

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Administrator” substituted for “Director” and “Administrator’s” 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.)

Editorial Notes

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.)

§ 2235. Investigation authorities**(a) In general**

In the case of a major fire, the Administrator may send incident investigators, which may include safety specialists, fire protection engineers, codes and standards experts, researchers, and fire training specialists, to the site of the fire to conduct a fire safety investigation as described in subsection (b).

(b) Investigation required

A fire safety investigation conducted under this section—

(1) shall be conducted in coordination and cooperation with appropriate Federal, State, local, Tribal, and territorial authorities, including Federal agencies that are authorized to investigate any fire; and

(2) shall examine the previously determined cause and origin of the fire and assess broader systematic matters to include use of codes and standards, demographics, structural characteristics, smoke and fire dynamics (movement) during the event, and costs of associated injuries and deaths.

(c) Report**(1) In general**

Subject to paragraph (2), upon concluding any fire safety investigation under this section, the Administrator shall—

(A) issue a public report to the appropriate Federal, State, local, Tribal, and territorial authorities on the findings of such investigation; or

(B) collaborate with another investigating Federal, State, local, Tribal, or territorial agency on the report of that agency.

(2) Exception

If the Administrator, in consultation with appropriate Federal, State, local, Tribal, and territorial authorities determines that issuing a report under paragraph (1) would have a negative impact on a potential or ongoing criminal investigation, the Administrator is not required to issue such report.

(3) Contents

Each public report issued under paragraph (1) shall include recommendations on—

(A) any other buildings with similar characteristics that may bear similar fire risks;

(B) improving tactical response to similar fires;

(C) improving civilian safety practices;

(D) assessing the costs and benefits to the community of adding fire safety features; and

(E) how to mitigate the causes of the fire.

(d) Discretionary authority

In addition to a fire safety investigation conducted pursuant to subsection (a), provided doing so would not have a negative impact on a potential or ongoing criminal investigation, the Administrator may send fire investigators to conduct a fire safety investigation at the site of any fire with unusual or remarkable context