

103^D CONGRESS
1ST SESSION

H. R. 3295

To improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 1993

Mr. BORSKI introduced the following bill; which was referred jointly to the Committees on Public Works and Transportation, Banking, Finance and Urban Affairs, and Armed Services

A BILL

To improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Disaster Response and Recovery Act of 1993”.

6 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Declaration of purpose.
- Sec. 3. Definitions.
- Sec. 4. Presidential response plan; Federal grants.
- Sec. 5. Damage and needs assessment.
- Sec. 6. Standards and reviews.
- Sec. 7. Disaster resource inventory.
- Sec. 8. Repeal of obsolete sliding scale limitation.

- Sec. 9. Predeclaration authority.
- Sec. 10. Essential assistance.
- Sec. 11. Individual and family grant programs.
- Sec. 12. Catastrophic disasters.
- Sec. 13. Disaster loans.
- Sec. 14. Procedure for declaration of emergency.
- Sec. 15. Reorganization.
- Sec. 16. Revision of the Federal Civil Defense Act of 1950.

1 **SEC. 2. DECLARATION OF PURPOSE.**

2 The purpose of this Act is to—

3 (1) improve the Federal Government’s and
4 State and local governments’ preparedness for, re-
5 sponse to, and recovery from emergencies, disasters,
6 and terrorist attacks;

7 (2) combine Federal disaster preparedness, re-
8 sponse, and recovery authorities and activities with
9 Federal civil defense authorities and activities; and

10 (3) redirect the mission of the Federal Emer-
11 gency Management Agency (hereinafter in this Act
12 referred to as “FEMA”) to preparedness, response,
13 recovery, and mitigation with respect to all disasters,
14 whether natural or man-made.

15 **SEC. 3. DEFINITIONS.**

16 Section 102 of The Robert T. Stafford Disaster Re-
17 lief and Emergency Assistance Act (42 U.S.C. 5122) is
18 amended—

19 (1) by striking paragraph (2) and inserting the
20 following:

1 “(2) MAJOR DISASTER.—‘Major disaster’ means
2 any event of natural, human, or other origin in the
3 United States that the President determines is caus-
4 ing damage of sufficient severity and magnitude to
5 warrant major disaster assistance under this Act to
6 supplement the efforts and available resources of
7 State and local governments and disaster relief orga-
8 nizations in alleviating the damage, loss, hardship,
9 and suffering caused by the event.”;

10 (2) by redesignating paragraphs (3) through
11 (9) as paragraphs (6) through (12), respectively;
12 and

13 (3) by inserting after paragraph (2) the follow-
14 ing new paragraphs:

15 “(3) CATASTROPHIC DISASTER.—The term ‘cat-
16 astrophic disaster’ means a major disaster that the
17 President determines is overwhelming the ability of
18 State, local, and volunteer agencies to respond to the
19 disaster and provide victims of the disaster with
20 services necessary to sustain life.

21 “(4) FEMA.—The term ‘FEMA’ means the
22 Federal Emergency Management Agency.

23 “(5) DIRECTOR.—The term ‘Director’ means
24 the Director of FEMA.”.

1 **SEC. 4. PRESIDENTIAL RESPONSE PLAN; FEDERAL GRANTS.**

2 (a) IN GENERAL.—Section 201 of The Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5131) is amended—

5 (1) by striking subsection (c);

6 (2) by redesignating subsections (b) and (d) as
7 subsections (i) and (j), respectively;

8 (3) in subsection (j), as so redesignated, by in-
9 sserting ‘in fiscal years ending before October 1,
10 1994,’ after ‘‘make grants’’; and

11 (4) by inserting after subsection (a) the follow-
12 ing new subsections:

13 ‘‘(b) PRESIDENTIAL RESPONSE PLAN.—

14 ‘‘(1) ESTABLISHMENT.—Not later than 1 year
15 after the date of the enactment of the Disaster Re-
16 sponse and Recovery Act of 1993, the Director, in
17 consultation with appropriate Federal and non-Fed-
18 eral agencies, shall develop a plan (hereinafter in
19 this Act referred to as the ‘‘Presidential Response
20 Plan’’) to provide Federal assistance, when re-
21 quested, to States affected by a major disaster, cata-
22 strophic disaster, or emergency.

