

Editorial Notes

AMENDMENTS

2013—Subsecs. (a), (b), (g), (j). Pub. L. 112-239 substituted “Administrator of FEMA” for “Director” wherever appearing.

2008—Subsec. (c)(6). Pub. L. 110-376, §4(b)(1), inserted “. including on-site training” after “United States”.

Subsec. (d)(1)(H). Pub. L. 110-376, §4(a)(1), amended subpar. (H) generally. Prior to amendment, subpar. (H) read as follows: “response, tactics, and strategies for dealing with terrorist-caused national catastrophes;”.

Subsec. (d)(1)(I), (J). Pub. L. 110-376, §4(a)(5), added subpars. (I) and (J). Former subpars. (I) and (J) redesignated (M) and (N), respectively.

Subsec. (d)(1)(K). Pub. L. 110-376, §4(a)(5), added subpar. (K). Former subpar. (K) redesignated (O).

Pub. L. 110-376, §4(a)(2), substituted “wildland” for “forest”.

Subsec. (d)(1)(L). Pub. L. 110-376, §4(a)(5), added subpar. (L). Former subpar. (L) redesignated (P).

Subsec. (d)(1)(M). Pub. L. 110-376, §4(a)(4), redesignated subpar. (I) as (M). Former subpar. (M) redesignated (Q).

Pub. L. 110-376, §4(a)(3), struck out “response” before “tactics”.

Subsec. (d)(1)(N) to (R). Pub. L. 110-376, §4(a)(4), redesignated subpars. (J) to (N) as (N) to (R), respectively.

Subsec. (f). Pub. L. 110-376, §4(b)(2), which directed substitution of “7.5 percent” for “4 percent”, was executed by making the substitution for “4 per centum” to reflect the probable intent of Congress.

Subsecs. (m), (n). Pub. L. 110-376, §4(b)(3), (c), added subsecs. (m) and (n).

2003—Subsec. (d)(1)(F) to (N). Pub. L. 108-169, §204(a), added subpars. (F) to (M) and redesignated former subpar. (F) as (N).

Subsec. (I). Pub. L. 108-169, §204(d), inserted at end “The Superintendent shall offer, at the Academy and at other sites, courses and training assistance as necessary to accommodate all geographic regions and needs of career and volunteer firefighters.”

2000—Subsecs. (a), (b), (g), (j). Pub. L. 106-503 substituted “Director” for “Secretary” wherever appearing.

Statutory Notes and Related Subsidiaries

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.

CONSULTATION ON FIRE ACADEMY CLASSES

Pub. L. 108-169, title II, §204(b), Dec. 6, 2003, 117 Stat. 2039, provided that: “The Superintendent of the National Fire Academy may consult with other Federal, State, and local agency officials in developing curricula for classes offered by the Academy.”

COORDINATION WITH OTHER PROGRAMS TO AVOID DUPLICATION

Pub. L. 108-169, title II, §204(c), Dec. 6, 2003, 117 Stat. 2039, provided that: “The Administrator of the United

States Fire Administration shall coordinate training provided under section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the Attorney General, the Secretary of Health and Human Services, and the heads of other Federal agencies—

“(1) to ensure that such training does not duplicate existing courses available to fire service personnel; and

“(2) to establish a mechanism for eliminating duplicative training programs.”

LIMITATIONS ON AUTHORITY OF SUPERINTENDENT OF FIRE ACADEMY; EXCLUSIVE CONTROL AND DIRECTION OF UNITED STATES FIRE ADMINISTRATOR

Pub. L. 101-507, title III, Nov. 5, 1990, 104 Stat. 1377, provided that: “The Superintendent of the Fire Academy, in exercising the powers and authority provided by section 7 of the Federal Fire Prevention Control Act of 1974 [15 U.S.C. 2206], shall be subject to the exclusive direction of the Administrator, United States Fire Administration: *Provided*, That all funds appropriated by this or any other Act, with respect for any fiscal year, or otherwise made available, for the National Fire Academy in Emmitsburg, Maryland, or any Fire Academy field programs, shall be placed under the exclusive control of the United States Fire Administration.”

