

cy, 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.

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

### (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;