23 ‘‘(2) OPERATIONAL PLANS.—

24 ‘‘(A) IN GENERAL.—Not later than 1 year
25 after the date of the enactment of the Disaster
26 Response and Recovery Act of 1993, the Direc-

1 tor shall prepare, in cooperation with the Fed-
2 eral agencies designated under the Presidential
3 Response Plan, operational plans as part of the
4 Presidential Response Plan that shall include,
5 at a minimum, the following:

6 “(i) A description of the chains of
7 command for responding to major disas-
8 ters, catastrophic disasters, and emer-
9 gencies.

10 “(ii) A description of the specific du-
11 ties of all Federal agencies involved in such
12 response actions.

13 “(iii) A description of the relationship
14 between, and the respective duties of, Fed-
15 eral, State, and local governments, private
16 relief agencies, and fire services involved in
17 such response actions.

18 “(B) OTHER REQUIREMENTS.—The oper-
19 ational plans under this paragraph shall—

20 “(i) be prepared on a regional basis;

21 “(ii) be based on a comprehensive risk
22 assessment of the United States which the
23 Director shall carry out to assess the prob-
24 ability, frequency, and severity of major

1 disasters, catastrophic disasters, and emer-
2 gencies occurring within each region;

3 “(iii) provide for coordination of the
4 emergency operations plans of State and
5 local governments in the region with the
6 operational plan prepared for the region
7 under this paragraph and with each other;
8 and

9 “(iv) facilitate and enhance the devel-
10 opment of mutual aid agreements among
11 State and local government agencies.

12 “(c) FEDERAL DISASTER PREPAREDNESS
13 GRANTS.—

14 “(1) IN GENERAL.—

15 “(A) ESTABLISHMENT.—The Director
16 shall establish a grant program to assist States
17 in fiscal years beginning after September 30,
18 1994, to prepare for major disasters, cata-
19 strophic disasters, and emergencies, including
20 conducting disaster and emergency training ex-
21 ercises in accordance with the Presidential Re-
22 sponse Plan.

23 “(B) ALLOCATION OF FUNDS.—The Direc-
24 tor shall allocate 50 percent of the funds appro-
25 priated to carry out this subsection for a fiscal

1 year among the States in the ratio that the
2 population in each State bears to the total pop-
3 ulation of all of the States; except that no State
4 shall be allocated less than $\frac{1}{2}$ of 1 percent of
5 such funds.

6 “(C) DISCRETIONARY GRANTS.—The Di-
7 rector shall use the remaining 50 percent of the
8 funds appropriated to carry out this subsection
9 to make discretionary grants to the States. In
10 selecting the States to receive such grants, the
11 Director shall consider—

12 “(i) the potential risk that a major
13 disaster, catastrophic disaster, or emer-
14 gency will occur in the State; and

15 “(ii) the potential amount and degree
16 of damage that could occur in the State as
17 the result of a major disaster, catastrophic
18 disaster, or emergency; and compliance of
19 the State with the performance standards
20 developed by the Director under section
21 313.

22 “(2) STATE DISASTER PREPAREDNESS PLAN.—
23 The Director may only make a discretionary grant
24 to a State under this subsection if the State has a
25 disaster preparedness plan and is meeting or making

1 reasonable progress toward meeting the performance
2 standards issued under section 313.

3 “(3) FEDERAL SHARE.—The Federal share of a
4 grant under this subsection for preparing for major
5 disasters, catastrophic disasters, and emergencies
6 shall not exceed 50 percent of the cost of such prep-
7 aration.

8 “(4) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to carry out
10 this subsection \$100,000,000 for each of fiscal years
11 1995 through 1998.

12 “(d) HAZARD MITIGATION GRANTS.—

13 “(1) ESTABLISHMENT.—The Director shall es-
14 tablish a grant program to assist States in fiscal
15 years beginning after September 30, 1994, to mini-
16 mize damages likely to occur from major disasters,
17 catastrophic disasters, and emergencies.

