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§ 1.17 Petitions for reconsideration.

Petitions for reconsideration of a final rule will not be considered. Such petitions, if filed, will be treated as petitions for rulemaking in accordance with § 1.18.

§ 1.18 Petition for rulemaking.

(a) Any interested person may petition the Director for the issuance, amendment, or repeal of a rule. For purposes of this section the term *person* includes a Federal, State or local government or government agency. Each petition shall:

(1) Be submitted to the Rules Docket Clerk;

(2) Set forth the substance of the rule or amendment proposed or specify the rule sought to be repealed or amended;

(3) Explain the interest of the petitioner in support of the action sought; and

(4) Set forth all data and arguments available to the petitioner in support of the action sought.

(b) No public procedures will be held directly on the petition before its disposition. If the Director finds that the petition contains adequate justification, a rulemaking proceeding will be initiated or a final rule will be issued as appropriate. If the Director finds that the petition does not contain adequate justification, the petition will be denied by letter or other notice, with a brief statement of the ground for denial. The Director may consider new evidence at any time; however, repetitious petitions for rulemaking will not be considered.

PART 2—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Subpart A—Organization, Functions, and Delegations of Authority

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AUTHORITY: 5 U.S.C. 552; Reorganization Plan No. 3 of 1978, 5 U.S.C. App. 1; E.O. 12127, 3 CFR, 1979 Comp., p. 376; E.O. 12148, as amended, 3 CFR, 1979 Comp., p. 412.

SOURCE: 59 FR 26133, May 19, 1994, unless otherwise noted.

Subpart A—Organization, Functions, and Delegations of Authority

GENERAL

§ 2.1 Purpose.

This part describes the organization of the Federal Emergency Management Agency (FEMA), and the general course and method by which its functions are administered. It provides for the exercise by officials of FEMA of authorities that are vested in the Director specifically by statute, as head of an agency, or as a consequence of a law authorizing such exercise. It also provides for exercise of authorities that have been transferred to the Director by Reorganization Plan or delegated to

the Director by Executive Order or other appropriate document.

§ 2.2 Organization of FEMA.

(a) The Director is the head of FEMA. All authorities of FEMA are either vested in the Director by statute or have been transferred to or delegated to the Director. Notwithstanding any delegation by the Director to a subordinate officer of FEMA, the Director may also exercise such authority.

(b) FEMA is composed of the Offices, Administrations, and Directorates, the responsibilities of which are described in §§ 2.11 through 2.44.

(c) The Executive Board of FEMA consists of the senior managers appointed by the President and confirmed by the Senate as well as representatives of the Regional Directors and other senior managers as the Director shall designate from time to time. The principal function of the Executive Board is to review the Agency's overall direction, performance, and policies. The Executive Board will hold regular meetings on a quarterly basis and may hold special meetings at the discretion of the Director.

§ 2.3 Exercise of authority.

Exercise of the authority delegated by this subpart or redelegated pursuant to this subpart is subject to the direction, control, and authority of the Director, and is governed by applicable laws, Executive Orders, Federal agency regulations or issuances applicable to FEMA. Such exercise is also governed by regulations issued by FEMA, and by policies, objectives, directives, manuals, instructions, plans, standards, procedures and limitations issued from time to time by or on behalf of the Director.

§ 2.4 General limitations and reservations.

(a) All powers and duties not delegated by the Director in this subpart, nor otherwise provided for in Title 44, are reserved to the Director.

(b) The following specific authorities are reserved to the Director:

(1) Certain authorities relating to reporting to Congress and the President including those under:

(i) Section 16 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2215);

(ii) Section 1320 of the National Flood Insurance Act (42 U.S.C. 4027);

(iii) Section 1234 of the National Housing Act (12 U.S.C. 1749bbb–10d);

(iv) Section 406 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2258);

(v) Section 5(b)(1)(D) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(1)(D)); and

(vi) Section 2–105 of Executive Order 12148 of July 20, 1979.

(2) Authorities connected with declaration of major disasters and emergencies, and with delegations to other agencies including:

(i) The authority to make recommendations to the President concerning the determination that an emergency exists pursuant to section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

(ii) The authority to make recommendations to the President concerning the issuance of a major disaster declaration pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(iii) Provision is made in § 2.11 of this part for the Deputy Director to exercise the authorities set out in this paragraph when the Director is unavailable due to illness or incapacity.

(3) Authorities relating to voluntary agreements under section 708 of the Defense Production Act (50 U.S.C. App. 2158) delegated to the Director in section 501 of Executive Order 10480.

(4) Authority to make the determination concerning Federal operation of the program and the report to Congress under section 1340 of the National Flood Insurance Act (42 U.S.C. 4071).

(5) Authority to appoint Federal Coordinating Officers under section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143).

§ 2.5 Delegations not included.

Other delegations of authority have been and will be made in other FEMA regulations and by internal FEMA directives that concern internal FEMA

policies and operations. These are valid delegations. Without in any way limiting the number of those delegations, and without describing all of them in this listing which is not complete, they include those:

(a) Delegations concerning Federal personnel matters such as those concerning appointing authority, compensation, and so on. These are considered internal personnel rules and are not published in this chapter but are published in a FEMA Instruction.

(b) Delegation to the General Counsel as Ethics Counselor under 5 CFR part 2638.

(c) Delegations under parts 5 and 6 of this subchapter relating to the Freedom of Information Act and Privacy Act.

