

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

GEORGE W. BUSH.

§ 314a. FEMA programs

Notwithstanding any other provision of Federal law, as of April 1, 2007, the Director of the Federal Emergency Management Agency shall be responsible for the radiological emergency preparedness program and the chemical stockpile emergency preparedness program.

(Pub. L. 109-347, title VI, §612, Oct. 13, 2006, 120 Stat. 1943.)

CODIFICATION

Section was enacted as part of the Security and Accountability For Every Port Act of 2006, also known as the SAFE Port Act, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

CHANGE OF NAME

References to the Director of the Federal Emergency Management Agency considered to refer and apply to the Administrator of the Federal Emergency Management Agency, see section 612(c) of Pub. L. 109-295, set out as a note under section 313 of this title.

§ 315. Functions transferred

(a) In general

Except as provided in subsection (b), there are transferred to the Agency the following:

(1) All functions of the Federal Emergency Management Agency, including existing responsibilities for emergency alert systems and continuity of operations and continuity of government plans and programs as constituted on June 1, 2006, including all of its personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Federal Emergency Management relating thereto.

(2) The Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Preparedness relating thereto.

(b) Exceptions

The following within the Preparedness Directorate shall not be transferred:

- (1) The Office of Infrastructure Protection.
- (2) The National Communications System.
- (3) The National Cybersecurity Division.
- (4) The Office of the Chief Medical Officer.
- (5) The functions, personnel, assets, components, authorities, and liabilities of each component described under paragraphs (1) through (4).

(Pub. L. 107-296, title V, §505, as added Pub. L. 109-295, title VI, §611(13), Oct. 4, 2006, 120 Stat. 1400.)

PRIOR PROVISIONS

A prior section 505 of Pub. L. 107-296 was renumbered section 518 and is classified to section 321g of this title.

EFFECTIVE DATE

Section effective Mar. 31, 2007, see section 614(b)(3) of Pub. L. 109-295, set out as a note under section 701 of this title.

TRANSFER OF FUNCTIONS

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 this title and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of this title.

§ 316. Preserving the Federal Emergency Management Agency

(a) Distinct entity

The Agency shall be maintained as a distinct entity within the Department.

(b) Reorganization

Section 452 of this title shall not apply to the Agency, including any function or organizational unit of the Agency.

(c) Prohibition on changes to missions

(1) In general

The Secretary may not substantially or significantly reduce the authorities, responsibilities, or functions of the Agency or the capability of the Agency to perform those missions, authorities, responsibilities, except as otherwise specifically provided in an Act enacted after October 4, 2006.

(2) Certain transfers prohibited

No asset, function, or mission of the Agency may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the capability of the Agency to perform its missions.

(d) Reprogramming and transfer of funds

In reprogramming or transferring funds, the Secretary shall comply with any applicable provisions of any Act making appropriations for the Department for fiscal year 2007, or any succeeding fiscal year, relating to the reprogramming or transfer of funds.

(Pub. L. 107-296, title V, §506, as added Pub. L. 109-295, title VI, §611(13), Oct. 4, 2006, 120 Stat. 1400.)

PRIOR PROVISIONS

A prior section 506 of Pub. L. 107-296 was renumbered section 502 and is classified to section 312 of this title.

§ 317. Regional offices

(a) In general

There are in the Agency 10 regional offices, as identified by the Administrator.

(b) Management of regional offices

(1) Regional Administrator

Each Regional Office shall be headed by a Regional Administrator who shall be appointed by the Administrator, after consulting with State, local, and tribal government offi-

cials in the region. Each Regional Administrator shall report directly to the Administrator and be in the Senior Executive Service.

(2) Qualifications

(A) In general

Each Regional Administrator shall be appointed from among individuals who have a demonstrated ability in and knowledge of emergency management and homeland security.

(B) Considerations

In selecting a Regional Administrator for a Regional Office, the Administrator shall consider the familiarity of an individual with the geographical area and demographic characteristics of the population served by such Regional Office.

(c) Responsibilities

(1) In general

The Regional Administrator shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

(2) Responsibilities

The responsibilities of a Regional Administrator include—

(A) ensuring effective, coordinated, and integrated regional preparedness, protection, response, recovery, and mitigation activities and programs for natural disasters, acts of terrorism, and other man-made disasters (including planning, training, exercises, and professional development);

(B) assisting in the development of regional capabilities needed for a national catastrophic response system;

(C) coordinating the establishment of effective regional operable and interoperable emergency communications capabilities;

(D) staffing and overseeing 1 or more strike teams within the region under subsection (f), to serve as the focal point of the Federal Government's initial response efforts for natural disasters, acts of terrorism, and other man-made disasters within that region, and otherwise building Federal response capabilities to respond to natural disasters, acts of terrorism, and other man-made disasters within that region;

(E) designating an individual responsible for the development of strategic and operational regional plans in support of the National Response Plan;

(F) fostering the development of mutual aid and other cooperative agreements;

(G) identifying critical gaps in regional capabilities to respond to populations with special needs;

(H) maintaining and operating a Regional Response Coordination Center or its successor;

(I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, and other man-made disasters;

(J) assisting State, local, and tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multi-jurisdictional incident command system may quickly be established and operated from, if the need for such a system arises; and

(K) performing such other duties relating to such responsibilities as the Administrator may require.

