

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 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 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 the Administrator of the United States Fire Administration, within the Federal Emergency Management Agency;

(4) “Director” 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, 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) “local” means of or pertaining to any city, town, county, special purpose district, unincorporated territory, or other political subdivision of a State;

(7) “place of public accommodation affecting commerce” means any inn, hotel, or other establishment not owned by the Federal Govern-

ment 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;

(8) “State” means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands and any other territory or possession of the United States; and

(9) “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. 109-295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 110-376, § 10, Oct. 8, 2008, 122 Stat. 4061.)

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.

For definition of Canal Zone, referred to in par. (8), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

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”.

CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in par.(4) 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 Agen-

cy, 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, by and with the advice and consent of the Senate, 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 Director.

(c) Deputy Administrator

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.

(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.)

AMENDMENTS

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”.

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 Agency relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

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cy, 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.”