(d) Delegations to several officials relating to authentication of records under 44 CFR 5.82.

(e) Delegations to the General Counsel and Chief Financial Officer with respect to claims under part 11 of this subchapter.

(f) Delegations to classify information originally as Secret or Confidential.

(g) Delegations to make certifications and findings under the Regulatory Flexibility Act, 5 U.S.C. 601–612; the National Environmental Policy Act, 42 U.S.C. 4321–4335; the Paperwork Reduction Act, 44 U.S.C. 3501–3520; E.O. 12612 of October 26, 1987, 3 CFR, 1987 Comp., p. 252; E.O. 12778 of October 23, 1991, 3 CFR, 1991 Comp., p. 359; E.O. 12866 of September 30, 1993, 3 CFR, 1993 Comp., p. 638; and any other certifications or findings required by existing or future laws, executive orders, or other authorities;

(h) Delegations concerning environmental matters under part 10 of this subchapter; and

(i) Delegations concerning floodplain management and wetlands protection matters under part 9 of this subchapter.

§ 2.6 Redelegation of authority.

(a) It is FEMA's policy that the authorities delegated by this chapter should, whenever appropriate, be redelegated to the manager or official who has immediate responsibility for the action. Authority delegated by this chapter, unless otherwise specifically provided, may be redelegated in whole or in part provided any such redelegation is in writing and approved by the officer to whom the authority is initially delegated. This restriction does not apply to a temporary redelegation of authority to a principal deputy or first assistant to be exercised during the absence of the delegating official.

(b) The authority to issue regulations having general applicability and future effect designed to implement, interpret or prescribe law or policy, and which are to be published in the FEDERAL REGISTER, may be delegated or redelegated only to positions for which it is required that the incumbent be confirmed by the United States Senate. This does not prohibit an acting official from issuing regulations. This paragraph does not apply to rules issued under parts 64, 65, 67, or 70 of this title.

§ 2.7 General delegations.

(a) This section sets forth general delegations to the officers or employees named in paragraph (b) of this section.

(b) The officers authorized to exercise authorities in paragraph (c) of this section are:

(1) Deputy Director;

(2) Chief of Staff;

(3) Inspector General;

(4) General Counsel;

(5) Director of the Office of Congressional and Governmental Affairs;

(6) Director of the Office of Emergency Information and Public Affairs;

(7) Director of the Office of Policy and Assessment;

(8) Director of the Office of Human Resources Management;

(9) Director of the Office of Equal Rights;

(10) Chief Financial Officer;

(11) Director of the Office of Regional Operations;

(12) Regional Directors;

(13) Federal Insurance Administrator;

(14) United States Fire Administrator;

(15) Associate Director for Mitigation;

(16) Associate Director for Preparedness, Training, and Exercises;

(17) Associate Director for Response and Recovery; and

(18) Associate Director for Operations Support.

(c) Each officer named in paragraph (b) of this section is authorized to:

(1) Approve official travel as temporary duty travel on official business and allowable expenses incidental thereto for employees of their respective organizational units, in accordance with the Federal Travel Regulations; except that travel to and from points outside of the United States is subject to prior notification to the Director and foreign travel (i.e., travel outside the United States and its insular areas) is subject to prior approval of the Director. However, no officer or employee may approve his or her own travel. Travel of officers named in paragraph (b) of this section is approved by the Deputy Director or the Chief of Staff, except that travel of a Regional Director may be approved by the Deputy Regional Director for that Region.

(2) Approve travel advances of funds through disbursing officers or imprest fund cashiers for employees of the respective organizational units who are entitled to per diem or mileage allowance or subsistence expenses in accordance with the Federal Travel Regulations.

(3) Approve travel vouchers for employees of their respective organizational units.

(4) Approve travel by employees of their respective organizations at the invitation and expense of parties outside of the Federal Government, with the concurrence of the Designated Agency Ethics Officer (DAEO) or a Deputy DAEO;

(5) Approve funding requisitions;

(6) As appropriate, issue final agency decisions on individual or class complaints of discrimination because of race, color, national origin, religion, sex, disability, age, or economic status.

(7) Promulgate internal guidance to cover areas of assigned responsibilities.

(8) Approve training costing less than $2500 (all expenses) or training of less than 80 hours in duration, whichever is more restrictive, except that this authority does not include authority to approve training involving the use of facilities of foreign governments or international organizations, which must be approved by the Director; or the authority to approve acceptance by employees of contributions or awards from non-Government organizations, whether in cash or in kind, which must be approved by the Director.

(9) Adjust working hours for individual employees when there is special justification therefor that it is in the interest of FEMA or to accommodate individual needs of employees for legitimate reasons where the work of the agency will not be impeded.

(10) Approve incentive awards to subordinates, Public Service Awards, cash awards of $1,500 or less for individuals and quality within-grade salary increases.

(11) Enter into and administer funded and unfunded memoranda of understanding with respect to assigned duties.

(12) Classify documents derivatively, based on the original classification by other Federal agencies or the Director.

§ 2.8 Designation of subordinates to act.

Each officer named in § 2.7(b) shall:

(a) Submit to the Director, for approval, a list of three or more subordinates to act for such officer during his or her absence; and

(b) Ensure that each Division Director, Branch Chief, or head of any other organizational unit under that officer's authority designate one or more subordinate employees to serve as acting head of the unit during the absence of the head of a unit or during a vacancy in the position.

