

## Federal Emergency Management Agency, DHS

## §2.13

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 ad-

ministrative 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