

Federal Emergency Management Agency, DHS

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(2) Set forth the substance of the rule or amendment proposed or specify the rule sought to be repealed or amended;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

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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