FEMA OFFICES

§ 2.11 Office of the Director.

The Deputy Director is the first assistant to the Director under the Vacancies Act, 5 U.S.C. 3341 *et seq.,* and acts in place of the Director when the Director is not available because of illness or incapacity. The Deputy Director is the Chief Operating Officer of the Agency, with the duties and powers set forth in Presidential Memorandum of October 1, 1993, "Implementing Reform in the Executive Branch." The Deputy Director is authorized to exercise the

duties and powers of the Director as necessary to carry out the responsibilities of the Chief Operating Officer and to act in place of the Director in the Director's unavailability.

§2.12 Office of the Inspector General.

(a) *Mission.* The Office of the Inspector General serves FEMA as an independent unit to promote economy, efficiency, and effectiveness; to prevent waste, fraud, and abuse; and to keep the Congress and the Director fully informed on these subjects.

(b) *Functions.* The principal functions of the Office of the Inspector General are:

(1) Performance of all audit functions relating to programs and operations of FEMA;

(2) Inspection of agency activities to identify actual or potential fraud, waste, abuse, or mismanagement and to develop recommendations for corrective action;

(3) Investigation of allegations of illegal, unethical, or other activities that may lead to civil or criminal liability on the part of FEMA or its employees, contractors, or program participants; and

(4) Referral of potential criminal prosecutions to the Department of Justice, under 28 U.S.C. 535.

(c) *Authority.* The position of Inspector General of FEMA is created by statute (The Inspector General Act of 1978, as amended, 5 U.S.C. App. 3 §§1–15). The Inspector General is authorized to exercise the duties and powers set forth in that statute.

§2.13 Office of the General Counsel.

(a) *Mission.* The Office of the General Counsel renders legal advice and assistance on all matters related to Agency programs and operation, and conducts the Agency's ethics program and Freedom of Information Act/Privacy Act program.

(b) *Functions.* The principal functions of the Office of the General Counsel are:

(1) Rendering legal opinions and advice with respect to the duties, powers, and responsibilities of the Director, FEMA, and other Agency officers and employees and the applications of statutes, rules and regulations, other administrative issuances, and judicial precedents to Agency operations;

(2) Review for legal sufficiency of all Agency documents requiring legal interpretation or opinion.

(3) Establishment of Agency policy for and conduct of all appearances on behalf of FEMA in litigation or administrative proceedings and hearings;

(4) Liaison to the Department of Justice except when otherwise provided by the Office of the Inspector General.

(5) Coordination of the FEMA regulatory program, including liaison to the Office of Management and Budget and the Office of the Federal Register;

(6) Operation of the FEMA legislative reference program, including liaison to the Office of Management and Budget and allied legislative proposals; and

(7) Operation of FEMA's ethics program and Freedom of Information Act and Privacy Act program.

(c) *Delegated authorities.* The General Counsel is authorized to exercise the duties and powers of the Director to:

(1) Accept service of process on behalf of the Agency, and on behalf of its officials and employees in connection with performance of their official duties;

(2) Determine the agency's position with respect to litigation and refer matters directly to the Attorney General for prosecution or for initiation of litigation;

(3) Determine the government's position in connection with any dispute before a Board of Contract Appeals, including the authority to settle or adjust any such claim.

(4) Consider, compromise and settle tort claims against FEMA, but any award, compromise, or settlement of more than $25,000 requires the prior written approval of the Attorney General or designee;

(5) Serve as the Designated Agency Ethics Officer;

(6) Make technical corrections to all FEMA documents, including rules and regulations submitted to the FEDERAL REGISTER;

(7) Consider, compromise and settle personnel claims of less than $15,000 against FEMA;

(8) Waive claims of the United States against a person arising out of pay and allowances to an employee of FEMA in amounts of not more than $1,500, and in

accordance with the requirements of 5 U.S.C. 5584, and the implementing regulations and standards of the Comptroller General; and

(9) Enter into ratification agreements at the direction of the Department of Justice in order to insure that FEMA's subrogation interest will be represented.

§ 2.14 Office of Congressional and Governmental Affairs.

(a) *Mission.* The Office of Congressional and Governmental Affairs coordinates FEMA's ongoing emergency management relationships with the Congress, public interest groups, and State and local organizations.

(b) *Functions.* The principal functions of the Office of Congressional and Governmental Affairs are:

(1) Liaison with Congress, the Office of Management and Budget, and the White House on legislative matters directly affecting FEMA;

(2) Advising the Director and other FEMA officials on actions pending or anticipated in Congress;

(3) Liaison with Federal Coordinating Officers following declarations of disasters or emergencies under the Stafford Act, on matters requiring coordination with Congress; and

(4) Liaison with FEMA's constituencies on FEMA legislative matters.

(c) *Delegated authorities.* The Director of the Office of Congressional and Governmental Affairs is authorized to exercise the duties and powers of the Director in the Director's capacity as agency head in support of the functions listed in paragraph (b) of this section.

§ 2.15 Office of Emergency Information and Public Affairs.

(a) *Mission.* The Office of Emergency Information and Public Affairs informs the public about FEMA's programs and activities, both in time of disaster and in other times.

(b) *Functions.* The principal functions of the Office of Emergency Information and Public Affairs are:

(1) Gathering and dissemination of information about FEMA's programs and activities;

(2) Liaison with news media;

(3) Management of Joint Information Centers during disasters.

