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38 Fed. Reg. 9579 (1973),
Reorganization Plan No. 1 of 1973
(reprinted in 50 U.S.C. App. 2271)

§ 2271. Federal Civil Defense Administration

(a) Establishment; appointment of Administrator

There is hereby established in the executive branch of the Government a Federal Civil Defense Administration (hereinafter referred to as the "Administration") at the head of which shall be a Federal Civil Defense Administrator appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) Deputy Administrator; appointment; duties

There shall be in the Administration a Deputy Administrator who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator shall prescribe and shall act for, and exercise the powers and perform the duties of, the Administrator during his absence or disability.

(c) Administrator subject to Presidential control

The Administrator shall perform his functions subject to the direction and control of the President.

(July 31, 1956, c. 804, Title I, §§ 104(a), 105, 70 Stat. 736.)

43 Fed. Reg. 41943 (1978),
Reorganization Plan No. 3 of 1978,
(reprinted in 5 U.S.C. App. I (Supp. 1985))

REORGANIZATION PLAN NO. 3 OF 1978

43 F.R. 41943, 92 Stat. 3788

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 19, 1978, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code [chapter 9 of this title].

PART I. FEDERAL EMERGENCY MANAGEMENT AGENCY

Section 101. Establishment of the Federal Emergency Management Agency.

There is hereby established as an independent establishment in the Executive Branch, the Federal Emergency Management Agency (the "Agency")

Section 102. The Director.

The Agency shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter prescribed by law for level II of the Executive Schedule.

Section 103. The Deputy Director.

There shall be within the Agency a Deputy Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter prescribed by law for level IV of the Executive Schedule. The Deputy Director shall perform such functions as the Director may from time to time prescribe and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

Section 104. Associate Directors.

There shall be within the Agency not more than four Associate Directors, who shall be appointed by the President, by and with the advice and consent of the Senate, two of whom shall be compensated at the rate now or hereafter prescribed by law for level IV of the Executive Schedule, one of whom shall be compensated at the rate now or hereafter prescribed by law for level V of the Executive Schedule and one of whom shall be compensated at the rate now or hereafter prescribed by law for GS-18 of the General Schedule. The Associate Directors shall perform such functions as the Director may from time to time prescribe.

Section 105. Regional Directors.

There shall be within the Agency ten regional directors who shall be appointed by the Director in the excepted service and shall be compensated at the rate now or hereafter prescribed by law for GS-16 of the General Schedule.

Section 106. Performance of Functions.

The Director may establish bureaus, offices, divisions, and other units within the Agency. The Director may from time to time make provision for the performance of any function of the Director by any officer, employee, or unit of the Agency.

PART II. TRANSFER OF FUNCTIONS

Section 201. Fire Prevention.

There are hereby transferred to the Director all functions vested in the Secretary of Commerce, the Administrator and Deputy Administrator of the National Fire Prevention and Control Administration, and the Superintendent of the National Academy for Fire Prevention and Control pursuant to the Federal Fire Prevention and Control Act of 1974, as amended, (15 U.S.C. 2201 through 2219) [section 2201 et seq. of Title 15]; exclusive of the functions set forth at Sections 18 and 23 of the Federal Fire Prevention and Control Act (15 U.S.C. 278(f) and 1511) [enacting section 278f and amending section 1511 of Title 15].

Section 202. Flood and Other Matters.

There are hereby transferred to the Director all functions vested in the Secretary of Housing and Urban Development pursuant to the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, (42 U.S.C. 2414 and 42 U.S.C. 4001 through 4128) [sections 2414 and 4001 et seq. of Title 42], and Section 1 of the National Insurance Development Act of 1975, as amended, (89 Stat. 68) [set out as a note under section 1749bbb of Title 12].

43 Fed. Reg. 41943 (1978),
Reorganization Plan No. 3 of 1978,
(reprinted in 5 U.S.C. App. I (Supp. 1985))
~~Section 203. Emergency Broadcast System.~~

There are hereby transferred to the Director all functions concerning the Emergency Broadcast System; which were transferred to the President and all such functions transferred to the Secretary of Commerce, by Reorganization Plan Number 1 [set out in this Appendix].

PART III. GENERAL PROVISIONS

Section 301. Transfer and Abolishment of Agencies and Officers.

The National Fire Prevention and Control Administration and the National Academy for Fire Prevention and Control and the positions of Administrator of said Administration and Superintendent of said Academy are hereby transferred to the Agency. The position of Deputy Administrator of Said Administration (established by 15 U.S.C. 2204(c) [section 2204(c) of Title 15]) is hereby abolished.

Section 302. Incidental Transfers.

So much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions transferred under this Plan, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate agency, or component at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for terminating the affairs of any agencies abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this Reorganization Plan.

Section 303. Interim Officers.

The President may authorize any persons who, immediately prior to the effective date of this Plan, held positions in the Executive Branch to which they were appointed by and with the advice and consent of the Senate, to act as Director, Deputy Director, and Associate Directors of the Agency, until those offices are for the first time filled pursuant to the provisions of this Reorganization Plan or by recess appointment, as the case may be. The President may authorize any such person to receive the compensation attached to the office in respect of which that person so serves, in lieu of other compensation from the United States.

Section 304. Effective Date.

The provisions of this Reorganization Plan shall become effective at such time or times, on or before April 1, 1979, as the President shall specify, but not sooner than the earliest time allowable under Section 906 of Title 5, United States Code [section 906 of this title].

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

Today I am transmitting Reorganization Plan No. 3 of 1978. The plan improves Federal emergency management and assistance. By consolidating emergency preparedness, mitigation and response activities, it cuts duplicative administrative costs and strengthens our ability to deal effectively with emergencies.

The plan, together with changes I will make through Executive action, would merge five agencies from the Departments of Defense, Commerce, HUD, and GSA into one new agency.

For the first time, key emergency management and assistance functions would be unified and made directly accountable to the President and Congress. This will reduce pressures for increased costs to serve similar goals.

The present situation has severely hampered Federal support of State and local emergency organizations and resources, which bear the primary responsibility for preserving life and property in times of calamity. This reorganization has been developed in close cooperation with State and local governments.

If approved by the Congress, the plan will establish the Federal Emergency Management Agency, whose Director shall report directly to the President. The National Fire Prevention and Control Administration (in the Department of Commerce), the Federal Insurance Administration (in the Department of Housing and Urban Development), and oversight responsibility for the Federal Emergency Broadcast System (now assigned in the Executive Office of the President) would be transferred to the Agency. The Agency's Director, its Deputy Director, and its five principal program managers would be appointed by the President with the advice and consent of the Senate.

If the plan takes effect, I will assign to the Federal Emergency Management Agency all authorities and functions vested by law in the President and presently delegated to the Defense Civil Preparedness Agency (in the Department of Defense).

This will include certain engineering and communications support functions for civil defense now assigned to the U.S. Army.

I will also transfer to the new Agency all authorities and functions under the Disaster Relief Acts of 1970 and 1974 now delegated to the Federal Disaster Assistance Administration in the Department of Housing and Urban Development.

I will also transfer all Presidential authorities and functions now delegated to the Federal Preparedness Agency in the General Services Administration, including the establishment of policy for the national stockpile. The stockpile disposal function, which is statutorily assigned to the General Services Administration, would remain there. Once these steps have been taken by Executive Order, these three agencies would be abolished.

Several additional transfers of emergency preparedness and mitigation functions would complete the consolidation. These include:

- Oversight of the Earthquake Hazards Reduction Program, under Public Law 95-124, now carried out by the Office of Science and Technology Policy in the Executive Office of the President.

- Coordination of Federal activities to promote dam safety, carried by the same Office.

- Responsibility for assistance to communities in the development of readiness plans for severe weather-related emergencies, including floods, hurricanes, and tornadoes.

- Coordination of natural and nuclear disaster warning systems.

- Coordination of preparedness and planning to reduce the consequences of major terrorist incidents. This would not alter the present responsibility of the executive branch for reacting to the incidents themselves.

This reorganization rests on several fundamental principles:

First, Federal authorities to anticipate, prepare for, and respond to major civil emergencies should be supervised by one official responsible to the President and given attention by other officials at the highest levels.

The new Agency would be in this position. To increase White House oversight and involvement still further, I shall establish by Executive Order an Emergency Management Committee, to be chaired by the Federal Emergency Management Agency Director. Its membership shall be comprised of the Assistants to the President for National Security, Domestic Affairs and Policy and Intergovernmental Relations, and the Director, Office of Management and Budget. It will advise the President on ways to meet national civil emergencies. It will also oversee and provide guidance on the management of all Federal emergency authorities, advising the President on alternative approaches to improve performance and avoid excessive costs.

Second, an effective civil defense system requires the most efficient use of all available emergency resources. At the same time, civil defense systems, organization, and resources must be prepared to cope with any disasters which threaten our people. The Congress has clearly recognized this principle in recent changes in the civil defense legislation.

The communications, warning, evacuation, and public education processes involved in preparedness for a possible nuclear attack should be developed, tested, and used for major natural and accidental disasters as well. Consolidation of civil defense functions in the new Agency will assure that attack readiness programs are effectively integrated into the preparedness organizations and programs of State and local government, private industry, and volunteer organizations.

While serving an important "all hazards" readiness and response role, civil defense must continue to be fully compatible with and be ready to play an important role in our Nation's overall strategic policy. Accordingly, to maintain a link between our strategic nuclear planning and our nuclear attack preparedness planning, I will make the Secretary of Defense and the National Security Council responsible for oversight of civil defense related programs and policies of the new Agency. This will also include appropriate Department of Defense support in areas like program development, technical support, research, communications, intelligence and emergency operations.

Third, whenever possible, emergency responsibilities should be extensions of the regular missions of Federal agencies. The primary task of the Federal Emergency Management Agency will be to coordinate and plan for the emergency deployment of resources that have other routine uses. There is no need to develop a separate set of Federal skills and capabilities for those rare occasions when catastrophe occurs.

43 Fed. Reg. 41943 (1978),
Reorganization Plan No. 3 of 1978,
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Fourth, Federal hazard mitigation activities should be closely linked with emergency preparedness and response functions. This reorganization would permit more rational decisions on the relative costs and benefits of alternative approaches to disasters by making the Federal Emergency Management Agency the focal point of all Federal hazard mitigation activities and by combining these with the key Federal preparedness and response functions.

The affected hazard mitigation activities include the Federal Insurance Administration which seeks to reduce flood losses by assisting States and local governments in developing appropriate land uses and building standards and several agencies that presently seek to reduce fire and earthquake losses through research and education.

Most State and local governments have consolidated emergency planning, preparedness and response functions on an "all hazard" basis to take advantage of the similarities in preparing for and responding to the full range of potential emergencies. The Federal Government can and should follow this lead.

Each of the changes set forth in the plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. The plan does not call for abolishing any functions now authorized by law. The provisions in the plan for the appointment and pay of any head or officer of the new agency have been found by me to be necessary.

I do not expect these actions to result in any significant changes in program expenditures for those authorities to be transferred. However, cost savings of between \$10 to \$15 million annually can be achieved by consolidating headquarters and regional facilities and staffs. The elimination (through attrition) of about 300 jobs is also anticipated.

The emergency planning and response authorities involved in this plan are vitally important to the security and well-being of our Nation. I urge the Congress to approve it.

JIMMY CARTER

THE WHITE HOUSE,
June 19, 1978.

XYZ

§ 2251. Congressional declaration of policy

It is the sense of the Congress that the defense of the United States can best be accomplished by enacting into law the measures set forth in this Act [sections 2251 to 2303 of this Appendix]. It is the policy and intent of Congress to provide a system of civil defense for the protection of life and property in the United States from attack and from natural disasters. It is further declared to be the policy and intent of the Congress that the responsibility for civil defense shall be vested jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized, without adversely affecting the attack-related civil defense objectives of this Act [sections 2251 to 2303 of this Appendix], to provide relief and assistance to people in areas of the United States struck by disasters other than disasters caused by enemy attack. The Federal Government shall provide necessary direction, coordination, and guidance; shall be responsible for the operation of the Federal Civil Defense Administration as set forth in this Act [sections 2251 to 2303 of this Appendix]; and shall provide necessary assistance as herein authorized.

