

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".