(c) *Delegated authorities.* The Director of the Office of Emergency Information and Public Affairs is authorized to exercise the duties and powers of the Director in the Director's capacity as agency head as set forth in paragraph (b) of this section.

§ 2.16 Office of Policy and Assessment.

(a) *Mission.* The Office of Policy and Assessment manages and facilitates policy development, strategic planning, planning, performance standards and assessment, innovation, and organizational development to achieve FEMA's overall mission.

(b) *Functions.* The principal functions of the Office of Policy and Assessment are:

(1) Facilitation of the development and implementation of Agency policy, including systematic review and evaluation of that policy;

(2) Development and coordination of FEMA's strategic planning process;

(3) Development of standards and mechanisms for evaluation of Agency performance;

(4) Development and implementation of a system for identifying shortfalls in Agency programs and performance and for monitoring progress towards their remediation;

(5) Oversight of FEMA's implementation of the Government Performance and Results Act of 1993, Pub. L. 103–62, 107 Stat. 285.

(6) Oversight of implementation of FEMA's environmental responsibilities;

(7) Support of the FEMA Executive Board;

(8) Oversight of, and provision of guidance for, FEMA's renewal and participation in the Reinvention Laboratory process; and

(9) Facilitating institutional change and innovation.

(c) *Delegated authorities.* The Director of the Office of Policy and Assessment is authorized to exercise the duties and powers of the Director in the Director's capacity as agency head in support of the functions listed in paragraph (b) of this section.

§2.17 Office of Human Resources Management.

(a) *Mission.* The Office of Human Resources Management provides and maintains a workforce capable of carrying out FEMA's mission.

(b) *Functions.* The principal functions of the Office of Human Resources Management are:

(1) Administration of FEMA's classification and position management programs;

(2) Recruitment and placement of employees;

(3) Administration of compensation and leave programs;

(4) Management of FEMA's disaster personnel program;

(5) Administration of workforce and workplace programs;

(6) Management of FEMA's labor relations, employee relations, and employee benefit programs;

(7) Administration of performance management and incentive awards programs;

(8) Establishment and maintenance of personnel records; and

(9) Coordination of affirmative employment programs with the Office of Equal Rights and support of FEMA's Offices, Administrations, and Directorates in meeting their affirmative actions goals.

(c) *Delegated authorities.* The Director of the Office of Human Resources Management is authorized to exercise the duties and powers of the Director in the Director's capacity as agency head in support of the functions listed in paragraph (b) of this section.

§2.18 Office of Equal Rights.

(a) *Mission.* The Office of Equal Rights assists management in fulfilling its responsibilities to ensure Equal Rights for all employees and applicants for employment, and to guarantee protection for the civil rights of every American receiving assistance from FEMA.

(b) *Functions.* The principal functions of the Office of Equal Rights are:

(1) Development, in coordination with Agency management, of multiyear Affirmative Employment Plans and annual updates covering women, minority group members, and persons with disabilities;

(2) Training regarding Equal Rights and Civil Rights and Responsibilities;

(3) Investigation and non-adjudicatory resolution of complaints of discrimination and referral of unresolved complaints to the Equal Employment Opportunity Commission or the Department of Justice; and

(4) Ensuring compliance with Civil Rights guidance in FEMA's programs and operations.

(c) *Delegated authorities.* The Director of the Office of Equal Rights is authorized to exercise the duties and powers of the Director as set forth in:

(1) E.O. 12336, as amended;

(2) E.O. 12250;

(3) E.O. 12067, as amended;

(4) E.O. 11478, as amended;

(5) E.O. 11141; and

(6) E.O. 11063, as amended.

§2.19 Office of Financial Management.

(a) *Mission.* The Office of Financial Management promotes sound financial management and accountability throughout the Agency by providing financial guidance, information, and services to FEMA management, its employees, and the Agency's customers.

(b) *Functions.* This office reports directly to the Director of FEMA regarding financial management matters and is headed by the Chief Financial Officer. The principal functions of the Office of Financial Management are:

(1) Oversight of all financial management activities relating to the programs and operations of the Agency, including fund manager for all Agency funds;

(2) Development, operation, and maintenance of an integrated Agency accounting and financial management system, including internal and external financial reporting;

(3) Oversight of the Agency's internal control guidance and review program;

(4) Direction, management, and provision of policy guidance and oversight of Agency financial management personnel, activities, and operations;

(5) Preparation of the annual report described in 31 U.S.C. 902(a)(6) to the Director of FEMA and to the Office of Management and Budget;

(6) Oversight of and responsibility for the formulation and execution of the

Agency's budget and accounts for actual expenditures;

(7) Preparation and submission of timely performance reports to the Director of FEMA and operating units;

(8) Review, on a biennial basis, of the fees, royalties, rents, and other charges imposed by the Agency for services and things of value it provides, and recommendation of revision of those charges to reflect costs incurred by the Agency in providing those services and things of value.

(c) *Authority*. The position of Chief Financial Officer was created by statute (Agency Chief Financial Officers Act, as amended, 31 U.S.C. 901–1114, 3511–3521). The Chief Financial Officer is authorized to exercise the duties and powers set forth in that statute. The Chief Financial Officer is specifically authorized to:

(1) Supervise the activities and functions of the Office of the Financial Management and oversee all financial management activities relating to the programs and operations of the Agency.