(As amended Aug. 8, 1958, Pub.L. 85-606, § 2, 72 Stat. 532; July 14, 1976, Pub.L. 94-361, Title VIII, § 804(a), 90 Stat. 931; Dec. 1, 1981, Pub.L. 97-86, Title VIII, § 803(b), 95 Stat. 1112.)

§ 2252. Definitions

As used in this Act [sections 2251 to 2303 of this Appendix]—

(a) The term “attack” means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or processes;

(b) The term “natural disaster” means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons and, for the purposes of this Act [sections 2251 to 2303 of this Appendix], any explosion, civil disturbance, or any other manmade catastrophe shall be deemed to be a natural disaster;

(c) The term “civil defense” means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States or by a natural disaster, (2) to deal with the immediate emergency conditions which would be created by any such attack or natural disaster, and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack or natural disaster. Such term shall include, but shall not be limited to, (A) measures to be taken in preparation for anticipated attack or natural disaster (including the establishment of appropriate organizations, operational plans, and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction or preparation of shelters, shelter areas, and control centers; and, when appropriate, the non-military evacuation of civil population); (B) measures to be taken during attack or natural disaster (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communications); and (C) measures to be taken following attack or natural disaster (including activities for fire fighting; rescue, emergency medical, health and sanitation services; monitoring for specific hazards of special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities);

(d) The term “organizational equipment” means equipment determined by the Administrator to be (1) necessary to a civil defense organization, as distinguished from personal equipment, and (2) of such a type or nature as to require it to be financed in whole or in part by the Federal Government. It shall not be construed to include those items which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of the civil defense plans;

(e) The word “materials” shall include raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for civil defense;

(f) The word “facilities”, except as otherwise provided in this Act [sections 2251 to 2303 of this Appendix], shall include buildings, shelters, utilities, and land;

(g) The term “United States” or “States” shall include the several States, the District of Columbia, the Territories, and the possessions of the United States; and

(h) The term “neighboring countries” shall include Canada and Mexico.

(As amended Dec. 1, 1981, Pub.L. 97-86, Title VIII, § 803(c), 95 Stat. 1112.)

§ 2253. Administrative authority

For the purpose of carrying out his powers and duties under this Act [sections 2251 to 2303 of this Appendix], the Administrator is authorized to—

(a) employ civilian personnel for duty in the United States, including the District of Columbia, or elsewhere, subject to the civil-service laws; and to fix the compensation of such personnel in accordance with the Classification Act of 1949, as amended [5 U.S.C.A. §§ 5101 et seq. and 5331 et seq.];

(b) employ not more than one hundred such part-time or temporary advisory personnel (including not to exceed twenty-five subjects of the United Kingdom and the Dominion of Canada) as are deemed necessary in carrying out the provisions of this Act [sections 2251–2297 of this Appendix]. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time or temporary advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed \$50 for each day of service, as determined by the Administrator;

(c) utilize the services of Federal agencies and, with the consent of any State or local government, accept and utilize the services of State and local civil agencies; establish and utilize such regional and other offices as may be necessary; utilize such voluntary and uncompensated services by individuals or organizations as may from time to time be needed; and authorize the States to establish and organize such individuals and organizations into units to be known collectively as the United States Civil Defense Corps: *Provided*, That the members of such corps shall not be deemed by reason of such membership to be appointees or employees of the United States;

(d) notwithstanding any other provisions of law, accept gifts of supplies, equipment, and facilities; and utilize or distribute same for civil defense purposes in accordance with the provisions of this Act [sections 2251–2297 of this Appendix];

(e) reimburse any Federal agency for any of its expenditures or for compensation of its personnel and utilization or consumption of its materials and facilities under this Act [sections 2251–2297 of this Appendix] to the extent funds are available;

(f) purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies as he may deem necessary upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended [section 14 of Title 44]; and

(g) prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act [sections 2251–2297 of this Appendix], and, without being relieved of his responsibility therefor, perform any of the powers and duties vested in him through or with the aid of such officials of the Administration as he may designate. Jan. 12, 1951, c. 1228, Title IV, § 401, 64 Stat. 1254.

(h) when, after reasonable notice and opportunity for hearing to the State, or other person, he finds that there is a failure to expend funds in accordance with the regulations, terms, and conditions established under this Act [sections 2251 to 2303 of this Appendix] for approved civil defense plans, programs, or projects, notify such State or person that further payments will not be made to the State or person from appropriations under this Act [sections 2251 to 2303 of this Appendix] (or from funds otherwise available for the purposes of this Act [sections 2251 to 2303 of this Appendix] for any approved plan, program, or project with respect to which there is such failure to comply) until the Administrator is satisfied that there will no longer be any such failure. Until he is so satisfied, the Administrator shall either withhold the payment of any financial contribution to such State or person, or limit payments to those programs or projects with respect to which there is substantial compliance with the regulations, terms, and conditions governing plans, programs, or projects hereunder: *Provided*, That person as used in this subsection, means the political subdivision of any State or combination or group thereof; or any interstate civil defense authority established pursuant to subsection 201(g) [section 2281(g) of this Appendix]; or any person, corporation, association, or other entity of any nature whatsoever, including but not limited to, instrumentalities of States and political subdivisions.

(As amended June 28, 1955, c. 189, § 12(c)(2), 69 Stat. 180; Aug. 8, 1958, Pub.L. 85-606, § 5, 72 Stat. 534; Aug. 19, 1964, Pub.L. 88-448, Title IV, § 402(a)(30), 78 Stat. 494.)

§ 2254. Exemption from certain employment restrictions

The authority granted in sections 401(b) and (c) [section 2253(b), (c) of this Appendix] shall be exercised in accordance with regulations of the President who may also provide by regulation for the exemption of persons employed or whose services are utilized under the authority of said subsections from the operation of sections 281, 283, 284, 434, and 1914 of Title 18 and section 190 of the Revised Statutes [section 99 of Title 5]. Jan. 12, 1951, c. 1228, Title IV, § 402, 64 Stat. 1255.

§ 2255. Security regulations; oath

(a) The Administrator shall establish such security requirements and safeguards, including restrictions with respect to access to information and property as he deems necessary. No employee of the Administration shall be permitted to have access to information or property with respect to which access restrictions have been established under this section, until it shall have been determined that no information is contained in the files of the Federal Bureau of Investigation or any other investigative agency of the Government indicating that such employee is of questionable loyalty or reliability for security purposes, or if any such information is so disclosed, until the Federal Bureau of Investigation shall have conducted a full field investigation concerning such person and a report thereon shall have been evaluated in writing by the Administrator. No such employee shall occupy any position determined by the Administrator to be of critical importance from the standpoint of national security until a full field investigation concerning such employee shall have been conducted by the Civil Service Commission and a report thereon shall have been evaluated in writing by the Administrator. In the event such full field investigation by the Civil Service Commission develops any data reflecting that such applicant for a position of critical importance is of questionable loyalty or reliability for security purposes, or if the Administrator for any other reason shall deem it to be advisable, such investigation shall be discontinued and a report thereon shall be referred to the Administrator for his evaluation in writing. Thereafter the Administrator may refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation by such Bureau. The result of such latter investigation by such Bureau shall be furnished to the Administrator for his action.

(b) Each Federal employee of the Administration, except the subjects of the United Kingdom and the Dominion of Canada specified in section 401(b) of this Act [section 2253(b) of this Appendix], shall execute the loyalty oath or appointment affidavits prescribed by the Civil Service Commission. Each person other than a Federal employee who is appointed to serve in a State or local organization for civil defense shall before entering upon his duties, take an oath in writing before a person authorized to administer oaths, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am a member of the (name of civil defense organization), I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence."

After appointment and qualification for office, the director of civil defense of any State, and any subordinate civil defense officer within such State designated by the director in writing, shall be qualified to administer any such oath within such State under such regulations as the director shall prescribe. Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621 of Title 18.

Jan. 12, 1951, c. 1228, Title IV, § 403, 64 Stat. 1255.

(As amended Mar. 5, 1952, c. 78, § 1(b), 66 Stat. 13.)

§ 2256. Transfer of certain functions, property, and personnel

Transfer of Functions. Functions of the Federal Civil Defense Administrator were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended by Pub.L. 85-763, Aug. 26, 1958, 72 Stat. 861; Pub.L. 87-296, § 1, Sept. 22, 1961, 75 Stat. 630, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Planning in the Executive Office of the President by section 2 of 1958 Reorg. Plan No. 1.

The Office of Emergency Preparedness, including the offices of Director, Deputy Director, As-

sistant Directors, and Regional Directors, was abolished and all functions vested by law in the Office of Emergency Preparedness or the Director of the Office of Emergency Preparedness were transferred to the President of the United States by sections 1 and 3(a)(1) of 1973 Reorg. Plan No. 1, set out under section 2271 of this Appendix.

The name of the Office of Emergency Planning was changed to the Office of Emergency Preparedness by Pub.L. 90-608, c. IV, § 402, Oct. 21, 1968, 82 Stat. 1194, with references in any other law to the Office of Emergency Planning to be deemed, after Oct. 21, 1968, references to the Office of Emergency Preparedness.

§ 2257. Utilization of existing facilities

In performing his duties, the Administrator shall (1) cooperate with the various departments and agencies of the Government; (2) utilize to the maximum extent the existing facilities and resources of the Federal Government, and, with their consent, the facilities and resources of the States and local political subdivisions thereof, and of other organizations and agencies; and (3) refrain from engaging in any form of activity which would duplicate or parallel activity of any other Federal department or agency unless the Administrator, with the written approval of the President, shall determine that such duplication is necessary to accomplish the purposes of this Act [sections 2251-2297 of this Appendix]. Jan. 12, 1951, c. 1228, Title I, § 405, 64 Stat. 1256.

§ 2258. Reports to Congress

The Administrator shall annually submit a written report to the President and the Congress covering expenditures, contributions, work, and accomplishments of the Administration, pursuant to this Act [sections 2251-2297 of this Appendix], accompanied by such recommendations as he shall deem appropriate. Jan. 12, 1951, c. 1228, Title IV, § 406, 64 Stat. 1256.

§ 2259. Applicability of sections 2251-2297 of this Appendix

The provisions of this Act [sections 2251-2297 of this Appendix] shall be applicable to the United States, its States, Territories and possessions, and the District of Columbia, and their political subdivisions. Jan. 12, 1951, c. 1228, Title IV, § 407, 64 Stat. 1256.

§ 2260. Appropriations and transfers of funds

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [sections 2251 to 2303 of this Appendix] in the fiscal year ending September 30, 1977. No funds may be appropriated for any fiscal year beginning after September 30, 1977, for carrying out the purpose of this Act [said sections], unless such funds have been authorized for such purpose by legislation enacted after the date of enactment of the Department of Defense Appropriations Authorization Act, 1977 [July 14, 1976]. Funds made available for the purposes of this Act [said sections] may be allocated or transferred for any of the purposes of this Act [said sections], with the approval of the Bureau of the Budget, to any agency or Government corporation designated to assist in carrying out this Act [said sections]: *Provided*, That each such allocation or transfer shall be reported in full detail to the Congress within thirty days after such allocation or transfer.

(As amended Aug. 8, 1958, Pub.L. 85-606, § 6, 72 Stat. 534; Aug. 2, 1972, Pub.L. 92-360, § 1(2), 86 Stat. 503; July 14, 1976, Pub.L. 94-361, Title VIII, § 804(b), 90 Stat. 931; Nov. 9, 1979, Pub.L. 96-107, Title VII, § 702, 93 Stat. 810; Dec. 1, 1981, Pub.L. 97-86, Title VIII, § 802, 95 Stat. 1111; Oct. 19, 1984, Pub.L. 98-525, Title VIII, § 802, 98 Stat. 2572.)

