

SEC. 4. *General.* (a) To the extent permitted by law:

(i) agencies shall assist and provide information to the Council for the performance of its functions under this order; and

(ii) the Department of Homeland Security shall provide funding and administrative support for the Council.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(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 functions, personnel, assets, components, authorities, and liabilities of each component described under paragraphs (1) through (3).

(Pub. L. 107-296, title V, § 505, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1400; amended Pub. L. 115-387, § 2(f)(4), Dec. 21, 2018, 132 Stat. 5168.)

#### PRIOR PROVISIONS

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

#### AMENDMENTS

2018—Subsec. (b)(4), (5). Pub. L. 115-387 redesignated par. (5) as (4), substituted “(1) through (3)” for “(1) through (4)”, and struck out former par. (4) which read as follows: “The Office of the Chief Medical Officer.”

#### 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, including through a Joint Task Force established under section 348 of this title, the authorities, responsibilities, or functions of the Agency or the capability of the Agency to perform those missions, authorities, responsibilities,<sup>1</sup> 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, including a Joint Task Force established under section 348 of this title, 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.

<sup>1</sup>So in original. Probably should be “authorities, responsibilities, or functions”.

(Pub. L. 107–296, title V, § 506, as added Pub. L. 109–295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1400; amended Pub. L. 114–328, div. A, title XIX, § 1901(d)(1), Dec. 23, 2016, 130 Stat. 2670.)

#### PRIOR PROVISIONS

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

#### AMENDMENTS

2016—Subsec. (c)(1). Pub. L. 114–328, § 1901(d)(1)(A), inserted “, including through a Joint Task Force established under section 348 of this title, after “reduce”.

Subsec. (c)(2). Pub. L. 114–328, § 1901(d)(1)(B), inserted “including a Joint Task Force established under section 348 of this title,” after “Department.”.

### § 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 officials 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.