(2) Direct, manage, and provide policy guidance and oversight of the Agency financial management personnel, activities and operations.

(3) Establish and maintain an integrated Agency accounting and financial management system, including financial reporting and internal controls, that—

(i) Complies with applicable accounting principles, standards, and requirements and standards prescribed by the Office of Management and Budget, the General Accounting Office, and the Department of the Treasury;

(ii) Provides for complete, reliable and timely information, that is prepared on a uniform basis, and that is responsive to the financial management needs of the Agency; and,

(iii) Complies with any other requirements applicable to such systems.

(4) Prepare and submit a financial statement that conforms to the requirements of 31 U.S.C. 902 and 3515. Develop and implement the 5-year financial management plan as required by 31 U.S.C. 902(a)(5).

(5) Develop the Agency's financial management plans and budgets, and review legislative proposals and other programmatic proposals to provide advice to the Director on the financial implications of such proposals.

(6) Develop and implement Agency asset management systems, including systems for cash management, credit management, debt collection, and property and inventory management and control.

(7) Review on a biennial basis the fees, royalties, rents and other charges imposed by the Agency for services and things of value it provides, and make recommendations to the Director on revising those charges to reflect actual costs incurred by the Agency in providing those services and things of value. Premiums and other policy holder charges that relate to the issuance of policies (National Flood Insurance and Crime Insurance programs) are set by the Federal Insurance Administrator pursuant to Federal law and regulation.

(8) Develop, operate and maintain an Administrative Fund Control System that provides, for accurate and timely data on the status of each account. This Administrative Fund Control System shall comply with appropriate statutory requirements and regulations issued by General Accounting Office, Office of Management and Budget, the Department of the Treasury, and other central administrative agencies.

(9) Establish and maintain the appropriate accounts designated by the Department of the Treasury, the General Accounting Office, and Office of Management and Budget and such subsidiary records as may be necessary for accounting, audit and management purposes. Establish and maintain controls for appropriations and other special limitations required by law. Maintain reliable accounting records that will be the basis for preparing and supporting the budget requests of the Agency, controlling the execution of the budget and providing financial information required by law and regulation.

(10) Oversee the implementation of internal control systems that conform with rules, circulars, and other directives issued by General Accounting Office, Office of Management and Budget, and the Department of the Treasury. Report to the Director, as required by

law and regulation, whether the Agency's internal control systems and other financial systems and processes comply with applicable law and regulation.

(11) Develop and implement administrative standards and cost principles for the Agency's assistance programs in conformity with rules, circulars, and other directives that are issued by the General Accounting Office, the Office of Management and Budget, and the Department of the Treasury.

(12) Develop and maintain procedures for approving requisitions for disbursing funds, reports of current accounts rendered by disbursing officers, and other financial and accounting documents involving FEMA, the General Accounting Office, the Department of the Treasury, and the Office of Management and Budget.

(13) Certify to the General Accounting Office any charge against any officer or agent entrusted with public property, arising from any loss and accruing by this person's fault, to the Government as to the property so entrusted to this person.

(14) Approve all expenditures and receipt all vouchers and other documents necessary to carry out FEMA's appropriations and programs.

(15) Certify that all required documents, information and approvals respecting fiscal transactions are present; verify or cause to be verified the accuracy of the financial computations, the consistency of the information included in the various documents; and determine, or cause to be determined, that the financial transactions of the Agency are in strict accordance with the law, regulations and decisions.

(16) Authorize officers and employees to certify vouchers.

(17) Receive and credit amounts received to the applicable appropriation of FEMA or to the miscellaneous receipts account.

(18) Request cashier designation and resolution from the Department of the Treasury, and designate cashiers to serve in FEMA.

(19) Approve invitational travel for the Office of Financial Management.

(20) Have access to records and documents as required by 31 U.S.C. 902(b)(1)(A), (1)(B), and (1)(C). Access to records and documents is subject to the limitations in 31 U.S.C. 902(b)(2).

§ 2.20 Office of Regional Operations.

(a) *Mission.* The Office of Regional Operations coordinates FEMA's policies, programs, and administrative and management guidance with Regional Directors and ensures that regional implementation is consistent with the Director's goals.

(b) *Functions.* The principal functions of the Office of Regional Operations are:

(1) Liaison between the Regional Directors and the Director, Associate Directors, Administrators, and Office Directors;

(2) Advising the Director, Associate Directors, Administrators, and Office Directors on regional matters; and

(3) Providing guidance to Regional Directors on policy, programs, operations, and administrative matters.

(c) *Delegated authorities.* The Director of the Office of Regional Operations is authorized to exercise the duties and powers of the Director in the Director's capacity as agency head in support of the functions listed in paragraph (b) of this section.

§ 2.21 Ombudsman. [Reserved]

§ 2.22 Regional Offices.

(a) *Mission.* The Regional Offices implement FEMA's policies and programs at the regional level.

(b) *Functions.* The principal functions of the Regional Offices are:

(1) Liaison, within the regions, with other Federal agencies, State and local governments, voluntary and other private organizations, and the public;

(2) Recommendations to the Director on implementation of policy and improvement of the administration of FEMA's programs;

(3) Administration of Comprehensive Cooperative Agreements, grants, and other financial assistance to State and local governments;

(4) Response to disasters and emergencies declared under the Stafford Act, through Regional Response Teams;

(5) Recovery activities under the Stafford Act;

(6) Implementation of floodplain management aspects of the National Flood Insurance Program;

(7) Management of training and field exercises; and

(8) Technical assistance to Federal agencies, State and local governments, and voluntary and other private organizations regarding emergency response planning, preparedness, mitigation, response, and recovery.