§ 2261. Loans from Reconstruction Finance Corporation; increase in loan authority of Reconstruction Finance Corporation

Transfer of Functions. Functions of the Federal Civil Defense Administrator were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended by Pub.L. 85-763, Aug. 26, 1958, 72 Stat. 861; Pub.L. 87-296, § 1, Sept. 22, 1961, 75 Stat. 630, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Planning in the Executive Office of the President by section 2 of 1958 Reorg. Plan No. 1.

Functions of the Secretary of the Treasury under the Reconstruction Finance Corporation Liquidation Act [July 30, 1953, c. 282, Title I, 67 Stat. 230] with respect to certain specified matters were transferred by 1954 Reorg. Plan No. 2, eff. July 1, 1954, 19 F.R. 3986, set out as a note under section 609 of Title 15, Commerce and Trade.

Act July 30, 1953, c. 282, Title I, § 104, 67 Stat. 231, provided that: "Effective on the sixtieth day after the date of enactment of this Act [July 30, 1953], all functions, powers, duties, and authority of the Reconstruction Finance Corporation under section 409 of the Federal Civil Defense Act of 1950 [this section], together with those assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, personnel, and records of the Reconstruction Finance Corporation which the Director of the Bureau of the Budget shall determine to be primarily related to, and necessary for, the exercise of such functions, powers, duties, and authority, are transferred to

the Secretary of the Treasury, and shall be performed, exercised, and administered by the Secretary in accordance with the provisions of such Act [sections 2251 to 2297 of this Appendix]."

For short title of Title I of Act July 30, 1953, quoted in part above, see note under section 603 of Title 15, Trade and Commerce; and for authorization of appropriations for carrying out purposes of such Act, and separability of provisions thereof, see notes under section 631 of such title.

Office of Emergency Preparedness. The name of the Office of Emergency Planning was changed to the Office of Emergency Preparedness by Pub.L. 90-608, c. IV, § 402, Oct. 21, 1968, 82 Stat. 1194, with references in any other law to the Office of Emergency Planning to be deemed, after Oct. 21, 1968, references to the Office of Emergency Preparedness.

The Office of Emergency Preparedness, including the offices of Director, Deputy Director, Assistant Directors, and Regional Directors, was abolished and all functions vested by law in the Office of Emergency Preparedness or the Director of the Office of Emergency Preparedness were transferred to the President of the United States by sections 1 and 3(a)(1) of 1973 Reorg. Plan No. 1, set out under section 2271 of this Appendix.

Abolition of Reconstruction Finance Corporation. Section 6(a) of 1957 Reorg. Plan No. 1, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out as a note under section 601 of Title 15, Commerce and Trade, abolished the Reconstruction Finance Corporation.

§ 2262. Atomic Energy Act of 1946 unaffected

Nothing in this Act [sections 2251-2297 of this Appendix] shall be construed to amend or modify the provisions of the Atomic Energy Act of 1946, as amended [sections 1801-1819 of Title 42]. Jan. 12, 1951, c. 1228, Title IV, § 410, 64 Stat. 1257.

§ 2263. Investigation of espionage, sabotage, or subversive acts

Nothing in this Act [sections 2251-2297 of this Appendix] shall be construed to authorize investigations of espionage, sabotage, or subversive acts by any persons other than personnel of the Federal Bureau of Investigation. Jan. 12, 1951, c. 1228, Title IV, § 411, 64 Stat. 1257.

§ 2264. Establishment of "Civil defense procurement fund;" uses; charges against fund

There is established a working capital of \$5,000,000 for the "Civil defense procurement fund", which is established for the purpose of financing the procurement, by the Administrator, of materials or organizational equipment for which financial contributions to the States are otherwise authorized to be made on a matching basis by subsection (i) of section 2281 of this Appendix. Said fund shall be charged with the purchase price of said materials or equipment, and shall be paid therefor in advance, or by reimbursement, in equal amounts from (1) applicable appropriations and (2) funds provided by the States. Such materials or organizational equipment may be delivered to any State, and the Federal share of the purchase price

TITLE II—ORGANIZATION OF ADMINISTRATION

§ 2271. Federal Civil Defense Administration

(a) Establishment; appointment of Administrator

There is hereby established in the executive branch of the Government a Federal Civil Defense Administration (hereinafter referred to as the "Administration") at the head of which shall be a Federal Civil Defense Administrator appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) Deputy Administrator; appointment; duties

There shall be in the Administration a Deputy Administrator who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator shall prescribe and shall act for, and exercise the powers and perform the duties of, the Administrator during his absence or disability.

(c) Administrator subject to Presidential control

The Administrator shall perform his functions subject to the direction and control of the President.

(July 31, 1956, c. 804, Title I, §§ 104(a), 105, 70 Stat. 736.)

§ 2272. Civil Defense Advisory Council; establishment; duties; composition; tenure; meetings; additional advisory committees; compensation

Transfer of Functions. Functions of the Federal Civil Defense Administrator were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended by Pub.L. 85-763, Aug. 26, 1958, 72 Stat. 861; Pub.L. 87-296, § 1, Sept. 22, 1961, 75 Stat. 630, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Planning in the Executive Office of the President by section 2 of 1958 Reorg. Plan No. 1. The Civil Defense Advisory Council was transferred to the Office of Emergency Planning by section 5 of 1958 Reorg. Plan No. 1.

Abolishment of Civil Defense Advisory Council. The Civil Defense Advisory Council, together with its functions, was abolished by section 3(a)(3) of 1973 Reorg. Plan No. 1. 38 F.R. 9579, 87 Stat.

1089, effective July 1, 1973, set out as a note under section 2271 of this Appendix.

Office of Emergency Preparedness. The name of the Office of Emergency Planning was changed to the Office of Emergency Preparedness by Pub.L. 90-608, c. IV, § 402, Oct. 21, 1968, 82 Stat. 1194, with references in any other law to the Office of Emergency Planning to be deemed, after Oct. 21, 1968, references to the Office of Emergency Preparedness.

The Office of Emergency Preparedness, including the offices of Director, Deputy Director, Assistant Directors, and Regional Directors, was abolished and all functions vested by law in the Office of Emergency Preparedness or the Director of the Office of Emergency Preparedness were transferred to the President of the United States by sections 1 and 3(a)(1) of 1973 Reorg. Plan No. 1, set out under section 2271 of this Appendix.

. TITLE III—POWERS AND DUTIES

§ 2281. Functions of Administrator

The Administrator is authorized, in order to carry out the above-mentioned purposes, to—

Preparation of plans for civil defense

(a) prepare national plans and programs for the civil defense of the United States, making such use of plans and programs previously initiated by the National Security Resources Board as is feasible; sponsor and direct such plans and programs; and request such reports on State plans and operations for civil defense as may be necessary to keep the President, the Congress and the several States advised of the status of civil defense in the United States;

Delegation of civil defense responsibilities

(b) delegate, with the approval of the President, to the several departments and agencies of the Federal Government appropriate civil defense responsibilities, and review and coordinate the civil defense activities of the departments and agencies with each other and with the activities of the States and neighboring countries;

(c) Establishment of civil defense communications; dissemination of warnings

make appropriate provision for necessary civil defense communications and for dissemination of warnings to the civilian population of an attack or natural disaster;

(d) Development of protective measures; shelters; and equipment

study and develop civil defense measures designed to afford adequate protection of life and property, including, but not limited to, research and studies as to the best methods of treating the effects of attacks and natural disasters; developing shelter designs and materials for protective covering or construction; and developing equipment or facilities and effecting the standardization thereof to meet civil defense requirements;

(e) Training programs; establishment of a college and technical training schools

conduct or arrange, by contract or otherwise, for training programs for the instruction of civil defense officials and other persons in the organization, operation, and techniques of civil defense; conduct or operate schools or classes, including the payment of travel expenses, in accordance with the Travel Expenses Act for 1949, as amended [5 U.S.C.A. § 5701 et seq.], and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the Administrator; and provide instructors and training aids as deemed necessary: *Provided*, That the terms prescribed by the Administrator for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed one-half of the total cost of such expenses: *Provided further*, That not more than one national civil defense college and three civil defense technical training schools shall be established under the authority of this subsection: *Provided further*, That the Administrator is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by Act of Congress;

Dissemination of Information

(f) publicly disseminate appropriate civil defense information by all appropriate means;

(g) Encouragement of State civil defense work

assist and encourage the States to negotiate and enter into interstate civil defense compacts; review the terms and conditions of such proposed compacts in order to assist to the extent feasible in obtaining uniformity therein and consistency with the national civil defense plans and programs; assist and coordinate the activities thereunder; aid and assist in encouraging reciprocal civil defense legislation by the States which will permit the furnishing of mutual aid for civil defense purposes in the event of an attack or natural disaster which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or undergoing an attack or natural disaster: *Provided*, That a copy of each such civil defense compact shall be transmitted promptly to the Senate and the House of Representatives. The consent of the Congress shall be granted to each such compact, upon the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which the compact is transmitted to it; but only if, between the date of transmittal and expiration of such sixty-day period, there has not been passed a concurrent resolution stating in substance that the Congress does not approve the compact: *Provided*, That nothing in this subsection shall be construed as preventing Congress from withdrawing at any time its consent to any such compact;

(h) Acquisition of necessary defense materials and facilities

procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for civil defense, with the right to take immediate possession thereof: *Provided*, That facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this Act [sections 2251 to 2303 of this Appendix], prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended [40 U.S.C. 255]: *Provided further*, That the Administrator shall report not less often than quarterly to the Congress all property acquisitions made pursuant to this subsection: *Provided further*, That the Administrator is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by Act of Congress: *Provided further*, That the Administrator is authorized to procure and maintain under this subsection radiological instruments and detection devices, protective masks, and gas detection kits, and distribute the same by loan or grant to the States for civil defense purposes, under such terms and conditions as the Administrator shall prescribe ¹.

(i) Financial aid to States

make financial contributions, on the basis of programs or projects approved by the Administrator, to the States for civil defense purposes, including, but not limited to the, procurement, construction, leasing, or renovating of materials and facilities. Such contributions shall be made on such terms or conditions as the Administrator

shall prescribe, including, but not limited to, the method of purchase, the quantity, quality, or specifications of the materials or facilities, and such other factors or care or treatment to assure the uniformity, availability, and good condition of such materials or facilities: *Provided*, That no contributions shall be made for the procurement of land: *Provided further*, That retroactive financial contributions which were otherwise approvable, approved and made to the States prior to June 30, 1960, to carry out the purposes of this subsection are hereby ratified and affirmed: *Provided further*, That after June 30, 1964, no contribution shall be made for the purchase of personal equipment for State or local civil defense workers: *Provided further*, That the amounts authorized to be contributed by the Administrator to each State for organizational equipment shall be equally matched by such State from any source it determines is consistent with its laws: *Provided further*, That financial contributions to the States for shelters and other protective facilities shall be determined by taking the amount of funds appropriated or available to the Administrator for such facilities in each fiscal year and apportioning same among the States in the ratio which the urban population of the critical target areas (as determined by the Administrator, after consultation with the Secretary of Defense) in each State, at the time of the determination, bears to the total urban population of the critical target areas of all of the States: *Provided further*, That the amounts authorized to be contributed by the Administrator to each State for such shelters and protective facilities shall be equally matched by such State from any source it determines is consistent with its laws and, if not matched within a reasonable time, the Administrator may reallocate same to other States on the formula outlined above: *Provided further*, That the value of any land contributed by any State or political subdivision thereof shall be excluded from the computation of the State share: *Provided further*, That the amounts paid to any State under this subsection shall be expended solely in carrying out the purposes set forth herein and in accordance with State civil defense programs or projects approved by the Administrator: *Provided further*, That the Administrator shall make no contribution toward the cost of any program or project for the procurement, construction, or leasing of any facility which (1) is intended for use, in whole or in part, for any purpose other than civil defense and (2) is of such kind that upon completion it will, in his judgment, be capable of producing sufficient revenue to provide reasonable assurance of the retirement or repayment of such cost, except that (subject to the foregoing provisos of this subsection) he may make contribution to any State toward that portion of the cost of the construction, reconstruction, or enlargement of any facility which he shall determine to be directly attributable to the incorporation in such facility of any feature of construction or design not necessary for the principal intended purpose thereof but which is, in his judgment, necessary for the use of such facility for civil defense purposes. *Provided*, That the Administrator shall report not less often than quarterly to the Congress all contributions made pursuant to this subsection: *Provided further*, That all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Administrator under the provisions of this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C.A. 276a-276a-5), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be. The Administrator shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this proviso, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c) [40 U.S.C.A. § 276(c)]).¹

Sale and disposition of surplus property

(j) arrange for the sale or disposal of materials and facilities found by the Administrator to be unnecessary or unsuitable for civil defense purposes in the same manner as provided for excess property in the Federal Property and Administrative Services Act of 1949, as amended, and any funds received as proceeds from the sale or other disposition of such materials and facilities shall be covered into the Treasury as miscellaneous receipts. Jan. 12, 1951, c. 1228, Title II, § 201, 64 Stat. 1248.