Executive Documents

TRANSFER OF FUNCTIONS

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.

§ 2207. Fire technology**(a) Development**

The Administrator shall conduct a continuing program of development, testing, and evaluation of equipment for use by the Nation’s fire, rescue, and civil defense services, with the aim of making available improved suppression, protective, auxiliary, and warning devices incorporating the latest technology. Attention shall be given to the standardization, compatibility, and interchangeability of such equipment. Such development, testing, and evaluation activities shall include, but need not be limited to—

(1) safer, less cumbersome articles of protective clothing, including helmets, boots, and coats;

(2) breathing apparatus with the necessary duration of service, reliability, low weight, and ease of operation for practical use;

(3) safe and reliable auxiliary equipment for use in fire prevention, detection, and control, such as fire location detectors, visual and audio communications equipment, and mobile equipment;

(4) special clothing and equipment needed for forest fires, brush fires, oil and gasoline fires, aircraft fires and crash rescue, fires occurring aboard waterborne vessels, and in other special firefighting situations;

(5) fire detectors and related equipment for residential use with high sensitivity and reliability, and which are sufficiently inexpensive to purchase, install, and maintain to insure wide acceptance and use;

(6) in-place fire prevention systems of low cost and of increased reliability and effectiveness;

(7) methods of testing fire alarms and fire protection devices and systems on a non-interference basis;

(8) the development of purchase specifications, standards, and acceptance and validation test procedures for all such equipment and devices; and

(9) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

(b) Limitation on manufacture and sale of equipment

The Administration shall not engage in the manufacture or sale of any equipment or device developed pursuant to this section, except to the extent that it deems it necessary to adequately develop, test, or evaluate such equipment or device.

(c) Management studies

(1) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire services, utilizing quantitative techniques, such as operations research, management economics, cost effectiveness studies, and such other techniques and methods as may be applicable and useful. Such studies shall include, but need not be limited to, the allocation of resources, the optimum location of fire stations, the optimum geographical area for an integrated fire service, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, firefighting under conditions of civil disturbance, and the effectiveness, frequency, and methods of building inspections.

(2) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire service-based emergency medical services and coordination between emergency medical services and fire services. Such studies may include the optimum protocols for on-scene care, the allocation of resources, and the training requirements for fire service-based emergency medical services.

(3) The Administrator is authorized to conduct, directly or through contracts or grants, research concerning the productivity and efficiency of fire service personnel, the job categories and skills required by fire services under varying conditions, the reduction of injuries to fire service personnel, the most effective fire prevention programs and activities, and techniques for accurately measuring and analyzing the foregoing.

(4) The Administrator is authorized to conduct, directly or through contracts, grants, or other forms of assistance, development, testing and demonstration projects to the extent deemed necessary to introduce and to encourage the acceptance of new technology, standards, operating methods, command techniques, and management systems for utilization by the fire services.

(5) The Administrator is authorized to assist the Nation's fire services, directly or through contracts, grants, or other forms of assistance, to measure and evaluate, on a cost-benefit basis, the effectiveness of the programs and activities

of each fire service and the predictable consequences on the applicable local fire services of coordination or combination, in whole or in part, in a regional, metropolitan, or statewide fire service.

(d) Rural and wildland-urban interface assistance

The Administrator may, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the Wildland Fire Leadership Council, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, in sponsoring and encouraging research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

(1) the rural and remote areas of the United States; and

(2) the wildland-urban interface.

(e) Assistance to other Federal agencies

At the request of other Federal agencies, including the Department of Agriculture and the Department of the Interior, the Administrator may provide assistance in fire prevention and control technologies, including methods of containing insect-infested forest fires and limiting dispersal of resultant fire particle smoke, and methods of measuring and tracking the dispersal of fine particle smoke resulting from fires of insect-infested fuel.