(c) *Delegated authorities.* In general, Regional Directors are authorized, within their respective regions, to exercise the duties and powers of the Administrators and Associate Directors as set forth in §§ 2.32 through 2.44. However, the authorities of the Earthquake Hazards Reduction Act of 1977, as amended, 42 U.S.C. 7701 *et seq.*, are not delegated to Regional Directors (except for the authority of 42 U.S.C. 7704(b)(2)(A)(i), which is delegated). In addition, the authorities of the Federal Insurance Administrator as set forth in § 2.31 are not delegated to the Regional Directors.

ADMINISTRATIONS

§ 2.31 Federal Insurance Administration.

(a) *Mission.* The Federal Insurance Administration markets, issues, and services insurance policies under the National Flood Insurance Program (NFIP) and the Federal Crime Insurance Program (FCIP), with assistance from private insurance companies and servicing contractors.

(b) *Functions.* The principal functions of the Federal Insurance Administration are:

(1) Establishment of regulations, policy guidelines, standard contracts of insurance, and insurance rates for the NFIP and FCIP;

(2) Establishment of policy, plans, and procedures for evaluation, payment, and review of insurance claims;

(3) Oversight of servicing contracts for the NFIP and FCIP and the issuance and servicing of flood insurance policies by Write-Your-Own (WYO) carriers;

(4) Studies of the costs and feasibility of proposed extensions of the National Flood Insurance Program or of the proposed establishment of Federal insurance programs for other natural hazards; and

(5) Administration of the National Flood Insurance Fund and National Insurance Development Fund.

(c) *Delegated authorities.* The Federal Insurance Administrator is authorized to exercise the duties and powers of the Director as set forth in section 1–104 of E.O. 12127 insofar as it pertains to the marketing, issuance, and servicing of insurance under the NFIP and FCIP.

§ 2.32 United States Fire Administration.

(a) *Mission.* The United States Fire Administration works to reduce deaths, injuries, and property loss caused by fires in the United States.

(b) *Functions.* The principal functions of the United States Fire Administration are:

(1) Education of the public about fire problems and high fire risk behaviors;

(2) Providing training and technical assistance to fire and emergency services providers in incident response, mitigation and management;

(3) Collection and analysis of fire incident information;

(4) Investigation of technologies, equipment, and strategies for fire and emergency services providers;

(5) Coordination with State and local fire and emergency agencies concerning arson investigation and mitigation, use of building and fire codes, fire protection and multi-agency cooperation; and

(6) Management and operation of the National Emergency Training Center, Emmitsburg, Maryland.

(c) *Delegated authorities.* The United States Fire Administrator is authorized to exercise the duties and powers of the Director as set forth in section 1–103 of E.O. 12127.

DIRECTORATES

§ 2.41 Mitigation Directorate.

(a) *Mission.* The Mitigation Directorate administers programs to reduce or eliminate loss of life and property from natural and technological hazards.

(b) *Functions.* The principal functions of the Mitigation Directorate are:

(1) Identifying and assessing the risks posed by natural and technological hazards, except that, on issues of technological risk assessment, FEMA will defer to the Agency having primary responsibility in the specific area, notably the Nuclear Regulatory Commission (NRC) regarding accidents at commercial nuclear power plants, and the United States Army regarding chemical weapons;

(2) Developing mitigation policies and strategies for implementing programs designed to reduce or eliminate loss of life and property from natural and technological hazards;

(3) Coordinating with other Federal agencies and the scientific community on matters that will enhance FEMA'S ability to reduce or eliminate loss of life and property from natural and technological hazards;

(4) Transferring information on the risks posed by natural and technological hazards to other Federal agencies and State and local government officials, and the public;

(5) Promoting a multi-hazard approach to mitigation at State and local levels;

(6) Coordinating with national associations whose membership, expertise, and standard-setting capabilities enhance the reduction of risks associated with natural and technological hazards;

(7) Providing for the dissemination of information and delivery of technical assistance to build mitigation capabilities and promote mitigation activities;

(8) Carrying out hazard mitigation activities of the Stafford Act, including the processing of applications for hazard mitigation grants, disbursement of funds under section 404 of the Stafford Act, and administrative responsibilities in support of these activities;

(9) Management of Comprehensive Cooperative Agreements with the States, through which the Mitigation programs are implemented in the regions; and

(10) Establishment of Agency Geographic Information Systems (GIS) requirements and an Agency-wide GIS policy.