18 “(2) SELECTION LIMITATION.—The Director
19 may only make a grant under this subsection to a
20 State if the Director determines that the activities to
21 be carried out with such grant will be cost effective
22 and substantially reduce the risk of future damage,
23 hardship, loss, or suffering in any area affected by
24 a major disaster, catastrophic disaster, or emer-
25 gency.

1 “(3) FEDERAL SHARE.—The Federal share of a
2 grant made under this subsection to assist a State
3 in minimizing damages described in paragraph (1)
4 shall not exceed 75 percent of the cost of the activi-
5 ties to be carried out with such assistance.

6 “(4) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated to carry out
8 this subsection \$100,000,000 for each of fiscal years
9 1995 through 1998.

10 “(e) ROLE OF NATIONAL GUARD.—

11 “(1) REVIEW.—The Secretary of Defense, in
12 cooperation with the Director and in consultation
13 with the States, shall direct the Chief of the Na-
14 tional Guard Bureau—

15 “(A) to review the role of the National
16 Guard in responding to major disasters, cata-
17 strophic disasters, and emergencies for the pur-
18 pose of making recommendations to the Presi-
19 dent to address—

20 “(i) how the National Guard could
21 better prepare for and respond to major
22 disasters, catastrophic disasters, and emer-
23 gencies;

24 “(ii) how the structure of the National
25 Guard could be adjusted to provide Gov-

1 ernors with improved immediate access to
2 critical assets during an emergency;

3 “(iii) how the National Guard should
4 be integrated into the Presidential Re-
5 sponse Plan and into regional operational
6 plans; and

7 “(iv) how the National Guard should
8 coordinate with disaster medical assistance
9 teams of the Department of Health and
10 Human Services in preparing for and re-
11 sponding to major disasters, catastrophic
12 disasters, and emergencies.

13 “(B) to develop an interstate compact that,
14 if adopted by the States, would facilitate the
15 mutual use of National Guard assets across
16 State borders during major disasters, cata-
17 strophic disasters, and emergencies.

18 “(2) REPORT.—Not later than 1 year after the
19 date of the enactment of this paragraph, the Sec-
20 retary of Defense shall transmit to the President
21 and Congress a report on the results of the review
22 conducted under paragraph (1) and a copy of the
23 proposed interstate compact developed under para-
24 graph (1).

1 “(3) INTERSTATE MUTUAL ASSISTANCE COM-
2 PACTS.—The Director, in consultation with the
3 Chief of the National Guard Bureau, shall take ac-
4 tion to encourage the States to enter into interstate
5 compacts for the mutual use of National Guard as-
6 sets across State borders during major disasters,
7 catastrophic disasters, and emergencies.

8 “(4) RESPONSE TO DISASTERS AND REIM-
9 BURSEMENT FOR AUTHORIZED ACTIVITIES.—

10 “(A) REIMBURSEMENT.—To assure more
11 effective and rapid responses by National Guard
12 units to major disasters, catastrophic disasters,
13 and emergencies, the Director is authorized to
14 reimburse a State or States for all or any part
15 of expenses incurred as a result of the use of
16 the National Guard at the onset of any event
17 for which, in the judgment of the Governor of
18 the affected State, it is probable that the event
19 will result in a declaration of a major disaster,
20 catastrophic disaster, or emergency under this
21 Act.

22 “(B) SOURCE OF FUNDS.—Funds available
23 for disbursement to the States under this para-
24 graph shall come from the funds appropriated
25 to the disaster relief fund.

1 “(C) CONSISTENCY WITH ACT.—In any
2 case in which an event results in a declaration
3 of a major disaster, catastrophic disaster, or
4 emergency under this Act, the Director shall
5 ensure that all reimbursements under this para-
6 graph are in accordance with this Act, including
7 the Federal share determined for the disaster
8 or emergency.

