

Issue Date:

DELEGATION TO THE ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

I. Purpose

This delegation vests the authorities described herein in the Administrator of the Federal Emergency Management Agency (FEMA).

II. Delegation

Subject to my oversight, direction, and guidance, I hereby delegate to the FEMA Administrator the authority to:

A. Carry out the functions and duties, and exercise the authorities, previously assigned to FEMA and the Director of FEMA and included within the:

1. Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §5121 et seq.; this delegation does not include the duties and authorities in 42 U.S.C. § 5195c);
2. National Flood Insurance Act of 1968, as further amended by the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, 42 U.S.C. § 4001 et seq.;
3. McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. § 11311 et seq.;
4. National Dam Safety Program Act, 33 U.S.C. § 467 et seq.;
5. National Security Act of 1947, as amended, 50 U.S.C. §§ 404, 405 and 411;
6. Cerro Grande Fire Assistance Act, P.L. No. 106-246, Division C, Title I;
7. Department of Defense Authorization Act for 1986, 50 U.S.C. §§ 1521(c)(4)(A) and 1521(c)(5), related to the storage, disposal, or destruction of lethal chemical agents and munitions; and

8. Earthquake Hazards Reduction Act of 1977, as amended, 42 U.S.C. § 7701 et seq.

B. Implement the responsibilities of the Secretary of Homeland Security under the Defense Against Weapons of Mass Destruction Act of 1996, 50 U.S.C. §§ 2314-2315.

C. Carry out the responsibility for, and oversight of, the authorities and functions of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2061 et seq., which have been delegated to the Secretary of Homeland Security under Sections 103, 104(b)-(c), 201(b) (as re-delegated to the Secretary of Homeland Security by the Secretary of Commerce in the Defense Priorities and Allocations System Delegation 4, 6/6/06, 15 CFR Part 700), 201(c)-(e), 202(c), 301-307, 309, 310(b), 311-312, 501, 601, 802(e), and 902 of Executive Order 12919, National Defense Industrial Resources Preparedness, as amended by Section 24 of Executive Order 13286 of February 28, 2003, or which have accrued to the Secretary as chairperson or member of the Defense Production Act Committee, in accordance with section 722 of the Act and the Presidential memorandum of May 19, 2010, designating the Chairperson of the Defense Production Act Committee, to perform functions related to national defense industrial resource policies and programs. Except as otherwise provided, the Administrator provides policy, procedures, and oversight for the Department of Homeland Security with respect to E.O. 12919 authorities and functions. In performing these responsibilities, the Administrator coordinates with the appropriate DHS Components, including, but not limited to, the Assistant Secretary for Infrastructure Protection regarding critical infrastructure protection and restoration issues, and the Director of the Office of Operations Coordination, when appropriate. Unless re-delegation is otherwise prohibited by law, Executive Order, or the terms of this delegation, the authorities delegated herein may be re-delegated in writing to an appropriate subordinate official of the FEMA Administrator or to the heads of other Department of Homeland Security components or other Federal departments or agencies.

D. In coordination with the Under Secretary for Management, perform the functions assigned to the Secretary of Homeland Security in Paragraph 21 of Executive Order 10789, Authorizing Agencies of the Government to Exercise Certain Contracting Authority in Connection With National-Defense Functions and Prescribing Regulations Governing the Exercise of Such Authority; as amended by Section 73 of Executive Order 13286 of February 28, 2003, relating to certain contracting authority in connection with national-defense functions and prescribing regulations governing the exercise of such authority. This is not a delegation residing exclusively with the Administrator of FEMA, as other officials within DHS may also be delegated the same or similar authorities under Paragraph 21 of Executive Order 10789.

E. Perform the functions assigned to the Secretary of Homeland Security in Section 2(d) of Executive Order 11988, as amended by Section 89 of Executive Order 13286 of February 28, 2003, relating to consultations with other agencies to fulfill the requirements of E.O. 11988.

F. Perform the functions assigned to the Secretary of Homeland Security in Executive Order 12127, as amended by Section 89 of Executive Order 13286 of February 28, 2003, relating to the Reorganization Plan No. 3 of 1978 and the transfer of functions to the Federal Emergency Management Agency.

G. Perform the functions assigned to the Secretary of Homeland Security in Executive Order 12148, as revoked in part and amended by Section 1 of Executive Order 12673 and Section 52 of Executive Order 13286 of February 28, 2003, relating to the Federal Emergency Management Agency.

H. Perform the functions assigned to the Secretary of Homeland Security in Section 1-101 of Executive Order 12241, as amended by Section 89 of Executive Order 13286 of February 28, 2003, relating to the National Contingency Plan.