(c) *Delegated authorities.* The Associate Director for Mitigation is authorized to exercise the duties and powers of the Director as set forth in:

(1) 33 U.S.C. 467h, 709b, insofar as it pertains to the Dam Inspection Program;

(2) Section 1–104 of E.O. 12127 insofar as it pertains to:

(i) Determining the eligibility of communities to participate in the National Flood Insurance Program;

(ii) Identification of flood-prone areas;

(iii) Determination of inclusion or non-inclusion of properties within the Coastal Barrier Resources System established by 16 U.S.C. 3503 or within an otherwise protected area;

(iv) Determination of projected flood elevations for State and local governments to use in adopting flood plain management laws, regulations or ordinances;

(v) Establishment of criteria for land management and use, flood control, flood zoning, and flood damage protection; and

(vi) Purchase of properties insured under the National Flood Insurance Program that have been damaged substantially beyond repair by flood;

(3) E.O. 11988;

(4) The following sections of E.O. 12148, as amended:

(i) Section 4–203, insofar as it pertains to hurricane preparedness, as set forth in section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5131;

(ii) Section 4–203, insofar as it pertains to hazard mitigation set forth in sections 404, 406, 409, and 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170, 5172, 5176, and 5178;

(iii) Section 4–204, pertaining to earthquake hazards reduction as set forth in the Earthquake Hazards Reduction Act of 1977, as amended, 42 U.S.C. 7701–7706; and

(5) E.O. 12699.

§ 2.42 Preparedness, Training, and Exercises Directorate.

(a) *Mission.* The Preparedness, Training, and Exercises Directorate supports the emergency preparedness, training, and exercises capabilities of Federal, State and local governments.

(b) *Functions.* The principal functions of the Preparedness, Training, and Exercises Directorate are:

(1) Management of programs to establish, maintain, and enhance the capabilities of Federal, State, and local governments to prepare for, respond to, recover from a broad range of emergencies, including such programs as the Radiological Emergency Preparedness (REP) Program, Chemical Stockpile Emergency Preparedness Program (CSEPP), and the delegated responsibilities under the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2303);

(2) Management of Comprehensive Cooperative Agreements with the States, through which agreements the above programs are implemented in the regions;

(3) Training of Federal, State, and local government employees to prepare for, respond to, recover from a broad range of emergencies;

(4) Testing of Federal, State, and local emergency preparedness and response procedures through a comprehensive exercise, evaluation and corrective action program; and

(5) Recommendation of policy for all-hazard emergency preparedness and provision of implementation guidance, as required by statute, international agreement, or executive order.

(c) *Delegated authorities.* The Associate Director for Preparedness, Training, and Exercises Directorate is authorized to exercise the duties and powers of the Director as set forth in:

(1) E.O. 10480, as amended;

(2) E.O. 11179, as amended;

(3) Sections 1–103(b) and 1–105, E.O. 12127;

(4) Section 1–101, E.O. 12148;

(5) E.O. 12241;

(6) E.O. 12656, other than section 202;

(7) E.O. 12657; and

(8) E.O. 12742.

§ 2.43 Response and Recovery Directorate.

(a) *Mission.* The Response and Recovery Directorate maintains an integrated operational capability to respond to and recover from the consequences of a disaster, regardless of its cause, in cooperation with other Federal agencies, State and local governments, volunteer organizations, and the private sector.

(b) *Functions.* The principal functions of the Response and Recovery Directorate are:

(1) Management of Disaster Assistance, including damage assessment, recommendations to the President on declaration of disasters or emergencies under the Robert T. Stafford Disaster Relief and Emergency Assistance (Stafford) Act, 42 U.S.C. 5121–5201, processing of applications for disaster assistance and disbursement of Federal disaster assistance funds, except for hazard mitigation assistance provided under section 404 of the Stafford Act, 42 U.S.C. 5170c.

(2) Coordination among Federal agencies, State and local governments, and the American Red Cross of the ongoing development and the implementation of the Federal Response Plan (for implementation of Pub. L. 93–288, as amended) and associated plans for response to and recovery from a broad range of disasters;

(3) Support of communications and Automated Data Processing (ADP) capabilities for interagency operations during a wide range of emergencies; and

(4) Maintaining the continuity of essential functions of the Federal Government during a wide range of emergencies.

(c) *Delegated authorities.* The Associate Director for Response and Recovery is authorized to exercise the duties and powers of the Director as set forth in:

(1) Sections 2–102 and 4–203, Executive Order 12148, as amended, except insofar as they pertain to hazard mitigation assistance; and

(2) Section 202, Executive Order 12656.

§ 2.44 Operations Support Directorate.

(a) *Mission.* The Operations Support Directorate provides direct support and services to FEMA's all-hazards emergency management program of mitigation, preparedness, response and recovery.

(b) *Functions.* The principal functions of the Operations Support Directorate are:

(1) Services primarily for the support of internal functions, including:

(i) Management and oversight of the Agency's procurement system, including acquisition of supplies and services;
(ii) Printing and publications;
(iii) Telecommunications operations;
(iv) Automated data processing;
(v) Software design and engineering;
(vi) Records management;
(vii) Agency-wide logistics and property management;
(viii) Protection of personnel, facilities, and equipment;
(ix) Management of transit subsidies;
(x) Preparation of visual presentations materials;
(xi) Placement of advertisements in general circulation newspapers; and
(2) Services that support organizations outside of FEMA as well as the agency itself, including:
(i) Telecommunications design and engineering;
(ii) Resource and economic modeling;
(iii) Management of data storage and production associated with Geographic Information Systems (GIS) and other analytic systems;
(iv) Security of classified records;
(v) Security of classified communications;
(vi) Background investigations for the granting of security clearances;
(vii) Determination of suitability for employment under 5 CFR part 731; and
(viii) Control of public information collections.