9 “(5) TRAINING AND COORDINATION WITH
10 STATE ENTITIES.—

11 “(A) MINIMUM TRAINING.—The Governor
12 of a State receiving a discretionary grant under
13 subsection (c) of this section in a fiscal year
14 shall require the National Guard units in the
15 State to participate in such fiscal year with
16 other appropriate State and local entities in an-
17 nual training and other exercises designed to
18 enhance the readiness of the National Guard
19 and such other entities to respond to major dis-
20 asters, catastrophic disasters, and emergencies.

21 “(B) MINIMUM STANDARDS.—The Direc-
22 tor and the Chief of the National Guard Bu-
23 reau shall establish minimum standards for
24 training and other exercises in which National

1 Guard units are to participate under this para-
2 graph.

3 “(f) ROLE OF FIRE SERVICES.—The Director, in
4 consultation with national, regional, and State fire service
5 organizations, shall review the role of fire services in re-
6 sponding to major disasters, catastrophic disasters, and
7 emergencies for the purpose of determining—

8 “(1) how fire services can better prepare for
9 and respond to major disasters, catastrophic disas-
10 ters, and emergencies; and

11 “(2) how fire services should be integrated into
12 the Presidential Response Plan, State disaster pre-
13 paredness plans, and Federal regional operational
14 plans.

15 “(g) VOLUNTEERS.—Not later than 1 year after the
16 date of the enactment of this subsection, the Director
17 shall—

18 “(1) establish a system that is coordinated with
19 systems of private relief agencies to manage and uti-
20 lize spontaneous disaster volunteers to carry out pri-
21 ority disaster and emergency response services; and

22 “(2) report to Congress and the States on the
23 system.

1 “(h) DONATED GOODS.—Not later than 1 year after
2 the date of the enactment of this subsection, the Director
3 shall—

4 “(1) establish a system for the management of
5 goods donated to the Federal Government to support
6 victims of disasters and emergencies; and

7 “(2) report to Congress on the system so estab-
8 lished.”.

9 (b) REPEAL OF FORMER GRANT PROVISION.—Effec-
10 tive October 1, 1994, subsection (j) of section 201 of such
11 Act, as redesignated by subsection (a), is repealed.

12 (c) CONFORMING AMENDMENTS.—

13 (1) SECTION 404 RTS/DREA.—Section 404 of
14 The Robert T. Stafford Disaster Relief and Emer-
15 gency Assistance Act (42 U.S.C. 5170c) is repealed.

16 (2) SECTION 5 OF EHRA.—Section 5(b)(2)(A)
17 of the Earthquake Hazards Reduction Act of 1977
18 (42 U.S.C. 7704(b)(2)(A)) is amended—

19 (A) by striking clause (iv); and

20 (B) by redesignating clauses (v) and (vi)
21 as clauses (iv) and (v), respectively.

22 **SEC. 5. DAMAGE AND NEEDS ASSESSMENT.**

23 Section 303 of The Robert T. Stafford Disaster Re-
24 lief and Emergency Assistance Act (42 U.S.C. 5144) is
25 amended to read as follows:

1 **“SEC. 303. DISASTER SUPPORT TEAMS.**

2 “(a) IN GENERAL.—Not later than 6 months after
3 the date of the enactment of this subsection, the Director
4 shall establish disaster support teams to be deployed to
5 an area where a major disaster, catastrophic disaster, or
6 emergency is likely to be declared or has been declared
7 and to assist the Federal coordinating officer in carrying
8 out his or her responsibilities under this Act.

9 “(b) COMPOSITION.—The Director shall designate
10 experts and officials from appropriate Federal agencies
11 (including FEMA and the Department of Defense), State
12 and local governments, fire services, and private relief
13 agencies to serve on the disaster support teams.

14 “(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
15 the request of the Director, the head of any Federal agen-
16 cy shall detail to temporary duty with a disaster support
17 team, on a nonreimbursable basis, such personnel within
18 the administrative jurisdiction of the head of the Federal
19 agency as the Director may need or believe to be useful
20 for carrying out the functions of the support team. Each
21 such detail shall be without loss of seniority, pay, or other
22 employee status.

