

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”.