(As amended Mar. 5, 1952, c. 78, § 1(a), 66 Stat. 13; June 25, 1952, c. 461, 66 Stat. 158; Aug. 2, 1956, c. 888, § 1, 70 Stat. 949; Aug. 8, 1958, Pub.L. 85-606, § 3(a)(1), (2), (b), (c), 72 Stat. 532; Oct. 4, 1961, Pub.L. 87-390, 75 Stat. 820; June 30, 1964, Pub.L. 88-335, 78 Stat. 231; June 10, 1968, Pub.L. 90-336, 82 Stat. 175; Aug. 2, 1972, Pub.L. 92-360, § 1(1), 86 Stat. 503; July 14, 1976, Pub.L. 94-361, Title VIII, § 804(c), 90 Stat. 932; Dec. 1, 1981, Pub.L. 97-86, Title VIII, § 803(d), 95 Stat. 1113.)

Unconstitutionality of Legislative Veto Provisions

The provisions of section 1254(c)(2) of Title 8, Aliens and Nationality, which authorize a House of Congress, by resolution, to invalidate an action of the Executive Branch, were declared unconstitutional in Immigration and Naturalization Service v. Chadha, 1983, 103 S.Ct. 2764. See similar provisions in subsec. (g) of this section.

§ 2282. Definition of "national defense" or "defense"

The terms "national defense" or "defense" as used in title II of the Defense Production Act of 1950 [section 2081 of this Appendix] shall be construed to include "civil defense" as defined in this Act [sections 2251-2297 of this Appendix]. Jan. 12, 1951, c. 1228, Title II, § 202, 64 Stat. 1251.

§ 2283. Mutual aid pacts between States and neighboring countries

The Administrator shall give all practicable assistance to States in arranging, through the Department of State, mutual civil defense aid between the States and neighboring countries. Jan. 12, 1951, c. 1228, Title II, § 203, 64 Stat. 1251.

§ 2284. Identity insignia; manufacture, possession, or wearing; penalties

The Administrator may prescribe insignia, arm bands, and other distinctive articles (including designs previously covered under Letters Patent which were assigned to the United States and held by the Office of Civilian Defense created by Executive Order Numbered 8757 issued May 20, 1941) which may be manufactured for or possessed or worn by persons engaged in civil defense activities pursuant to rules and regulations for the manufacture, possession, or wearing thereof established by the Administrator. The manufacture, possession, or wearing of any such insignia, arm band, or other distinctive article otherwise than in accordance with such rules and regulations shall be unlawful and shall subject such person to a fine of not more than \$1,000 or imprisonment of not more than one year, or both. Jan. 12, 1951, c. 1228, Title II, § 204, 64 Stat. 1251.

§ 2285. Real property transactions

(a) Reports to the Armed Services Committees

The Director of the Office of Civil and Defense Mobilization, or his designee, may not enter into any of the following listed transactions by or for the use of that agency until after the expiration of thirty days from the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives:

- (1) An acquisition of fee title to any real property, if the estimated price is more than \$50,000.
- (2) A lease of any real property to the United States, if the estimated annual rental is more than \$50,000.
- (3) A lease of real property owned by the United States, if the estimated annual rental is more than \$50,000.
- (4) A transfer of real property owned by the United States to another Federal agency or another military department, or to a State, if the estimated value is more than \$50,000.
- (5) A report of excess real property owned by the United States to a disposal agency, if the estimated value is more than \$50,000.

If a transaction covered by clause (1) or (2) is part of a project, the report must include a summarization of the general plan for that project, including an estimate of the total cost of the lands to be acquired or leases to be made.

(b) Annual reports to Armed Services Committees

The Director of the Office of Civil and Defense Mobilization shall report annually to the Committees on Armed Services of the Senate and the House of Representatives on transactions described in subsection (a) that involve an estimated value of more than \$5,000 but not more than \$50,000.

(c) Real property governed by this section

This section applies only to real property in the States of the Union, the District of Columbia, and Puerto Rico. It does not apply to real property for river and harbor projects or flood-control projects, or to leases of Government-owned real property for agricultural or grazing purposes.

(d) Recital of compliance in instrument of conveyance as conclusive

A statement in an instrument of conveyance, including a lease, that the requirements of this section have been met, or that the conveyance is not subject to this section, is conclusive.

(Aug. 10, 1956, c. 1041, § 43, 70A Stat. 636, amended June 25, 1959, Pub.L. 86-70, § 37, 73 Stat. 150; June 8, 1960, Pub.L. 86-500, Title V, § 512, 74 Stat. 187; July 12, 1960, Pub.L. 86-624, § 38, 74 Stat. 421; Oct. 19, 1980, Pub.L. 96-470, Title II, § 202(c), 94 Stat. 2242.)

§ 2286. Financial contributions to States for personnel and administrative expenses

To further assist in carrying out the purposes of this Act [sections 2251 to 2303 of this Appendix], the Administrator is authorized to make financial contributions to the States (including interstate civil defense authorities established pursuant to section 201(g) of this Act [section 2281(g) of this Appendix]) for necessary and essential State and local civil defense personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the national plan for civil defense approved by the Administrator) for the civil defense of the States: *Provided*, That the financial contributions to the States for the purposes of this section shall not exceed one-half of the total cost of such necessary and essential State and local civil defense personnel and administrative expenses.

(a) Requirements of plan

Plans submitted under this section shall

(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them, and be administered or supervised by a single State agency;

(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

(3) provide for the development of State and local civil defense operational plans, pursuant to standards approved by the Administrator;

(4) provide for the employment of a full-time civil defense director, or deputy director, by the State, and for such other methods of administration, including methods relating to the establishment and maintenance of personnel standards on the merit basis (except that the Administrator shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as the Administrator shall find to be necessary and proper for the operation of the plan;

(5) provide that the State shall make such reports in such form and content as the Administrator may require;

(6) make available to duly authorized representatives of the Administrator and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section.

(b) Establishment of other terms and conditions by Administrator

The Administrator shall establish such other terms and conditions as he may deem necessary and proper.

(c) Applicability of other laws

In carrying out the provisions of this section, the provisions of section 201(g) [section 2281(g) of this Appendix] and 401(h) of this Act [section 2253(h) of this Appendix] shall apply.

(d) Allocation to States

For each fiscal year concerned, the Administrator shall allocate to each State, in accordance with his regulations and the total sum appropriated hereunder, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States shall give due regard to (1) the criticality of the target and support areas and the areas which may be affected by natural disasters with respect to the development of the total civil defense readiness of the Nation, (2) the relative state of development of civil defense readiness of the State, (3) population, and (4) such other factors as the Administrator shall prescribe: *Provided*, That the Administrator may reallocate the excess of any allocation not utilized by a State in an approvable plan submitted hereunder: *Provided further*, That amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth herein;

(e) Failure to submit plan; reallocation. **§ 2286.**

In the event a State fails to submit an approvable plan as required by this section within sixty days after the Administrator notifies the States of the allocations hereunder, the Administrator may reallocate such funds, or portions thereof, among the other States in such amounts as, in his judgment will best assure the adequate development of the civil defense capability of the Nation.

(f) Report to the Congress

The Administrator shall report annually to the Congress all contributions made pursuant to this section.

(g) Definition

As used in this Act [sections 2251 to 2303 of this Appendix], the term "State" shall include interstate civil defense authorities established under section 201(g) [section 2281(g) of this Appendix].

(Jan. 12, 1951, c. 1228, Title II § 205, as added Aug. 8, 1958, Pub.L. 85-606, § 4, 72 Stat. 533, and amended June 30, 1964, Pub.L. 88-335, 78 Stat. 231; June 10, 1968, Pub.L. 90-336, 82 Stat. 175; Aug. 2, 1972, Pub.L. 92-360, § 1(1), 86 Stat. 503; July 14, 1976, Pub.L. 94-361, Title VIII, § 804(d), 90 Stat. 932; Dec. 1, 1981, Pub.L. 97-86, Title VIII, § 803(a)(2), (e), 95 Stat. 1112, 1113.)

§ 2287. Repealed. Pub.L. 97-214, § 7(8), July 12, 1982, 96 Stat. 173

§ 2288. Requirement for State matching funds for construction of emergency operating centers

Notwithstanding any other provision of this Act [sections 2251 to 2303 of this Appendix], funds appropriated to carry out this Act [sections 2251 to 2303 of this Appendix] may not be used for the purpose of constructing emergency operating centers (or similar facilities) in any State under such State matches in an equal amount the amount made available to such State under this Act [sections 2251 to 2303 of this Appendix] for such purpose.

(Jan. 12, 1951, c. 1228, Title II, § 206, as added Sept. 8, 1980, Pub.L. 96-342, Title VII, § 703(a)(1), 94 Stat. 1089.)

§ 2289. Dual-use of funds for attack-related civil defense and disaster-related civil defense

Funds made available to the States under this Act [sections 2251 to 2303 of this Appendix] may be used by the States for the purposes of preparing for, and providing emergency assistance in response to, natural disasters to the extent that the use of such funds for such purposes is consistent with, contributes to, and does not detract from attack-related civil defense preparedness. The Administrator shall prescribe regulations to carry out the preceding sentence. Such regulations shall authorize the use for natural disaster purposes of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act [sections 2251 to 2303 of this Appendix] if such personnel, materials, and facilities are utilized, as determined by the Administrator, in a manner that is consistent with, contributes to, and does not detract from attack-related civil defense preparedness. Regulations prescribed under this subsection shall provide terms and conditions authorizing such use to the greatest extent consistent with the purposes of this Act [sections 2251 to 2303 of this Appendix] as expressed in section 2 [section 2251 of this Appendix].

(Jan. 12, 1951, c. 1228, Title II § 207, as added Dec. 1, 1981, Pub.L. 97-86, Title VIII, § 803(a)(1), 95 Stat. 1112.)

TITLE IV—EMERGENCY AUTHORITY

§§ 2291 to 2297. Omitted

TITLE V—IMPROVED CIVIL DEFENSE PROGRAM

§ 2301. Sense of Congress

(a) It is the sense of Congress that—

(1) a civil defense program providing for the relocation of the population of risk areas, including the larger United States cities, during a period of strategic warning resulting from an international crisis may be effective in protecting the population;

(2) the present civil defense program should be improved; and

(3) an improved civil defense program can be developed which could enhance the civil defense capability of the United States.

