

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, 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.<sup>1</sup>

(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.

<sup>1</sup> So in original. The period probably should be “; and”.

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.

#### § 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