at all levels of government of such standards; and
- (3) making recommendations on other ways in which the Federal Government can promote the adoption of such standards by fire services.

(Pub. L. 93-498, §37, as added Pub. L. 110-376, §7, Oct. 8, 2008, 122 Stat. 4060.)

CHAPTER 50—CONSUMER PRODUCT WARRANTIES

Sec.	
2301.	Definitions.
2302.	Rules governing contents of warranties.
2303.	Designation of written warranties.
2304.	Federal minimum standards for warranties.

Sec.	
2305.	Full and limited warranting of a consumer product.
2306.	Service contracts; rules for full, clear and conspicuous disclosure of terms and conditions; addition to or in lieu of written warranty.
2307.	Designation of representatives by warrantor to perform duties under written or implied warranty.
2308.	Implied warranties.
2309.	Procedures applicable to promulgation of rules by Commission.
2310.	Remedies in consumer disputes.
2311.	Applicability to other laws.
2312.	Effective dates.

§ 2301. Definitions

For the purposes of this chapter:

(1) The term "consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes (including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed).

(2) The term "Commission" means the Federal Trade Commission.

(3) The term "consumer" means a buyer (other than for purposes of resale) of any consumer product, any person to whom such product is transferred during the duration of an implied or written warranty (or service contract) applicable to the product, and any other person who is entitled by the terms of such warranty (or service contract) or under applicable State law to enforce against the warrantor (or service contractor) the obligations of the warranty (or service contract).

(4) The term "supplier" means any person engaged in the business of making a consumer product directly or indirectly available to consumers.

(5) The term "warrantor" means any supplier or other person who gives or offers to give a written warranty or who is or may be obligated under an implied warranty.

(6) The term "written warranty" means—

(A) any written affirmation of fact or written promise made in connection with the sale of a consumer product by a supplier to a buyer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect free or will meet a specified level of performance over a specified period of time, or

(B) any undertaking in writing in connection with the sale by a supplier of a consumer product to refund, repair, replace, or take other remedial action with respect to such product in the event that such product fails to meet the specifications set forth in the undertaking,

which written affirmation, promise, or undertaking becomes part of the basis of the bargain between a supplier and a buyer for purposes other than resale of such product.

(7) The term "implied warranty" means an implied warranty arising under State law (as modified by sections 2308 and 2304(a) of this