(b) It is further the sense of Congress that an improved civil defense program should be implemented which—

(1) enhances the survivability of the American people and its leadership in the event of nuclear war and thereby improves the basis for eventual recovery and reduces the Nation's vulnerability to a major attack;

(2) enhances deterrence, contributes to perceptions of the United States-Soviet strategic balance and crisis stability, and reduces the possibility that the United States might be susceptible to coercion by an enemy in times of increased tension;

(3) does not suggest any change in the United States policy of relying on strategic nuclear forces as the preponderant factor in maintaining deterrence;

(4) includes planning for the relocation of certain segments of the population during times of international crisis; and

(5) is adaptable to help deal with natural disasters and other peacetime emergencies.

(Jan. 12, 1951, c. 1228, Title V, § 501, as added Sept. 8, 1980, Pub.L. 96-342, Title VII, § 702(a), 94 Stat. 1088.)

Legislative History. For legislative history and purpose of Pub.L. 96-342, see 1980 U.S. Cong. and Adm. News, p. 2612.

§ 2302. Elements of an improved civil defense program

(a) In order to carry out the sense of Congress expressed in section 501 [section 2301 of this Appendix], the President shall, to the extent practicable, develop and implement an improved civil defense program which includes—

(1) a program structure for the resources to be used for attack-related civil defense;

(2) a program structure for the resources to be used for disaster-related civil defense; and

(3) criteria and procedures under which those resources planned for attack-related civil defense and those planned for disaster-related civil defense can be used interchangeably.

(b) In developing a program structure for attack-related civil defense pursuant to subsection (a), the President shall give consideration to including in such program structure the following elements:

(1) Nuclear civil protection planning for more rapid population relocation during times of international crisis.

(2) Nuclear civil protection planning for improved in-place population protection during times of international crisis in the event circumstances preclude population relocation.

(3) A survey of the shelters inherent in existing facilities.

(4) Planning for the development during times of crisis of additional shelter.

(5) Development of capabilities for shelter management.

(6) Marking and stocking of shelters.

(7) Development and procurement of ventilation kits for shelters.

(8) The development of emergency evacuation plans for areas in which nuclear powerplants are located.

(9) The improvement of civil defense warning systems.

(10) The improvement of systems and capabilities for direction and control of emergency operations by civil governments at all levels, including further development of a network of emergency operating centers.

(11) The improvement of radiological defense capabilities.

(12) The improvement of emergency public information and training programs and capabilities.

(13) The development of plans for postattack economic recovery and the development of plans for postdisaster economic recovery to the extent that planning for postdisaster economic recovery planning does not detract from planning for postattack economic recovery.

(14) The improvement of and training in self-help nuclear war survival skills.

(15) Civil defense-related research and development.

(16) The development of other appropriate systems and capabilities to increase the lifesaving potential of the civil defense program.

§ 2303. Administrative provisions

The powers contained in titles II [sections 2281 to 2286 of this Appendix] and IV [sections 2253 to 2263 of this Appendix] of this Act shall be used in developing and implementing the program required by section 502 [section 2302 of this Appendix].

(Jan. 12, 1951, c. 1228, Title V, § 503, as added Sept. 8, 1980, Pub.L. 96-342, Title VII, § 702(a), 94 Stat. 1089.)

SUBCHAPTER I—FINDINGS, DECLARATIONS, AND DEFINITIONS

§ 5121. Congressional findings and declarations

(a) The Congress hereby finds and declares that—

(1) because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and

(2) because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity;

special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this chapter, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by—

(1) revising and broadening the scope of existing disaster relief programs;

(2) encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and by local governments;

(3) achieving greater coordination and responsiveness of disaster preparedness and relief programs;

(4) encouraging individuals, States, and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance;

(5) encouraging hazard mitigation measures to reduce losses from disasters, including development of land use and construction regulations;

(6) providing Federal assistance programs for both public and private losses sustained in disasters; and

(7) providing a long-range economic recovery program for major disaster areas.

(Pub.L. 93-288, Title I, § 101, May 22, 1974, 88 Stat. 143.)

§ 5122. Definitions

As used in this chapter—

(1) "Emergency" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.

(2) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter, above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(3) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

(4) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, or the Trust Territory of the Pacific Islands.

(5) "Governor" means the chief executive of any State.

(6) "Local government" means (A) any county, city, village, town, district, or other political subdivision of any State, any Indian tribe or authorized tribal organization, or Alaska Native village or organization, and (B) includes any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by a State or political subdivision thereof.

(7) "Federal agency" means any department, independent establishment, government corporation, or other agency of the executive branch of the Federal Government, including the United States Postal Service, but shall not include the American National Red Cross.

(Pub.L. 93-288, Title I, § 102, May 22, 1974, 88 Stat. 144.)

SUBCHAPTER II—DISASTER PREPAREDNESS ASSISTANCE

§ 5131. Federal and state disaster preparedness programs

(a) Utilization of services of other agencies

The President is authorized to establish a program of disaster preparedness that utilizes services of all appropriate agencies (including the Defense Civil Preparedness Agency) and includes—

- (1) preparation of disaster preparedness plans for mitigation, warning, emergency operations, rehabilitation, and recovery;
- (2) training and exercises;
- (3) postdisaster critiques and evaluations;
- (4) annual review of programs;
- (5) coordination of Federal, State, and local preparedness programs;
- (6) application of science and technology;
- (7) research.

(b) Technical assistance for development of plans and programs

The President shall provide technical assistance to the States in developing comprehensive plans and practicable programs for preparation against disasters, including hazard reduction, avoidance, and mitigation; for assistance to individuals, businesses, and State and local governments following such disasters; and for recovery of damaged or destroyed public and private facilities.

(c) Grants to states for development of plans and programs

Upon application by a State, the President is authorized to make grants not to exceed in the aggregate to such State \$250,000, for the development of plans, programs, and capabilities for disaster preparedness and prevention. Such grants shall be applied for within one year from May 22, 1974. Any State desiring financial assistance under this section shall designate or create an agency to plan and administer such a disaster preparedness program, and shall, through such agency, submit a State plan to the President which shall—

- (1) set forth a comprehensive and detailed State program for preparation against and assistance following, emergencies and major disasters, including provisions for assistance to individuals, businesses, and local governments; and
- (2) include provisions for appointment and training of appropriate staffs, formulation of necessary regulations and procedures and conduct of required exercises.

(d) Grants for improvement, maintenance, and updating of state plans

The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining and updating State disaster assistance plans, except that no such grant shall exceed \$25,000 per annum to any State.

(Pub.L. 93-288, Title II, § 201, May 22, 1974, 88 Stat. 145.)

§ 5132. Disaster warnings

(a) Readiness of federal agencies to issue warnings to state and local officials

The President shall insure that all appropriate Federal agencies are prepared to issue warnings of disasters to State and local officials.

(b) Technical assistance to state and local governments for effective warnings

The President shall direct appropriate Federal agencies to provide technical assistance to State and local governments to insure that timely and effective disaster warning is provided.

(c) Warnings to governmental authorities and public endangered by disaster

The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 2281(c) of Title 50, Appendix, or any other Federal communications system for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters.

(d) Agreements with commercial communications systems for use of facilities

The President is authorized to enter into agreements with the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable or nonreimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by disasters.

(Pub.L. 93-288, Title II, § 202, May 22, 1974, 88 Stat. 145.)

SUBCHAPTER III—DISASTER ASSISTANCE ADMINISTRATION

§ 5141. Procedure for determination of existence of emergency or major disaster

(a) All requests for a determination by the President that an emergency exists shall be made by the Governor of the affected State. Such request shall be based upon the Governor's finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. The Governor's request will furnish information describing State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. Based upon such Governor's request, the President may determine that an emergency exists which warrants Federal assistance.

(b) All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected States. Such Governor's request shall be based upon a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As a part of this request, and as a prerequisite to major disaster assistance under this chapter, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. He shall furnish information on the extent and nature of State resources which have been or will be used to alleviate the conditions of the disaster, and shall certify that for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship, or suffering resulting from such disaster. Based upon such Governor's request, the President may declare that a major disaster exists, or that an emergency exists.

(Pub.L. 93-288, Title III, § 301, May 22, 1974, 88 Stat. 146.)

§ 5142. Federal assistance

(a) Coordination of federal efforts in providing disaster assistance; scope of services; rules and regulations

In the interest of providing maximum mobilization of Federal assistance under this chapter, the President shall coordinate, in such manner as he may determine, the activities of all Federal agencies providing disaster assistance. The President may direct any Federal agency, with or without reimbursement, to utilize its available personnel, equipment, supplies, facilities, and other resources including managerial and technical services in support of State and local disaster assistance efforts. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this chapter, and he may exercise any power or authority conferred on him by any section of this chapter either directly or through such Federal agency as he may designate.

(b) Waiver of administrative conditions for assistance

Any Federal agency charged with the administration of a Federal assistance program is authorized, if so requested by the applicant State or local authorities, to modify or waive, for a major disaster, such administrative conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the major disaster.

(c) Damage to farm fencing; special assistance

Notwithstanding any other provision of law, any repair, restoration, reconstruction, or replacement of farm fencing damaged or destroyed as a result of any major disaster shall be considered an emergency conservation measure eligible for payments under chapter I of the Third Supplemental Appropriation Act, 1957, or any other provision of law.

(Pub.L. 93-288, Title III, § 302, May 22, 1974, 88 Stat. 146.)

§ 5143. - Coordinating officers

(a) Appointment of federal coordinating officer

Immediately upon his declaration of a major disaster, the President shall appoint a Federal coordinating officer to operate in the affected area.

(b) Functions of federal coordinating officer

In order to effectuate the purposes of this chapter, the Federal coordinating officer, within the affected area, shall—

(1) make an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as he deems necessary and as are authorized by the President;

(3) coordinate the administration of relief, including activities of the State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, which agree to operate under his advice or direction, except that nothing contained in this chapter shall limit or in any way affect the responsibilities of the American National Red Cross under the Act of January 5, 1905, as amended (33 Stat. 599) [36 U.S.C.A. § 1 et seq.]; and

(4) take such other action, consistent with authority delegated to him by the President, and consistent with the provisions of this chapter, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

(c) State coordinating officer

When the President determines assistance under this chapter is necessary, he shall request that the Governor of the affected State designate a State coordinating officer for the purpose of coordinating State and local disaster assistance efforts with those of the Federal Government.

(Pub.L. 93-288, Title III, § 303, May 22, 1974, 88 Stat. 147.)

§ 5144. Emergency support teams

The President shall form emergency support teams of Federal personnel to be deployed in an area affected by a major disaster or emergency. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to this chapter. Upon request of the President, the head of any Federal agency is directed to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the President, such personnel within the administrative jurisdiction of the head of the Federal agency as the President may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

(Pub.L. 93-288, Title III, § 304, May 22, 1974, 88 Stat. 148.)

§ 5145. Emergency assistance

(a) Authority of President

In any emergency, the President may provide assistance to save lives and protect property and public health and safety.

(b) Technical assistance; advisory personnel

The President may provide such emergency assistance by directing Federal agencies to provide technical assistance and advisory personnel to the affected State to assist the State and local governments in—

(1) the performance of essential community services; warning of further risks and hazards; public information and assistance in health and safety measures; technical advice on management and control; and reduction of immediate threats to public health and safety; and

(2) the distribution of medicine, food, and other consumable supplies, or emergency assistance.

(c) Other assistance

In addition, in any emergency, the President is authorized to provide such other assistance under this chapter as the President deems appropriate.

(Pub.L. 93-288, Title III, § 305, May 22, 1974, 88 Stat. 148.)

§ 5146. Cooperation of federal agencies in rendering disaster assistance

(a) In any major disaster or emergency, Federal agencies are hereby authorized, on the direction of the President, to provide assistance by—

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies, including that determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this chapter; and

(4) performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provisions of food, water, medicine, and other essential needs, including movement of supplies or persons; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; demolition of unsafe structures that endanger the public; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph.

