

Subsec. (e). Pub. L. 112-239, §1804(e), added par. (1) and designated existing provisions as par. (2) and inserted heading.

Pub. L. 112-239, §1804(d)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 112-239, §1804(f), substituted “Report” for “Sunset and reports” in heading and “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report on” for “The authority under this section to make grants shall lapse at the conclusion of 10 years from November 24, 2003. Not later than 6 years after November 24, 2003, the Administrator shall submit a report to Congress concerning” in text.

Pub. L. 112-239, §1804(d)(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsecs. (g), (h). Pub. L. 112-239, §1804(d)(1), redesignated subsecs. (f) and (g) as (g) and (h), respectively. Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 112-239, §1804(g)(1)(A), substituted “In this section:” for “In this section, the term—” in introductory provisions.

Pub. L. 112-239, §1804(d)(1), redesignated subsec. (h) as (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 112-239, §1804(g)(1)(B), inserted “The term” before “firefighter” has” and substituted period for “; and”.

Subsec. (i)(2). Pub. L. 112-239, §1804(g)(1)(C), (D), added par. (2) and struck out former par. (2) which read as follows: “‘Indian tribe’ means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

Subsec. (j). Pub. L. 112-239, §1804(h)(2), (3), designated existing provisions as par. (1), inserted heading, redesignated former pars. (1) to (9) as subpars. (A) to (I), respectively, of par. (1), redesignated subpars. (A) and (B) of former par. (9) as cls. (i) and (ii) of subpar. (I), and added pars. (2) and (3).

Pub. L. 112-239, §1804(d)(1), redesignated subsec. (i) as (j).

Subsec. (j)(8), (9). Pub. L. 112-239, §1804(h)(1), as amended by Pub. L. 113-66, §1091(b)(9)(A), added pars. (8) and (9).

Subsec. (k). Pub. L. 112-239, §1804(k), added subsec. (k).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-66, div. A, title X, §1091(b), Dec. 26, 2013, 127 Stat. 876, provided in part that the amendment made by section 1091(b)(9) is effective as of Jan. 2, 2013, and as if included in Pub. L. 112-239 as enacted.

#### § 2230. Surplus and excess Federal equipment

The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.

(Pub. L. 93-498, §35, formerly §33, as added Pub. L. 106-503, title I, §105, Nov. 13, 2000, 114 Stat. 2301; renumbered §35, Pub. L. 108-136, div. A, title X, §1057, Nov. 24, 2003, 117 Stat. 1616.)

#### § 2231. Cooperative agreements with Federal facilities

The Administrator shall make publicly available, including through the Internet, informa-

tion on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.

(Pub. L. 93-498, §36, formerly §34, as added Pub. L. 106-503, title I, §106, Nov. 13, 2000, 114 Stat. 2301; renumbered §36, Pub. L. 108-136, div. A, title X, §1057, Nov. 24, 2003, 117 Stat. 1616.)

#### § 2232. Burn research

##### (a) Office

The Administrator of the Federal Emergency Management Agency shall establish an office in the Agency to establish specific criteria of grant recipients and to administer grants under this section.

##### (b) Safety organization grants

The Administrator may make grants, on a competitive basis, to safety organizations that have experience in conducting burn safety programs for the purpose of assisting those organizations in conducting burn prevention programs or augmenting existing burn prevention programs.

##### (c) Hospital grants

The Administrator may make grants, on a competitive basis, to hospitals that serve as regional burn centers to conduct acute burn care research.

##### (d) Other grants

The Administrator may make grants, on a competitive basis, to governmental and non-governmental entities to provide after-burn treatment and counseling to individuals that are burn victims.

##### (e) Report

###### (1) In general

The Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of the grants provided under this section.

###### (2) Content

The report shall contain the following:

(A) A list of the organizations, hospitals, or other entities to which the grants were provided and the purpose for which those entities were provided grants.

(B) Efforts taken to ensure that potential grant applicants are provided with information necessary to develop an effective application.

(C) The Administrator’s assessment regarding the appropriate level of funding that should be provided annually through the grant program.

(D) The Administrator’s assessment regarding the appropriate purposes for such grants.

(E) Any other information the Administrator determines necessary.

###### (3) Submission date

The report shall be submitted not later than February 1, 2002.

**(f) Authorization of appropriations**

There are authorized to be appropriated for the purposes of this section amounts as follows:

- (1) \$10,000,000 for fiscal year 2001.
- (2) \$20,000,000 for fiscal year 2002.

(Pub. L. 106-398, § 1 [[div. A], title XVII, § 1703], Oct. 30, 2000, 114 Stat. 1654, 1654A-364; Pub. L. 109-295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and not as part of the Federal Fire Prevention and Control Act of 1974 which comprises this chapter.

**Statutory Notes and Related Subsidiaries****CHANGE OF NAME**

“Administrator” substituted for “Director” and “Administrator’s” substituted for “Director’s” 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 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.

**§ 2233. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies****(a) Liability protection**

A person who donates qualified fire control or rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

**(b) Exceptions**

Subsection (a) does not apply to a person if—

- (1) the person’s act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct;
- (2) the person is the manufacturer of the qualified fire control or rescue equipment; or
- (3) the person or agency modified or altered the equipment after it had been recertified by an authorized technician as meeting the manufacturer’s specifications.

**(c) Preemption**

This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

**(d) Definitions**

In this section:

**(1) Person**

The term “person” includes any governmental or other entity.

**(2) Fire control or rescue equipment**

The term “fire control or fire rescue equipment” includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

**(3) Qualified fire control or rescue equipment**

The term “qualified fire control or rescue equipment” means fire control or fire rescue equipment that has been recertified by an authorized technician as meeting the manufacturer’s specifications.

**(4) State**

The term “State” includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

**(5) Volunteer fire company**

The term “volunteer fire company” means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

**(6) Authorized technician**

The term “authorized technician” means a technician who has been certified by the manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by the State or local agency administering the distribution of the fire control or fire rescue equipment.

**(e) Effective date**

This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after March 9, 2006.

(Pub. L. 109-177, title I, § 125, Mar. 9, 2006, 120 Stat. 226.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the USA PATRIOT Improvement and Reauthorization Act of 2005, and not