

§ 2.2

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:

44 CFR Ch. I (10-1-06 Edition)

(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 re-delegated 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;