(b) Work performed under this section shall not preclude additional Federal assistance under any other section of this chapter.

(Pub.L. 93-288, Title III, § 306, May 22, 1974, 88 Stat. 148.)

§ 5147. Reimbursement of federal agencies

Federal agencies may be reimbursed for expenditures under this chapter from funds appropriated for the purposes of this chapter. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this chapter shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(Pub.L. 93-288, Title III, § 307, May 22, 1974, 88 Stat. 149.)

§ 5148. Nonliability of Federal Government

The Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this chapter.

(Pub.L. 93-288, Title III, § 308, May 22, 1974, 88 Stat. 149.)

§ 5149. Performance of services

(a) Utilization of services or facilities of state and local governments

In carrying out the purposes of this chapter, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government.

(b) Appointment of temporary personnel, experts, and consultants; acquisition, rental, or hire of equipment, services, materials and supplies

In performing any services under this chapter, any Federal agency is authorized—

(1) to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of Title 5 governing appointments in competitive service;

(2) to employ experts and consultants in accordance with the provisions of section 3109 of such Title, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such Title relating to classification and General Schedule pay rates; and

(3) to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communications, and for the supervision and administration of such activities.

Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

(Pub.L. 93-288, Title III, § 309, May 22, 1974, 88 Stat. 149.)

§ 5150. Use of local firms and individuals

In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster.

(Pub.L. 93-288, Title III, § 310, May 22, 1974, 88 Stat. 150.)

§ 5151. Nondiscrimination in disaster assistance

(a) Regulations for equitable and impartial relief operations

The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

(b) Compliance with regulations as prerequisite to participation by other bodies in relief operations

As a condition of participation in the distribution of assistance or supplies under this chapter or of receiving assistance under section 5172 or 5174 of this title, governmental bodies and other organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the

President, and such other regulations applicable to activities within an area affected by a major disaster or emergency as he deems necessary for the effective coordination of relief efforts.

(Pub.L. 93-288, Title III, § 311, May 22, 1974, 88 Stat. 150.)

§ 5152. Use and coordination of relief organizations

(a) In providing relief and assistance under this chapter, the President may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services housing and essential facilities, whenever the President finds that such utilization is necessary.

(b) The President is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster or emergency. Any such agreement shall include provisions assuring that use of Federal facilities, supplies, and services will be in compliance with regulations prohibiting duplication of benefits and guaranteeing nondiscrimination promulgated by the President under this chapter, and such other regulation as the President may require.

(Pub.L. 93-288, Title III, § 312, May 22, 1974, 88 Stat. 150.)

§ 5153. Priority to certain applications for public facility and public housing assistance

(a) In the processing of applications for assistance, priority and immediate consideration shall be given by the head of the appropriate Federal agency, during such period as the President shall prescribe, to applications from

public bodies situated in areas affected by major disasters, under the following Acts:

- (1) title II of the Housing Amendments of 1955 [42 U.S.C.A. § 1491 et seq.], or any other Act providing assistance for repair, construction, or extension of public facilities;
- (2) the United States Housing Act of 1937 [42 U.S.C.A. § 1437 et seq.] for the provision of low-rent housing;
- (3) section 462 of Title 40 for assistance in public works planning;
- (4) section 3102 of this title providing for grants for public facilities;
- (5) section 1926 of Title 7;
- (6) the Public Works and Economic Development Act of 1965, as amended [42 U.S.C.A. § 3121 et seq.];
- (7) the Appalachian Regional Development Act of 1965, as amended; or
- (8) title II of the Federal Water Pollution Control Act, as amended [33 U.S.C.A. § 1281 et seq.].

(b) In the obligation of discretionary funds or funds which are not allocated among the States or political subdivisions of a State, the Secretary of Housing and Urban Development and the Secretary of Commerce shall give priority to applications for projects in major disaster areas in which a Recovery Planning Council has been designated pursuant to title VIII of the Public Works and Economic Development Act of 1965 [42 U.S.C.A. § 3231 et seq.].

(Pub.L. 93-288, Title III, § 313, May 22, 1974, 88 Stat. 150.)

§ 5154. Insurance

(a) Compliance with regulations requiring insurance coverage

(1) An applicant for assistance under section 3233, 5172, or 5189 of this title, shall comply with regulations prescribed by the President to assure that, with respect to any property to be replaced, restored, repaired, or constructed with such assistance, such types and extent of insurance will be obtained and maintained as may be reasonably available, adequate, and necessary to protect against future loss to such property.

(2) In making his determination with respect to such availability, adequacy and necessity, the President shall not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State insurance commissioner responsible for regulation of such insurance.

(b) Requirement of insurance coverage for assistance under certain provisions

No applicant for assistance under section 3233, 5172, or 5189 of this title, shall receive such assistance for any property or part thereof for which he has previously received assistance under this chapter unless all insurance required pursuant to this section has been obtained and maintained with respect to such property.

(c) States electing to be self-insurers

A State may elect to act as a self-insurer with respect to any or all of the facilities belonging to it. Such an election, if declared in writing at the time of accepting assistance under section 3233, 5172, or 5189 of this title, or subsequently, and accompanied by a plan for self-insurance which is satisfactory to the President, shall be deemed compliance with subsection (a) of this section. No such self-insurer shall receive assistance under such sections for any property or part thereof for which it has previously received assistance under this chapter, to the extent that insurance for such property or part thereof would have been reasonably available.

(Pub.L. 93-288, Title III, § 314, May 22, 1974, 88 Stat. 151.)

§ 5155. -Duplication of benefits

(a) Financial assistance under other programs

The President, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) Insurance compensation; partial compensation

The President shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss resulting from a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Reimbursement of excessive assistance

Whenever the President determines (1) that a person, business concern, or other entity has received assistance under this chapter for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

(Pub.L. 93-288, Title III, § 315, May 22, 1974, 88 Stat. 152.)

§ 5156. Reviews and reports

The President shall conduct annual reviews of the activities of Federal agencies and State and local governments providing disaster preparedness and assistance, in order to assure maximum coordination and effectiveness of such programs, and shall from time to time report thereon to the Congress.

(Pub.L. 93-288, Title III, § 316, May 22, 1974, 88 Stat. 152.)

§ 5157. Criminal and civil penalties

(a) Fraudulent or willful misrepresentation

Any individual who fraudulently or willfully misstates any fact in connection with a request for assistance under this chapter shall be fined not more than \$10,000 or imprisoned for not more than one year or both for each violation.

(b) Violation of orders and regulations

Any individual who knowingly violates any order or regulation under this chapter shall be subject to a civil penalty of not more than \$5,000 for each violation.

(c) Misapplication of loans and cash benefits

Whoever knowingly misapplies the proceeds of a loan or other cash benefit obtained under any section of this chapter shall be subject to a fine in an amount equal to one and one-half times the original principal amount of the loan or cash benefit.

(Pub.L. 93-288, Title III, § 317, May 22, 1974, 88 Stat. 152.)

§ 5158. Availability of materials

The President is authorized, at the request of the Governor of an affected State, to provide for a survey of construction materials needed in the area affected by a major disaster on an emergency basis for housing repairs, replacement housing, public facilities repairs and replacement, farming operations, and business enterprises and to take appropriate action to assure the availability and fair distribution of needed materials, including, where possible,

the allocation of such materials for a period of not more than one hundred and eighty days after such major disaster. Any allocation program shall be implemented by the President to the extent possible, by working with and through those companies which traditionally supply construction materials in the affected area. For the purposes of this section "construction materials" shall include building materials and materials required for repairing housing, replacement housing, public facilities repairs and replacement, and for normal farm and business operations.

(Pub.L. 93-288, Title III, § 318, May 22, 1974, 88 Stat. 152.)

SUBCHAPTER IV—FEDERAL DISASTER ASSISTANCE PROGRAMS

§ 5171. Federal facilities

(a) Repair, reconstruction, restoration or replacement of United States facilities

The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes, or the obtaining of congressional committee approval.

(b) Availability of funds appropriated to agency for repair, reconstruction, restoration, or replacement of agency facilities

In order to carry out the provisions of this section, such repair, reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated to that agency for another purpose.

(c) Steps for mitigation of hazards

In implementing this section, Federal agencies shall evaluate the natural hazards to which these facilities are exposed and shall take appropriate action to mitigate such hazards, including safe land-use and construction practices, in accordance with standards prescribed by the President.

(Pub.L. 93-288, Title IV, § 401, May 22, 1974, 88 Stat. 153.)

§ 5172. Repair and restoration of damaged facilities

(a) Public facilities of state and local governments

The President is authorized to make contributions to State or local governments to help repair, restore, reconstruct, or replace public facilities belonging to such State or local governments which were damaged or destroyed by a major disaster.

(b) Nonprofit educational, utility, emergency, medical, and custodial care facilities

The President is also authorized to make grants to help repair, restore, reconstruct, or replace private nonprofit educational, utility, emergency, medical, and custodial care facilities, including those for the aged or disabled, and facilities on Indian reservations as defined by the President, which were damaged or destroyed by a major disaster.

(c) Facilities under completion at time of disaster

For those facilities eligible under this section which were in the process of construction when damaged or destroyed by a major disaster, the grant shall be based on the net costs of restoring such facilities substantially to their predisaster condition.

(d) Definition

For the purposes of this section, "public facility" includes any publicly owned flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, any other public building, structure, or system including those used for educational or recreational purposes, and any park.

(e) Maximum limit of grants

The Federal contribution for grants made under this section shall not exceed 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the design of such facility as it existed immediately prior to such disaster and in conformity with current applicable codes, specifications, and standards.

(f) Decision by state or local government not to restore damaged facilities; limit on federal contribution

In those cases where a State or local government determines that public welfare would not be best served by repairing, restoring, reconstructing, or replacing particular public facilities owned or controlled by that State or that local government which have been damaged or destroyed in a major disaster, it may elect to receive, in lieu of the contribution described in subsection (e) of this section, a contribution based on 90 per centum of the Federal estimate of the total cost of repairing, restoring, reconstructing, or replacing all damaged facilities owned by it within its jurisdiction. The cost of repairing, restoring, reconstructing, or replacing damaged or destroyed public facilities shall be estimated on the basis of the design of each such facility as it existed immediately prior to such disaster and in conformity with current applicable codes, specifications and standards. Funds contributed under this subsection may be expended either to repair or restore certain selected damaged public facilities or to construct new public facilities which the State or local government determines to be necessary to meet its needs for governmental services and functions in the disaster-affected area.

(Pub.L. 93-288, Title IV, § 402, May 22, 1974, 88 Stat. 153.)

§ 5173. Debris removal

(a) The President, whenever he determines it to be in the public interest, is authorized—

(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters; and

(2) to make grants to any State or local government for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

(b) No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property,

shall first agree to indemnify the Federal Government against any claim arising from such removal.

(Pub.L. 93-288, Title IV, § 403, May 22, 1974, 88 Stat. 154.)

§ 5174. Temporary housing assistance

(a) Rent free accommodations; utilities

The President is authorized to provide, either by purchase or lease, temporary housing, including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes or other readily fabricated dwellings for those who, as a result of a major disaster, require temporary housing. During the first twelve months of occupancy no rentals shall be established for any such accommodations, and thereafter rentals shall be established, based upon fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant. Any mobile home or readily fabricated dwelling shall be placed on a site complete with utilities provided either by the State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. The President may authorize installation of essential utilities at Federal expense and he may elect to provide other more economical or accessible sites when he determines such action to be in the public interest.

(b) Temporary mortgage or rental payments

The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to such disaster. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser.

(c) Repair or restoration of owner-occupied residential structures

In lieu of providing other types of temporary housing after a major disaster, the President is authorized to make expenditures for the purpose of repairing or restoring to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly to a habitable condition with minimal repairs. No assistance provided under this section may be used for major reconstruction or rehabilitation of damaged property.

