

§ 2.8

(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

44 CFR Ch. I (10–1–07 Edition)

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

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