

sections (b) and (c) [amending this section and former section 313 of this title and enacting provisions set out as a note under section 300hh-11 of Title 42, The Public Health and Welfare] shall take effect on January 1, 2007.”

Amendment by section 611(12) of Pub. L. 109-295 effective Mar. 31, 2007, see section 614(b)(2) of Pub. L. 109-295, set out as an Effective Date note under section 701 of this title.

#### Executive Documents

##### EX. ORD. NO. 13347. INDIVIDUALS WITH DISABILITIES IN EMERGENCY PREPAREDNESS

Ex. Ord. No. 13347, July 22, 2004, 69 F.R. 44573, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen emergency preparedness with respect to individuals with disabilities, it is hereby ordered as follows:

**SECTION 1. Policy.** To ensure that the Federal Government appropriately supports safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism, it shall be the policy of the United States that executive departments and agencies of the Federal Government (agencies):

(a) consider, in their emergency preparedness planning, the unique needs of agency employees with disabilities and individuals with disabilities whom the agency serves;

(b) encourage, including through the provision of technical assistance, as appropriate, consideration of the unique needs of employees and individuals with disabilities served by State, local, and tribal governments and private organizations and individuals in emergency preparedness planning; and

(c) facilitate cooperation among Federal, State, local, and tribal governments and private organizations and individuals in the implementation of emergency preparedness plans as they relate to individuals with disabilities.

**SEC. 2. Establishment of Council.** (a) There is hereby established, within the Department of Homeland Security for administrative purposes, the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (the “Council”). The Council shall consist exclusively of the following members or their designees:

(i) the heads of executive departments, the Administrator of the Environmental Protection Agency, the Administrator of General Services, the Director of the Office of Personnel Management, and the Commissioner of Social Security; and

(ii) any other agency head as the Secretary of Homeland Security may, with the concurrence of the agency head, designate.

(b) The Secretary of Homeland Security shall chair the Council, convene and preside at its meetings, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist exclusively of Council members.

(c) A member of the Council may designate, to perform the Council functions of the member, an employee of the member’s department or agency who is either an officer of the United States appointed by the President, or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule.

**SEC. 3. Functions of Council.** (a) The Council shall:

(i) coordinate implementation by agencies of the policy set forth in section 1 of this order;

(ii) whenever the Council obtains in the performance of its functions information or advice from any individual who is not a full-time or permanent part-time Federal employee, obtain such information and advice only in a manner that seeks individual advice

and does not involve collective judgment or consensus advice or deliberation; and

(iii) at the request of any agency head (or the agency head’s designee under section 2(c) of this order) who is a member of the Council, unless the Secretary of Homeland Security declines the request, promptly review and provide advice, for the purpose of furthering the policy set forth in section 1, on a proposed action by that agency.

(b) The Council shall submit to the President each year beginning 1 year after the date of this order, through the Assistant to the President for Homeland Security, a report that describes:

(i) the achievements of the Council in implementing the policy set forth in section 1;

(ii) the best practices among Federal, State, local, and tribal governments and private organizations and individuals for emergency preparedness planning with respect to individuals with disabilities; and

(iii) recommendations of the Council for advancing the policy set forth in section 1.

**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.)

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### 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.)

**Editorial Notes**

**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.”

**Statutory Notes and Related Subsidiaries**

**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.

(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.)

**Editorial Notes**

**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

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