

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.

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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.”

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§ 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;