(f) Technology evaluation and standards development

(1) In general

In addition to, or as part of, the program conducted under subsection (a), the Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, the National Institute for Occupational Safety and Health, the Directorate of Science and Technology of the Department of Homeland Security, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties, shall—

(A) develop new, and utilize existing, measurement techniques and testing methodologies for evaluating new firefighting technologies, including—

(i) personal protection equipment;

(ii) devices for advance warning of extreme hazard;

(iii) equipment for enhanced vision;

(iv) devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;

(v) equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;

(vi) equipment and methods for training, especially for virtual reality training; and

(vii) robotics and other remote-controlled devices;

(B) evaluate the compatibility of new equipment and technology with existing firefighting technology; and

(C) support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies based on techniques and methodologies described in subparagraph (A).

(2) Standards for new equipment

(A) The Administrator shall, by regulation, require that new equipment or systems purchased through the assistance program established by section 2229 of this title meet or exceed applicable voluntary consensus standards for such equipment or systems for which applicable voluntary consensus standards have been established. The Administrator may waive the requirement under this subparagraph with respect to specific standards.

(B) If an applicant for a grant under section 2229 of this title proposes to purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that do meet or exceed such standards.

(C) In making a determination whether or not to waive the requirement under subparagraph (A) with respect to a specific standard, the Administrator shall, to the greatest extent practicable—

(i) consult with grant applicants and other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

(ii) take into consideration the explanation provided by the applicant under subparagraph (B); and

(iii) seek to minimize the impact of the requirement to meet or exceed the specific standard on the applicant, particularly if meeting the standard would impose additional costs.

(D) Applicants that apply for a grant under the terms of subparagraph (B) may include a second grant request in the application to be considered by the Administrator in the event that the Administrator does not approve the primary grant request on the grounds of the equipment not meeting applicable voluntary consensus standards.

(g) Coordination

In establishing and conducting programs under this section, the Administrator shall take full advantage of applicable technological developments made by other departments and agencies of the Federal Government, by State and local governments, and by business, industry, and nonprofit associations.

(h) Publication of research results

(1) In general

For each fire-related research program funded by the Administration, the Administrator shall make available to the public on the Internet website of the Administration the following:

(A) A description of such research program, including the scope, methodology, and goals thereof.

(B) Information that identifies the individuals or institutions conducting the research program.

(C) The amount of funding provided by the Administration for such program.

(D) The results or findings of the research program.

(2) Deadlines

(A) In general

Except as provided in subparagraph (B), the information required by paragraph (1) shall be published with respect to a research program as follows:

(i) The information described in subparagraphs (A), (B), and (C) of paragraph (1) with respect to such research program shall be made available under paragraph (1) not later than 30 days after the Administrator has awarded the funding for such research program.

(ii) The information described in subparagraph (D) of paragraph (1) with respect to a research program shall be made available under paragraph (1) not later than 60 days after the date such research program has been completed.

(B) Exception

No information shall be required to be published under this subsection before the date that is 1 year after October 8, 2008.

(Pub. L. 93-498, §8, Oct. 29, 1974, 88 Stat. 1540; Pub. L. 108-169, title II, §202, Dec. 6, 2003, 117 Stat. 2037; Pub. L. 110-376, §§6, 9(b), Oct. 8, 2008, 122 Stat. 4059, 4061.)

Editorial Notes

AMENDMENTS

2008—Subsec. (c)(2) to (5). Pub. L. 110-376, §9(b), added par. (2) and redesignated former pars. (2) to (4) as (3) to (5), respectively.

Subsec. (d). Pub. L. 110-376, §6(a), amended subsec. (d) generally. Prior to amendment, text read as follows: “The Administrator is authorized to assist the Nation’s fire services, directly or through contracts, grants, or other forms of assistance, to sponsor and encourage research into approaches, techniques, systems, and equipment to improve fire prevention and control in the rural and remote areas of the Nation.”

Subsec. (h). Pub. L. 110-376, §6(b), added subsec. (h).

2003—Subsecs. (e) to (g). Pub. L. 108-169 added subsecs. (e) and (f) and redesignated former subsec. (e) as (g).

Statutory Notes and Related Subsidiaries

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.

Executive Documents

TRANSFER OF FUNCTIONS

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.