23 “(d) DAMAGE AND NEEDS ASSESSMENT.—

24 “(1) IN GENERAL.—After the onset of a poten-
25 tial or actual major disaster or catastrophic disaster
26 and, in any case in which the President declares a

1 major disaster or catastrophic disaster, not later
2 than 3 hours after the time of such declaration, the
3 Director shall deploy a disaster support team estab-
4 lished under subsection (a) to evaluate the extent of
5 the damage and the resulting needs for disaster re-
6 lief assistance.

7 “(2) RECOMMENDATIONS.—As soon as possible
8 after deployment, a disaster support team shall
9 make recommendations to the Director, the Presi-
10 dent, and the Governors of the affected States re-
11 garding the damage and the resources needed to
12 provide disaster relief to the affected areas.

13 “(3) COORDINATION WITH STATE AND LOCAL
14 OFFICIALS.—To the extent possible, the damage and
15 needs assessments under this subsection shall be
16 conducted in coordination with State and local offi-
17 cials of the affected area.”.

18 **SEC. 6. STANDARDS AND REVIEWS.**

19 Section 313 of The Robert T. Stafford Disaster Re-
20 lief and Emergency Assistance Act (42 U.S.C. 5154) is
21 amended—

22 (1) by inserting “(a) IN GENERAL.—” before
23 “The” the first place it appears;

24 (2) by inserting before the period at the end of
25 the first sentence the following: “, including per-

1 formance standards for assessing the level of State
2 preparedness for major disasters, catastrophic disas-
3 ters, and emergencies”; and

4 (2) by adding at the end the following:

5 “(b) REVIEW OF STATE DISASTER PREPARED-
6 NESS.—The Director shall conduct an annual review of
7 each State’s disaster preparedness to determine the extent
8 to which the State meets the performance standards is-
9 sued, by regulation, under this section. The Director shall
10 submit to Congress an annual report on the results of such
11 reviews.

12 “(c) PERFORMANCE STANDARDS.—Not later than 1
13 year after the date of the enactment of this subsection,
14 the Director shall issue performance standards which will
15 ensure that a State is prepared to respond to major disas-
16 ters, catastrophic disasters, and emergencies. The per-
17 formance standards shall, at a minimum, require that a
18 State, when developing or revising its disaster prepared-
19 ness plan, will take into account the particular types of
20 major disasters, catastrophic disasters, or emergencies
21 that are likely to occur in the State.

22 “(d) NOTIFICATION.—The Director shall notify a
23 State that is not making reasonable progress toward meet-
24 ing the performance standards issued under subsection (c)
25 within 60 days after the date on which the Director com-

1 pletes the review of the State’s disaster preparedness
2 under subsection (b). The notice shall include the Direc-
3 tor’s recommendations of the steps that must be taken for
4 the State to meet such standards.”.

5 **SEC. 7. DISASTER RESOURCE INVENTORY.**

6 Section 315 of The Robert T. Stafford Disaster Re-
7 lief and Emergency Assistance Act (42 U.S.C. 5158) is
8 amended to read as follows:

9 **“SEC. 315. DISASTER RESOURCE INVENTORY.**

10 “(a) IN GENERAL.—Not later than 1 year after the
11 date of the enactment of this subsection, the Director shall
12 complete regional inventories of resources that are avail-
13 able to the Federal Government, including medical assets
14 and foreign language communications assets, through
15 public or private entities, for use or deployment, or both,
16 following a major disaster, catastrophic disaster, or emer-
17 gency. Each item in the inventory shall include the infor-
18 mation necessary for prompt access to the source.

19 “(b) AVAILABILITY OF MATERIALS.—

20 “(1) IN GENERAL.—A regional inventory under
21 this section may be amended to include, at the re-
22 quest of the Governor of an affected State, a survey
23 of construction materials needed in an area affected
24 by a major disaster or catastrophic disaster on an
25 emergency basis for housing repairs, replacement

1 housing, wastewater treatment, transportation, and
2 other public facilities repairs and replacement, farm-
3 ing operations, and business enterprises and to take
4 appropriate action to assure the availability and fair
5 distribution of needed materials. Any allocation pro-
6 gram shall be implemented by the Director to the
7 extent possible, by working with and through those
8 companies which traditionally supply construction
9 materials in the affected area.

