

(d) *Technical Advice.* In appeals involving highly technical issues, the Regional Director or Associate Director/Executive Associate Director may, at his or her discretion, submit the appeal to an independent scientific or technical person or group having expertise in the subject matter of the appeal for advice or recommendation. The period for this technical review may be in addition to other allotted time periods. Within 90 days of receipt of the report, the Regional Director or Associate Director/Executive Associate Director will notify the grantee in writing of the disposition of the appeal.

(e) *Transition.* (1) This rule is effective for all appeals pending on and appeals from decisions issued on or after May 8, 1998, except as provided in paragraph (e)(2) of this section.

(2) Appeals pending from a decision of an Associate Director/Executive Associate Director before May 8, 1998 may be appealed to the Director in accordance with 44 CFR 206.440 as it existed before May 8, 1998.

(3) The decision of the FEMA official at the next higher appeal level shall be the final administrative decision of FEMA.

[63 FR 17111, Apr. 8, 1998]

## PART 207 [RESERVED]

## PART 208—NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM

### Subpart A—General

Sec.

- 208.1 Purpose and scope of this part.
- 208.2 Definitions of terms used in this part.
- 208.3 Authority for the National US&R Response System.
- 208.4 Purpose for System.
- 208.5 Authority of the Director of the Response Division (Director).
- 208.6 System resource reports.
- 208.7 Enforcement.
- 208.8 Code of conduct.
- 208.9 Agreements between Sponsoring Agencies and Participating Agencies.
- 208.10 Other regulations.
- 208.11 Federal status of System Members.
- 208.12 Maximum Pay Rate Table.
- 208.13–208.20 [Reserved]

### Subpart B—Preparedness Cooperative Agreements

- 208.21 Purpose.
- 208.22 Preparedness Cooperative Agreement process.
- 208.23 Allowable costs under Preparedness Cooperative Agreements.
- 208.24 Purchase and maintenance of items not listed on Equipment Cache List.
- 208.25 Obsolete equipment.
- 208.26 Accountability for use of funds.
- 208.27 Title to equipment.
- 208.28–208.30 [Reserved]

### Subpart C—Response Cooperative Agreements

- 208.31 Purpose.
- 208.32 Definitions of terms used in this subpart.
- 208.33 Allowable costs.
- 208.34 Agreements between Sponsoring Agencies and others.
- 208.35 Reimbursement for Advisory.
- 208.36 Reimbursement for Alert.
- 208.37 Reimbursement for equipment and supply costs incurred during Activation.
- 208.38 Reimbursement for re-supply and logistics costs incurred during Activation.
- 208.39 Reimbursement for personnel costs incurred during Activation.
- 208.40 Reimbursement of fringe benefit costs during Activation.
- 208.41 Administrative allowance.
- 208.42 Reimbursement for other administrative costs.
- 208.43 Rehabilitation.
- 208.44 Reimbursement for other costs.
- 208.45 Advance of funds.
- 208.46 Title to equipment.
- 208.47–208.50 [Reserved]

### Subpart D—Reimbursement Claims and Appeals

- 208.51 General.
- 208.52 Reimbursement procedures.
- 208.53–208.59 [Reserved]
- 208.60 Determination of claims.
- 208.61 Payment of claims.
- 208.62 Appeals.
- 208.63 Request by DHS for supplemental information.
- 208.64 Administrative and audit requirements.
- 208.65 Mode of transmission.
- 208.66 Reopening of claims for retrospective or retroactive adjustment of costs.
- 208.67–208.70 [Reserved]

AUTHORITY: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 through 5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Homeland Security Act of 2002, 6 U.S.C. 101; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3

## § 208.1

CFR, 1979 Comp., p. 412; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

SOURCE: 70 FR 9194, Feb. 24, 2005, unless otherwise noted.

### Subpart A—General

#### § 208.1 Purpose and scope of this part.

(a) *Purpose.* The purpose of this part is to prescribe policies and procedures pertaining to the Department of Homeland Security's (DHS) National Urban Search and Rescue Response System.

(b) *Scope.* This part applies to Sponsoring Agencies and other participants in the National Urban Search and Rescue Response System that have executed agreements governed by this part. Part 206 of this chapter does not apply to activities undertaken under this part, except as provided in §§ 208.5 and 208.10 of this part. This part does not apply to reimbursement under part 206, subpart H, of this chapter.

#### § 208.2 Definitions of terms used in this part.

(a) *General.* Any capitalized word in this part is a defined term unless such capitalization results from the application of standard capitalization or style rules for Federal regulations. The following definitions have general applicability throughout this part:

*Activated* or *Activation* means the status of a System resource placed at the direction, control and funding of DHS in response to, or in anticipation of, a presidential declaration of a major disaster or emergency under the Stafford Act.

*Activation Order* means the DHS communication placing a System resource under the direction, control, and funding of DHS.

*Advisory* means a DHS communication to System resources indicating that an event has occurred or DHS anticipates will occur that may require Alert or Activation of System resources.

*Alert* means the status of a System resource's readiness when triggered by an Alert Order indicating that DHS may Activate the System resource.

*Alert Order* means the DHS communication that places a System resource on Alert status.

## 44 CFR Ch. I (10–1–06 Edition)

*Assistance Officer* means the DHS employee who has legal authority to bind DHS by awarding and amending Cooperative Agreements.

*Backfill* means the personnel practice of temporarily replacing a person in his or her usual position with another person.

*Cooperating Agency* means a State or Local Government that has executed a Cooperative Agreement to provide Technical Specialists.

*Cooperative Agreement* means a legal instrument between DHS and a Sponsoring Agency or Cooperating Agency that provides funds to accomplish a public purpose and anticipates substantial Federal involvement during the performance of the contemplated activity.

*Daily Cost Estimate* means a Sponsoring Agency's estimate of Task Force personnel compensation, itemized fringe benefit rates and amounts including calculations, and Backfill expenditures for a 24-hour period of Activation.

*Deputy Director* means the Deputy Director of the Response Division, Emergency Preparedness and Response Directorate, Department of Homeland Security, or other person that the Director designates.

*DHS* means the Department of Homeland Security.

*Director* means the Director of the Response Division, Emergency Preparedness and Response Directorate, DHS.

*Disaster Search Canine Team* means a disaster search canine and handler who have successfully completed the written examination and demonstrated the performance skills required by the Disaster Search Canine Readiness Evaluation Process. A disaster search canine is a dog that has successfully completed the DHS Disaster Search Canine Readiness Evaluation criteria for Type II or both Type II and Type I.

*Emergency* means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.