(3) Training and exercise requirements

(A) Training

The Administrator shall require each Regional Administrator to undergo specific training periodically to complement the qualifications of the Regional Administrator. Such training, as appropriate, shall include training with respect to the National Incident Management System, the National Response Plan, and such other subjects as determined by the Administrator.

(B) Exercises

The Administrator shall require each Regional Administrator to participate as appropriate in regional and national exercises.

(d) Area offices

(1) In general

There is an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

(2) Alaska

The Administrator shall establish an Area Office in Alaska, as a component in the appropriate Regional Office.

(e) Regional Advisory Council

(1) Establishment

Each Regional Administrator shall establish a Regional Advisory Council.

(2) Nominations

A State, local, or tribal government located within the geographic area served by the Regional Office may nominate officials, including Adjutants General and emergency managers, to serve as members of the Regional Advisory Council for that region.

(3) Responsibilities

Each Regional Advisory Council shall—

(A) advise the Regional Administrator on emergency management issues specific to that region;

(B) identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, protection, response, recovery, or mitigation more complicated or difficult; and

(C) advise the Regional Administrator of any weaknesses or deficiencies in preparedness, protection, response, recovery, and mitigation for any State, local, and tribal government within the region of which the Regional Advisory Council is aware.

(f) Regional Office strike teams**(1) In general**

In coordination with other relevant Federal agencies, each Regional Administrator shall oversee multi-agency strike teams authorized under section 5144 of title 42 that shall consist of—

- (A) a designated Federal coordinating officer;
- (B) personnel trained in incident management;
- (C) public affairs, response and recovery, and communications support personnel;
- (D) a defense coordinating officer;
- (E) liaisons to other Federal agencies;
- (F) such other personnel as the Administrator or Regional Administrator determines appropriate; and
- (G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan.

(2) Other duties

The duties of an individual assigned to a Regional Office strike team from another relevant agency when such individual is not functioning as a member of the strike team shall be consistent with the emergency preparedness activities of the agency that employs such individual.

(3) Location of members

The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily within the region that corresponds to that strike team.

(4) Coordination

Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State, local, and tribal governments and private sector and non-governmental entities which the strike team shall support when a natural disaster, act of terrorism, or other man-made disaster occurs.

(5) Preparedness

Each Regional Office strike team shall be trained as a unit on a regular basis and equipped and staffed to be well prepared to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

(6) Authorities

If the Administrator determines that statutory authority is inadequate for the preparedness and deployment of individuals in strike teams under this subsection, the Administrator shall report to Congress regarding the additional statutory authorities that the Administrator determines are necessary.

(Pub. L. 107-296, title V, § 507, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1401; amended Pub. L. 110-53, title IV, § 404, Aug. 3, 2007, 121 Stat. 303.)

PRIOR PROVISIONS

A prior section 317, Pub. L. 107-296, title V, § 507, Nov. 25, 2002, 116 Stat. 2214, related to the role of the Federal

Emergency Management Agency, prior to repeal by Pub. L. 109-295, title VI, § 611(4), Oct. 4, 2006, 120 Stat. 1395.

AMENDMENTS

2007—Subsec. (c)(2)(I) to (K). Pub. L. 110-53 added subpars. (I) and (J) and redesignated former subpar. (I) as (K).

EFFECTIVE DATE

Section effective Mar. 31, 2007, see section 614(b)(3) of Pub. L. 109-295, set out as a note under section 701 of this title.

§ 318. National Advisory Council**(a) Establishment**

Not later than 60 days after October 4, 2006, the Secretary shall establish an advisory body under section 451(a) of this title to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters, to be known as the National Advisory Council.

(b) Responsibilities**(1) In general**

The National Advisory Council shall advise the Administrator on all aspects of emergency management. The National Advisory Council shall incorporate State, local, and tribal government and private sector input in the development and revision of the national preparedness goal, the national preparedness system, the National Incident Management System, the National Response Plan, and other related plans and strategies.

(2) Consultation on grants

To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies, as appropriate.

(c) Membership**(1) In general**

The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials, emergency managers, and emergency response providers from State, local, and tribal governments, the private sector, and non-governmental organizations, including as appropriate—

(A) members selected from the emergency management field and emergency response providers, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency management personnel, or organizations representing such individuals;

(B) health scientists, emergency and inpatient medical providers, and public health professionals;