(d) Sale of temporary housing acquired by purchase

(1) Notwithstanding any other provision of law, any temporary housing acquired by purchase may be sold directly to individuals and families who are occupants of temporary housing at prices that are fair and equitable, as determined by the President.

(2) The President may sell or otherwise make available temporary housing units directly to States, other governmental entities, and voluntary organizations. The President shall impose as a condition of transfer under this paragraph a covenant to comply with the provisions of section 5151 of this title requiring nondiscrimination in occupancy of such temporary housing units. Such disposition shall be limited to units purchased under the provisions of subsection (a) of this section and to the purposes of providing temporary housing for disaster victims in emergencies or in major disasters.

(Pub.L. 93-288, Title IV, § 404, May 22, 1974, 88 Stat. 154.)

§ 5175. Protection of environment

No action taken or assistance provided pursuant to section 5145, 5146, or 5173 of this title, or any assistance provided pursuant to section 5172 or 5189 of this title that has the effect of restoring facilities substantially as they existed prior to the disaster, shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C.A. § 4321 et seq.]. Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 (83 Stat. 852) to other Federal actions taken under this chapter or under any other provision of law.

(Pub.L. 93-288, Title IV, § 405, May 22, 1974, 88 Stat. 155.)

§ 5176. Minimum standards for public and private structures

As a condition of any disaster loan or grant made under the provisions of this chapter, the recipient shall agree that any repair or construction to be financed therewith shall be in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards, and shall furnish such evidence of compliance with this section as may be required by regulation. As a further condition of any loan or grant made under the provisions of this chapter, the State or local government shall agree that the natural hazards in the areas in which the proceeds of the grants or loans are to be used shall be evaluated and appropriate action shall be taken to mitigate such hazards, including safe land-use and construction practices, in accordance with standards prescribed or approved by the President after adequate consultation with the appropriate elected officials of general purpose local governments, and the State shall furnish such evidence of compliance with this section as may be required by regulation.

(Pub.L. 93-288, Title IV, § 406, May 22, 1974, 88 Stat. 155.)

§ 5177. Unemployment assistance

(a) The President is authorized to provide to any individual unemployed as a result of a major disaster such benefit assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall be available to an individual as long as the individual's unemployment caused by the major disaster continues or until the individual is reemployed in a suitable position, but no longer than one year after the major disaster is declared. Such assistance for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred, and the amount of assistance under this section to any such individual for a week of unemployment shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such week of unemployment. The President is directed to provide such assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies.

(b) The President is further authorized for the purposes of this chapter to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.

(Pub.L. 93-288, Title IV, § 407, May 22, 1974, 88 Stat. 156.)

§ 5178. Individual and family grant programs

(a) Grants to states

The President is authorized to make a grant to a State for the purpose of such State making grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster in those cases where such individuals or families are unable to meet such expenses or needs through assistance under other provisions of this chapter, or from other means. The Governor of a State shall administer the grant program authorized by this section.

(b) Matching grants by states

The Federal share of a grant to an individual or a family under this section shall be equal to 75 per centum of the actual cost of meeting such an expense or need and shall be made only on condition that the remaining 25 per centum of such cost is paid to such individual or family from funds made available by a State. Where a State is unable immediately to pay its share, the President is authorized to advance to such State such 25 per centum share, and any such advance is to be repaid to the United States when such State is able to do so. No individual and no family shall receive any grant or grants under this section aggregating more than \$5,000 with respect to any one major disaster.

(c) Regulations

The President shall promulgate regulations to carry out this section and such regulations shall include national criteria, standards, and procedures for the determination of eligibility for grants and the administration of grants made under this section.

(d) Expenditure for administering grants

A State may expend not to exceed 3 per centum of any grant made by the President to it under subsection (a) of this section for expenses of administering grants to individuals and families under this section.

(Pub.L. 93-288, Title IV, § 408(a)-(d), May 22, 1974, 88 Stat. 156.)

§ 5179. Food coupons and distribution

(a) Persons eligible; terms and conditions

Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture or other appropriate agencies coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964 (P.L. 91-671; 84 Stat. 2048) [7 U.S.C.A. § 2011 et seq.] and to make surplus commodities available pursuant to the provisions of this chapter.

(b) Duration of assistance; factors considered

The President, through the Secretary of Agriculture or other appropriate agencies, is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households, to which assistance is made available under this section.

(c) Food Stamp Act provisions unaffected

Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 [7 U.S.C.A. § 2011 et seq.] except as they relate to the availability of food stamps in an area affected by a major disaster.

(Pub.L. 93-288, Title IV, § 409, May 22, 1974, 88 Stat. 157.)

§ 5180. Food commodities

(a) Emergency mass feeding

The President is authorized and directed to assure that adequate stocks of food will be ready and conveniently available for emergency mass feeding or distribution in any area of the United States which suffers a major disaster or emergency.

(b) Funds for purchase of food commodities

The Secretary of Agriculture shall utilize funds appropriated under section 612c of Title 7, to purchase food commodities necessary to provide adequate supplies for use in any area of the United States in the event of a major disaster or emergency in such area.

(Pub.L. 93-288, Title IV, § 410, May 22, 1974, 88 Stat. 157.)

§ 5181. Relocation assistance

Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) [42 U.S.C.A. § 4601 et seq.] shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by such Act.

(Pub.L. 93-288, Title IV, § 411, May 22, 1974, 88 Stat. 157.)

§ 5182. Legal services

Whenever the President determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this chapter, the President shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

(Pub.L. 93-288, Title IV, § 412, May 22, 1974, 88 Stat. 157.)

§ 5183. Crisis counseling assistance and training

The President is authorized (through the National Institute of Mental Health) to provide professional counseling services, including financial assistance to State or local agencies or private mental health organizations to provide such services or training of disaster workers, to victims of major disasters in order to relieve mental health problems caused or aggravated by such major disaster or its aftermath.

(Pub.L. 93-288, Title IV, § 413, May 22, 1974, 88 Stat. 157.)

§ 5184. Community disaster loans

(a) The President is authorized to make loans to any local government which may suffer a substantial loss of tax and other revenues as a result of a major disaster, and has demonstrated a need for financial assistance in order to perform its governmental functions. The amount of any such loan shall be based on need, and shall not exceed 25 per centum of the annual operating budget of that local government for the fiscal year in which the major disaster occurs. Repayment of all or any part of such loan to the extent that revenues of the local government during the three full fiscal year period following the major disaster are insufficient to meet the operating budget of the local government, including additional disaster-related expenses of a municipal operation character shall be cancelled.

(b) Any loans made under this section shall not reduce or otherwise affect any grants or other assistance under this chapter.

(Pub.L. 93-288, Title IV, § 414(a), (b), May 22, 1974, 88 Stat. 158.)

§ 5185. Emergency communications

The President is authorized during, or in anticipation of, an emergency or major disaster to establish temporary communications systems and to make such communications available to State and local government officials and other persons as he deems appropriate.

(Pub.L. 93-288, Title IV, § 415, May 22, 1974, 88 Stat. 158.)

§ 5186. Emergency public transportation

The President is authorized to provide temporary public transportation service in an area affected by a major disaster to meet emergency needs and to provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

(Pub.L. 93-288, Title IV, § 416, May 22, 1974, 88 Stat. 158.)

§ 5187. Fire suppression grants

The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.

(Pub.L. 93-288, Title IV, § 417, May 22, 1974, 88 Stat. 158.)

§ 5188. Timber sale contracts

(a) Cost-sharing arrangement

Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than \$1,000 for sales under one million board feet, (2) of more than \$1 per thousand board feet for sales of one to three million board feet, or (3) of more than \$3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

(b) Cancellation of authority

If the appropriate Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, he may allow cancellation of a contract entered into by his Department notwithstanding contrary provisions therein.

(c) Public notice of sale

The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by section 476 of Title 16, in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) State grants for removal of damaged timber; reimbursement of expenses limited to salvage value of removed timber

The President, when he determines it to be in the public interest, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

(Pub.L. 93-288, Title IV, § 418, May 22, 1974, 88 Stat. 158.)

§ 5189. Alternate contribution

In any case in which the Federal estimate of the total cost of (1) repairing, restoring, reconstructing, or replacing, under section 5172 of this title, all damaged or destroyed public facilities owned by a State or local government within its jurisdiction, and (2) emergency assistance under section 5146 of this title and debris removed under section 5173 of this title, is less than \$25,000, then on application of a State or local government, the President is authorized to make a contribution to such State or local government under the provisions of this section in lieu of any contribution to such State or local government under section 5146, 5172, or 5173 of this title. Such contribution shall be based on 100 per centum of such total estimated cost, which may be expended either to repair, restore, reconstruct, or replace all such damaged or destroyed public facilities, to repair, restore, reconstruct, or replace certain selected damaged or destroyed public facilities, to construct new public facilities which the State or local government determines to be necessary to meet its needs for governmental services and functions in the disaster-affected area, or to undertake disaster work as authorized in section 5146 or 5173 of this title. The cost of repairing, restoring, reconstructing, or replacing damaged or destroyed public facilities shall be estimated on the basis of the design of each such facility as it existed immediately prior to such disaster and in conformity with current applicable codes, specifications and standards.

(Pub.L. 93-288, Title IV, § 419, May 22, 1974, 88 Stat. 159.)

SUBCHAPTER V—MISCELLANEOUS

§ 5201. Rules and regulations; acceptance of gifts

(a) The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this chapter, and he may exercise any power or authority conferred on him by any section of this chapter either directly or through such Federal agency or agencies as he may designate.

(b) In furtherance of the purposes of this chapter, the President or his delegate may accept and use bequests, gifts, or donations of service, money, or property, real, personal, or mixed, tangible, or intangible. All sums received under this subsection shall be deposited in a separate fund on the books of the Treasury and shall be available for expenditure upon the certification of the President or his delegate. At the request of the President or his delegate, the Secretary of the Treasury may invest and reinvest excess monies in the fund. Such investments shall be in public debt securities with maturities suitable for the needs of the fund and shall bear interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The interest on such investments shall be credited to, and form a part of, the fund.

(Pub.L. 93-288, Title VI, § 601, May 22, 1974, 88 Stat. 163; Pub.L. 96-446, § 1(2), (3), Oct. 13, 1980, 94 Stat. 1893.)

§ 5202. Authorization of appropriations

Except as provided by the amendment made by section 501, there are authorized to be appropriated to the President such sums as may be necessary to carry out this chapter through the close of September 30, 1981, and to the Federal Emergency Management Agency such sums as may be necessary for administrative expenses through the close of September 30, 1981.

(Pub.L. 93-288, Title VI, § 606, May 22, 1974, 88 Stat. 164; Pub.L. 95-51, § 1, June 20, 1977, 91 Stat. 233; Pub.L. 96-568, § 2, Dec. 22, 1980, 94 Stat. 3334.)

10 U.S.C. 2672(a)

§ 2672a. Acquisition: interests in land when need is urgent

- (a) The Secretary of a military department may acquire any interest in land that—
- (1) he or his designee determines is needed in the interest of national defense;
 - (2) is required to maintain the operational integrity of a military installation; and
 - (3) considerations of urgency do not permit the delay necessary to include the required acquisition in an annual Military Construction Authorization Act.
- (b) Appropriations available for military construction may be used for the purposes of this section. The authority to acquire an interest in land under this section includes authority to make surveys and acquire interests in land (including temporary use), by gift, purchase, exchange of land owned by the United States, or otherwise. The Secretary of a military department contemplating action under this section shall provide notice, in writing, to the Committees on Armed Services of the Senate and House of Representatives at least 30 days in advance of any action being taken.

(As amended Pub.L. 98-525, Title XIV, § 1405(39), Oct. 19, 1984, 98 Stat. 2624.)

1984 Amendment. Subsec. (a). Pub.L. 98-525, § 1405(39)(A), (B), designated first sentence as subsec. (a) and substituted therein "operational" for "operation".