I. Perform the functions assigned to the Secretary of Homeland Security in Sections, 3(b)(1) and 3(b)(4) of Executive Order 12472, Assignment of national security and emergency preparedness telecommunications functions, as amended by Section 46 of Executive Order 13286 of February 28, 2003, and Section 5 of Executive Order 13407 of June 26, 2006.

J. Represent the Department of Homeland Security on the National and Regional Response Teams in Section 1(a)(2), and perform the functions assigned to the Director of the Federal Emergency Management Agency in Sections 1(d), 2(c)(1-2) and 2(i) of Executive Order 12580, Superfund Implementation, as amended by Section 43 of Executive Order 13286 of February 28, 2003. This delegation does not include any functions of the U.S. Coast Guard set forth in section 2(i) of E.O. 12580.

K. In coordination with the appropriate DHS Components, perform the functions assigned to the Secretary of Homeland Security in Sections 104(c), 201(15), 301(9), 401(10), 501(4), 501(7), 502(7), 601(3), 701(5)-(6), 801(9), 1302(4), 1401(4), 1701, 1702, and 1801(6), and perform the functions assigned to the Director of the Federal Emergency Management Agency in Section 501(9), of Executive Order 12656, Assignment of Emergency Preparedness Responsibilities, as amended by Section 9(e) of Executive Order 13228 relating to the establishment of the Office of Homeland Security and the Homeland Security Council, and Section 42 of Executive Order 13286, relating to national security emergency preparedness policy and functions.

- L. In coordination with the appropriate DHS Components, perform the functions assigned to the Secretary of Homeland Security in Executive Order 12657, as amended by Section 41 of Executive Order 13286, relating to Department of Homeland Security assistance in emergency preparedness planning at commercial nuclear power plants.
- M. Perform the functions assigned to the Secretary of Homeland Security in Sections 3(d), 4(a) and 5 of Executive Order 12699, as amended by Section 40 of Executive Order 13286, relating to seismic safety of federal and federally assisted or regulated new building construction.
- N. Perform the functions assigned to the Secretary of Homeland Security in Section 104(d) of Executive Order 12742, as amended by Section 36(b) of Executive Order 13286, relating to national security industrial responsiveness.
- O. Perform the functions assigned to the Secretary of Homeland Security in Sections 2 and 3(a) of Executive Order 12941, as amended by Section 89 of Executive Order 13286, relating to reporting on the seismic safety of existing Federally owned or leased buildings.
- P. Perform the functions assigned to the Secretary of Homeland Security in Executive Order 13407, Public Alert and Warning System, relating to the Integrated Public Alert and Warning System (IPAWS). FEMA will coordinate with the Office of Emergency Communications on those aspects of IPAWS involving interoperability with radio communications systems of Public Safety Agencies and other Emergency Response Providers.
- Q. Exercising the authority under section 1065 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106-65, 113 Stat. 512, 769.
- R. Perform the functions assigned to the Secretary of Homeland Security by sections 16(a)-(g) of National Security Presidential Directive (NSPD) 51/ Homeland Security Presidential Directive (HSPD) 20, relating to planning, implementing and assessing continuity operations.
- S. Perform the functions assigned to the Secretary of Homeland Security by Annexes C and E of NSPD 51/HSPD 20, including operating the FEMA Operations Center (FOC) to ensure appropriate responses to continuity and incident management activities.
- T. Implement Congressional intent as expressed in the Conference Report for the Homeland Security Fiscal Year 2004 Appropriations Act (H. Rpt. 108-280 to Public Law 108-90) by providing a waiver for the use of state grant funds by a local jurisdiction to purchase aviation equipment.

To the extent that previously exercised authority consistent with this delegation order may require ratification, it is hereby affirmed and ratified.

III. Re-delegation

Unless re-delegation is otherwise prohibited by law, Executive Order, or the terms of this delegation, the authorities delegated herein may be re-delegated in writing to an appropriate subordinate official of the FEMA Administrator.

IV. Authorities

A. 5 U.S.C. § 301.

B. Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135 (2002), as amended.

V. Office of Primary Interest

The Office of the Administrator, FEMA, is the office of primary interest in this delegation.

VI. Cancellation

This Delegation 9001.1 is effective upon signature. Section II. A of Delegation 0104 and Delegations 7040, 9001, 9501.2, and 9503 are rescinded concurrently with the implementation of this Delegation.



Janet Napolitano
Secretary of Homeland Security

12-10-10

Date