§ 2208. National Fire Data Center

(a) Functions

The Administrator shall operate, directly or through contracts or grants, an integrated, comprehensive National Fire Data Center for the selection, analysis, publication, and dissemination of information related to the prevention, occurrence, control, and results of fires of all types. The program of such Data Center shall be designed to (1) provide an accurate nationwide analysis of the fire problem, (2) identify major problem areas, (3) assist in setting priorities, (4) determine possible solutions to problems, and (5) monitor the progress of programs to reduce fire losses. To carry out these functions, the Data Center shall gather and analyze—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, categorized by the type of fire, and information on property losses;

(3) information on the occupational hazards faced by firefighters, including the causes of deaths and injuries arising, directly and indirectly, from firefighting activities, including—

(A) all injuries sustained by a firefighter and treated by a doctor, categorized by the type of firefighter;

(B) all deaths sustained while undergoing a pack test or preparing for a work capacity;

(C) all injuries or deaths resulting from vehicle accidents; and

(D) all injuries or deaths resulting from aircraft crashes;

(4) information on all types of firefighting activities, including inspection practices;

(5) technical information related to building construction, fire properties of materials, and similar information;

(6) information on fire prevention and control laws, systems, methods, techniques, and administrative structures used in foreign nations;

(7) information on the causes, behavior, and best method of control of other types of fire, including, but not limited to, forest fires, brush fires, fire underground, oil blow-out fires, and water-borne fires; and

(8) such other information and data as is deemed useful and applicable.

(b) Methods

In carrying out the program of the Data Center, the Administrator is authorized to—

(1) develop standardized data reporting methods;

(2) encourage and assist Federal, State, local, and other agencies, public and private, in developing and reporting information; and

(3) make full use of existing data gathering and analysis organizations, both public and private, including the Center for Firefighter Injury Research and Safety Trends.

(c) Dissemination of fire data

The Administrator shall insure dissemination to the maximum extent possible of fire data collected and developed by the Data Center, and shall make such data, information, and analysis available in appropriate form to Federal agencies, State and local governments, private organizations, industry, business, and other interested persons.

(d) National Fire Incident Reporting System update

The Administrator shall update the National Fire Incident Reporting System to ensure that the information in the system is available, and can be updated, through the Internet and in real time.

(e) Medical privacy of firefighters

The collection, storage, and transfer of any medical data collected under this section shall be conducted in accordance with—

(1) the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note; Public Law 104-191); and

(2) other applicable regulations, including parts 160, 162, and 164 of title 45, Code of Federal Regulations (as in effect on March 12, 2019).

(Pub. L. 93-498, § 9, Oct. 29, 1974, 88 Stat. 1541; Pub. L. 110-376, § 5, Oct. 8, 2008, 122 Stat. 4059; Pub. L. 112-239, div. A, title XVIII, § 1815, Jan. 2, 2013, 126 Stat. 2118; Pub. L. 116-9, title I, § 1114(g), Mar. 12, 2019, 133 Stat. 617.)

Editorial Notes

AMENDMENTS

2019—Subsec. (a)(2). Pub. L. 116-9, § 1114(g)(1)(A), inserted “, categorized by the type of fire” after “such injuries and deaths”.

Subsec. (a)(3). Pub. L. 116-9, § 1114(g)(1)(B), substituted “activities, including—” for “activities;” and added subpars. (A) to (D).

Subsec. (b)(3). Pub. L. 116-9, § 1114(g)(2), inserted “, including the Center for Firefighter Injury Research and Safety Trends” after “public and private”.

Subsec. (e). Pub. L. 116-9, § 1114(g)(3), added subsec. (e).

2013—Subsec. (d). Pub. L. 112-239 struck out par. (1) designation and heading and par. (2). Prior to amendment, text of par. (2) read as follows: “Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 2216(g)(1) of this title, the Administrator shall use not more than an aggregate amount of \$5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out the activities required by paragraph (1).”

2008—Subsec. (b)(2). Pub. L. 110-376, § 5(b), substituted “assist Federal, State,” for “assist State.”

Subsec. (d). Pub. L. 110-376, § 5(a), added subsec. (d).