Subsec. (b). Pub.L. 98-525, § 1405(39)(C), (D)(i), (ii), designated second sentence as subsec.

(b) and substituted "this section shall" for "this provision will" and "Committees on Armed Services" for "Armed Services Committees".

Legislative History. For legislative history and purpose of Pub.L. 98-525, see 1984 U.S. Code Cong. and Adm. News, p. 4174.

§ 4501. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations

(a) In time of war or when war is imminent, the President, through the head of any department, may order from any person or organized manufacturing industry necessary products or materials of the type usually produced or capable of being produced by that person or industry.

(b) A person or industry with whom an order is placed under subsection (a), or the responsible head thereof, shall comply with that order and give it precedence over all orders not placed under that subsection.

(c) In time of war or when war is imminent, the President, through the head of any department, may take immediate possession of any plant that is equipped to manufacture, or that in the opinion of the Secretary of the Army is capable of being readily transformed into a plant for manufacturing, arms or ammunition, parts thereof, or necessary supplies for the Army, if the person or industry owning or operating the plant, or the responsible head thereof, refuses—

(1) to give precedence to the order as prescribed in subsection (b);

(2) to manufacture the kind, quantity, or quality of arms or ammunition, parts thereof, or necessary supplies, as ordered by the Secretary; or

(3) to furnish them at a reasonable price as determined by the Secretary.

(d) The President, through the Ordnance Corps, may manufacture products that are needed in time of war or when war is imminent, in any plant that is seized under subsection (c).

(e) Each person or industry from whom products or materials are ordered under subsection (a) is entitled to fair and just compensation. Each person or industry whose plant is seized under subsection (c) is entitled to a fair and just rental.

(f) Whoever fails to comply with this section shall be imprisoned for not more than three years and fined not more than \$50,000. Aug. 10, 1956, c. 1041, 70A Stat. 251.

10 U.S.C. 4742

§ 4742. Control of transportation systems in time of war

In time of war, the President, through the Secretary of the Army, may take possession and assume control of all or part of any system of transportation to transport troops, war material, and equipment, or for other purposes related to the emergency. So far as necessary, he may use the system to the exclusion of other traffic. Aug. 10, 1956, c. 1041, 70A Stat. 266.

§ 9501. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations

(a) In time of war or when war is imminent, the President, through the head of any department, may order from any person or organized manufacturing industry necessary products or materials of the type usually produced or capable of being produced by that person or industry.

(b) A person or industry with whom an order is placed under subsection (a), or the responsible head thereof, shall comply with that order and give it precedence over all orders not placed under that subsection.

(c) In time of war or when war is imminent, the President, through the head of any department, may take immediate possession of any plant that is equipped to manufacture, or that in the opinion of the Secretary of the Air Force is capable of being readily transformed into a plant for manufacturing, arms or ammunition, parts thereof, or necessary supplies for the Air Force, if the person or industry owning or operating the plant, or the responsible head thereof, refuses—

(1) to give precedence to the order as prescribed in subsection (b);

(2) to manufacture the kind, quantity, or quality of arms or ammunition, parts thereof, or necessary supplies as ordered by the Secretary; or

(3) to furnish them at a reasonable price as determined by the Secretary.

(d) The President, through the Secretary, may manufacture products that are needed in time of war or when war is imminent, in any plant that is seized under subsection (c).

(e) Each person or industry from whom products or materials are ordered under subsection (a) is entitled to a fair and just compensation. Each person or industry whose plant is seized under subsection (c) is entitled to a fair and just rental.

(f) Whoever fails to comply with this section shall be imprisoned for not more than three years and fined not more than \$50,000. Aug. 10, 1956, c. 1041, 70A Stat. 573.

10 U.S.C. 9742

§ 9742. Control of transportation systems in time of war

In time of war, the President, through the Secretary of the Air Force, may take possession and assume control of all or part of any system of transportation to transport troops, war material, and equipment, or for other purposes related to the emergency. So far as necessary, he may use the system to the exclusion of other traffic. Aug. 10, 1956, c. 1041, 70A Stat. 587.

§ 809. Temporary use by Government of project works for national safety; compensation for use

When in the opinion of the President of the United States, evidenced by a written order addressed to the holder of any license under this chapter, the safety of the United States demands it, the United States shall have the right to enter upon and take possession of any project or part thereof, constructed, maintained, or operated under said license, for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States, to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes, and then to restore possession and control to the party or parties entitled thereto; and in the event that the United States shall exercise such right it shall pay to the party or parties entitled thereto just and fair compensation for the use of said property as may be fixed by the commission upon the basis of a reasonable profit in time of peace, and the cost of restoring said property to as good condition as existed at the time of the taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the licensee.

June 10, 1920, c. 285, § 16, 41 Stat. 1072.

§ 257. Condemnation of realty for sites and other uses

In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this section and section 258 of this title, or such other officer, shall cause proceedings to be commenced for condemnation within thirty days from receipt of the application at the Department of Justice.

Aug. 1, 1888, c. 728, § 1, 25 Stat. 357; June 25, 1948, c. 646, § 6, 62 Stat. 986.

§ 258a. Same; lands, easements, or rights-of-way for public use; taking of possession and title in advance of final judgment; authority; procedure

In any proceeding in any court of the United States outside of the District of Columbia which has been or may be instituted by and in the name of and under the authority of the United States for the acquisition of any land or easement or right of way in land for the public use, the petitioner may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the lands described in the petition, declaring that said lands are thereby taken for the use of the United States. Said declaration of taking shall contain or have annexed thereto—

(1) A statement of the authority under which and the public use for which said lands are taken.

(2) A description of the lands taken sufficient for the identification thereof.

(3) A statement of the estate or interest in said lands taken for said public use.

(4) A plan showing the lands taken.

(5) A statement of the sum of money estimated by said acquiring authority to be just compensation for the land taken.

Upon the filing said declaration of taking and of the deposit in the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in said declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per centum per annum on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the court. No sum so paid into the court shall be charged with commissions or poundage.

Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall exceed the amount of the money so received by any person entitled, the court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

Feb. 26, 1931, c. 307, § 1, 46 Stat. 1421.

§ 11128. War emergencies; embargoes imposed by carriers

(a)(1) When the President, during time of war or threatened war, certifies to the Interstate Commerce Commission that it is essential to the defense and security of the United States to give preference or priority to the movement of certain traffic, the Commission shall direct that preference or priority be given to that traffic under sections 11123(a)(4) and 11127(a)(1)(C) of this title.

(2) When the President, during time of war or threatened war, demands that preference and precedence be given to the transportation of troops and material of war over all other traffic, all carriers providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title shall adopt every means within their control to facilitate and expedite the military traffic.

(b) An embargo imposed by any such carrier does not apply to shipments consigned to agents of the United States Government for its use. The carrier shall deliver those shipments as promptly as possible.

(Pub.L. 95-473, Oct. 17, 1978, 92 Stat. 1425.)

§ 82. Procurement of ships and material during war; changes in contracts; commandeering factories, etc.

(a) The word "person" as used in paragraphs (b) and (c) of this section shall include any individual, trustee, firm, association, company, or corporation. The word "ship" shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words "war material" shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word "factory" shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard. The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

(b) In time of war the President is authorized and empowered, in addition to all other existing provisions of law:

First. Within the limits of the amounts appropriated therefor, to place an order with any person for such ships or war material as the necessities of the Government, to be determined by the President,

may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war material so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Second. Within the limit of the amounts appropriated therefor, to modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and, within the limit of the amounts appropriated therefor, to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

Fourth. To requisition and take over for use or operation by the Government any factory, or any part thereof without taking possession of the entire factory, whether the United States has or has not any contract or agreement with the owner or occupier of such factory.

(d) ¹ Whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b) of this section, it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid fifty per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said fifty per centum shall make up such amount as will be just compensation therefor, in the manner provided for by

paragraph (20) of section 41 of Title 28 and section 250 of said title. Mar. 4, 1917, c. 180, 39 Stat. 1192.

¹ So in original. Probably should read "(c)".

TITLE III—POWERS AND DUTIES

§ 2281. Functions of Administrator

The Administrator is authorized, in order to carry out the above-mentioned purposes, to—

Preparation of plans for civil defense

(a) prepare national plans and programs for the civil defense of the United States, making such use of plans and programs previously initiated by the National Security Resources Board as is feasible; sponsor and direct such plans and programs; and request such reports on State plans and operations for civil defense as may be necessary to keep the President, the Congress and the several States advised of the status of civil defense in the United States;

Delegation of civil defense responsibilities

(b) delegate, with the approval of the President, to the several departments and agencies of the Federal Government appropriate civil defense responsibilities, and review and coordinate the civil defense activities of the departments and agencies with each other and with the activities of the States and neighboring countries;

(c) Establishment of civil defense communications; dissemination of warnings

make appropriate provision for necessary civil defense communications and for dissemination of warnings to the civilian population of an attack or natural disaster;

(d) Development of protective measures; shelters; and equipment

study and develop civil defense measures designed to afford adequate protection of life and property, including, but not limited to, research and studies as to the best methods of treating the effects of attacks and natural disasters; developing shelter designs and materials for protective covering or construction; and developing equipment or facilities and effecting the standardization thereof to meet civil defense requirements;

(e) Training programs; establishment of a college and technical training schools

conduct or arrange, by contract or otherwise, for training programs for the instruction of civil defense officials and other persons in the organization, operation, and techniques of civil defense; conduct or operate schools or classes, including the payment of travel expenses, in accordance with the Travel Expenses Act for 1949, as amended [5 U.S.C.A. § 5701 et seq.], and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the Administrator; and provide instructors and training aids as deemed necessary: *Provided*, That the terms prescribed by the Administrator for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed one-half of the total cost of such expenses: *Provided further*, That not more than one national civil defense college and three civil defense technical training schools shall be established under the authority of this subsection: *Provided further*, That the Administrator is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by Act of Congress;

Dissemination of information

(f) publicly disseminate appropriate civil defense information by all appropriate means;

(g) Encouragement of State civil defense work

assist and encourage the States to negotiate and enter into interstate civil defense compacts; review the terms and conditions of such proposed compacts in order to assist to the extent feasible in obtaining uniformity therein and consistency with the national civil defense plans and programs; assist and coordinate the activities thereunder; aid and assist in encouraging reciprocal civil defense legislation by the States which will permit the furnishing of mutual aid for civil defense purposes in the event of an attack or natural disaster which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or undergoing an attack or natural disaster: *Provided*, That a copy of each such civil defense compact shall be transmitted promptly to the Senate and the House of Representatives. The consent of the Congress shall be granted to each such compact, upon the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which the compact is transmitted to it; but only if, between the date of transmittal and expiration of such sixty-day period, there has not been passed a concurrent resolution stating in substance that the Congress does not approve the compact: *Provided*, That nothing in this subsection shall be construed as preventing Congress from withdrawing at any time its consent to any such compact;

(h) Acquisition of necessary defense materials and facilities

procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for civil defense, with the right to take immediate possession thereof: *Provided*, That facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this Act [sections 2251 to 2303 of this Appendix], prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended [40 U.S.C. 255]: *Provided further*, That the Administrator shall report not less often than quarterly to the Congress all property acquisitions made pursuant to this subsection: *Provided further*, That the Administrator is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by Act of Congress: *Provided further*, That the Administrator is authorized to procure and maintain under this subsection radiological instruments and detection devices, protective masks, and gas detection kits, and distribute the same by loan or grant to the States for civil defense purposes, under such terms and conditions as the Administrator shall prescribe¹.

(i) Financial aid to States

make financial contributions, on the basis of programs or projects approved by the Administrator, to the States for civil defense purposes, including, but not limited to the, procurement, construction, leasing, or renovating of materials and facilities. Such contributions shall be made on such terms or conditions as the Administrator