(c) *Delegated authorities.* Subject to the qualifications of paragraph (d) of this section, the Associate Director for Operations Support is authorized to exercise the duties and powers of the Director as set forth in:
(1) E.O. 10450, as amended;
(2) E.O. 12046, as amended;
(3) E.O. 12356; and
(4) E.O. 12472.

(d) *Authorities delegated directly to the Director, Acquisition Services Division.* The Director, Acquisition Services Division, Operations Support Directorate, is authorized to:

(1)(i) Exercise authority under section 104(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 delegated to the Director by section 2(f) of Executive Order 12316;

(ii) Exercise authority of the Director concerning extraordinary contractual actions under paragraph 21 of Executive Order 10789.

(iii) Exercise authority delegated to the Director by Executive Order 12352 and act as procurement executive.

(2)(i) Make purchases and contracts by advertising for equipment and supplies, administrative equipment, office supplies, professional services, transportation of persons and property, and nonpersonal services, and determine that the rejection of any bid is in the public interest;

(ii) Negotiate purchases and contracts for equipment and supplies, professional services, transportation of persons and property, and non-personal services without advertising; and make and issue determinations related thereto pursuant to section 302(c) (1)–(b)(10)(10), (14) and (15) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c) (1)–(10), (14) and (15)) and 40 U.S.C. 541–544 with respect to contracting for services of Architects Engineers;

(iii) Enter into and administer interagency agreements under the Economy Act or any other such agreement involving obligation of funds;

(3) Notwithstanding any general delegation of statutory authority in this part to another officer of FEMA, if the authority delegated in the general statutory delegation contains procurement authority that authority is delegated solely to the Director, Acquisition Services Division, with authority to redelegate to any employee of FEMA. As used in this paragraph (d) the term "procurement" includes acquisition from a recipient including a State or local government, of property or services for the direct benefit or use of the Federal Government. This includes authority under section 201(h) of the Federal Civil Defense Act but excludes authority under section 1362 of the National Flood Insurance Act.

(4) Notwithstanding any general delegation of authority in this part to another officer of FEMA, other than the delegation to Regional Directors under §2.22, if the authority delegated contains authority to award discretionary grants that authority is delegated to the Director, Acquisition Services Division, who is authorized to exercise

the authority of the Director with respect thereto. The Director, Acquisition Services Division, may redelegate this authority to any employee of FEMA. Discretionary grants include those instruments that are awarded to a selected or limited number of recipients deemed best qualified based upon criteria designed for the conduct of a specific project. This can include governments. Discretionary grants do not include those awarded to recipients for which:

(i) The recipient or class of recipient is mandated by legislation or regulation;

(ii) The amount of the instrument or the amount of the program is established by legislation and discretion in the award process is limited; or

(iii) There is no choice in the purpose of the award or whether to make the award. The delegation to the Regional Directors under §2.22 to implement various programs is not affected by this delegation to the Director, Acquisition Services Division.

Subpart B [Reserved]

Subpart C—OMB Control Numbers

§ 2.80 Purpose.

The purpose of this subpart is to display OMB control numbers assigned to FEMA's information collection requirements.

§ 2.81 OMB control numbers assigned to information collections.

This section collects and displays the control numbers assigned to information collection requirements of FEMA by OMB pursuant to the Paperwork Reduction Act of 1980. FEMA intends that this section comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget for each agency information collection requirement.

	Current OMB control No.
44 CFR part or section where identified or described:	
7 subpart E	3067–0177
11.36	3067–0122
11.54	3067–0122
11 subpart D	3067–0167
59.22(a)	3067–0020
59.22(b)(2)	3067–0018
60.3, 60.4, 60.5	3067–0022
61, 61 app. A(1), 61 app. B	3067–0022
62 subpart C, 62 app. A, 62 app. B	3067–0169
63 subpart B	3067–0196
64.3(c)	3067–0020
65	3067–0147
66, 67	3067–0148
70	3067–0147
71	3067–0120
75 subpart B	3067–0127
80, 81, 83	3067–0031
151 subpart B	3067–0141
204	3067–0290
205.33	3067–0113
205.34	3067–0113
205.52(e)	3067–0009
205.54(e)	3067–0146
205.54(f), 205.54(j)	3067–0163
205.59	3067–0166
205.94	3067–0034
205.96	3067–0026
205 subpart G	3067–0066
205.116	3067–0151
205.200(b)	3067–0048
205.207	3067–0048
205.208	3067–0048
206.35	3067–0113
206.36	3067–0113
206.101(e)	3067–0009
206.131(e)	3067–0146
206.131(f), 206.131(j)	3067–0163
206.171	3067–0166
206.202(c)	3067–0033
206.204	3067–0151
206.364	3067–0034
206.366	3067–0026
206 subpart L	3067–0066
206.436	3067–0207
206.437	3067–0208
206.405	3067–0212
220.6	3067–0168
220.19	3067–0156
221.8	3067–0156
222.5, 222.6	3067–0184
302.3(a), 302.3(d)	3067–0138
302.3(b)	3067–0123
302.3(c)(1)	3067–0096
302.3(c)(3)	3067–0090
308.7	3067–0074
352.4	3067–0201
352.24	3067–0201
360.4(c)	3067–0100
48 CFR part or section where identified or described:	
4452.226–01(a)	3067–0213

[59 FR 26133, May 19, 1994, as amended at 66 FR 57347, Nov. 14, 2001]

PART 3 [RESERVED]