10 “(2) CONSTRUCTION MATERIALS DEFINED.—

11 For the purposes of this subsection, the term ‘con-
12 struction materials’ includes building materials and
13 materials required for repairing housing, replacing
14 housing, and repairing and replacing wastewater
15 treatment, transportation, and other public facilities
16 and for normal farm and business operations.

17 “(c) AVAILABILITY TO GOVERNORS.—The Director
18 shall ensure that a regional inventory under this section
19 is made available to the Governor of each State in the
20 region for the purposes of formulating a request for the
21 declaration of a major disaster, catastrophic disaster, or
22 emergency.

23 “(d) MAINTENANCE.—The Director shall ensure that
24 information contained in each inventory under this section
25 is current and accurate.

1 “(e) STATE PARTICIPATION.—

2 “(1) IN GENERAL.—Not later than 90 days
3 after the completion of a regional inventory under
4 this section, the Director shall request the Governor
5 of each State in the region to identify the State co-
6 ordinating officer and fire service or other public
7 safety officials who are responsible for coordinating
8 or overseeing State and local response to disasters
9 and emergencies in the State.

10 “(2) ACCESS.—A fire service or public safety
11 official designated under paragraph (1) shall have
12 direct and immediate access to the information con-
13 tained in the inventory to expedite State and local
14 responses to disasters and emergencies.”.

15 **SEC. 8. REPEAL OF OBSOLETE SLIDING SCALE LIMITATION.**

16 Section 320 of The Robert T. Stafford Disaster Re-
17 lief and Emergency Assistance Act (42 U.S.C. 5162) is
18 repealed.

19 **SEC. 9. PREDECLARATION AUTHORITY.**

20 Section 401 of The Robert T. Stafford Disaster Re-
21 lief and Emergency Assistance Act (42 U.S.C. 5170) is
22 amended—

23 (1) by inserting “(a) IN GENERAL.—” before
24 “All requests”;

1 (2) by striking “information” in the fourth sen-
2 tence and inserting “such information as the Direc-
3 tor shall require”; and

4 (3) by adding at the end the following new sub-
5 section:

6 “(b) PREDECLARATION AUTHORITY.—

7 “(1) PREPARATION.—When, in the determina-
8 tion of the Director, events indicate that an emer-
9 gency, major disaster, or catastrophic disaster is
10 likely to be declared, a Federal agency, with the ap-
11 proval of the Director, may take such actions as the
12 agency considers necessary to prepare to provide
13 Federal assistance to State and local governments
14 and to disaster victims.

15 “(2) REIMBURSEMENT.—The Federal agency
16 shall be reimbursed from the disaster relief fund for
17 the cost of actions taken in accordance with this
18 subsection.”.

19 **SEC. 10. ESSENTIAL ASSISTANCE.**

20 Section 403 of The Robert T. Stafford Disaster Re-
21 lief and Emergency Assistance Act (42 U.S.C. 5170b) is
22 amended—

23 (1) in subsection (a) by striking “Federal agen-
24 cies may” and all that follows through the period at
25 the end of paragraph (1) and inserting the following:

1 “FEMA or, at the request of the Director, other
2 Federal agencies may provide disaster assistance es-
3 sential to meeting threats to life or property in prep-
4 aration for, or resulting from, a major disaster, cat-
5 astrophic disaster, or emergency as follows:

6 “(1) FEDERAL RESOURCES.—Purchasing and
7 storing, utilizing, lending, or donating Federal disas-
8 ter response equipment, supplies, and other re-
9 sources, other than the extension of credit, for use
10 and deployment by State and local governments, fire
11 services, and private relief agencies in preparation
12 for or following a major disaster, catastrophic disas-
13 ter, or emergency. Utilizing, lending, or donating fa-
14 cilities and personnel for use in deployment by State
15 and local governments, fire services, and private re-
16 lief agencies in preparation for or following a major
17 disaster, catastrophic disaster, or emergency.”;

18 (2) in subsection (c)(1) by striking “During”
19 and inserting “Immediately before or during”; and

20 (3) by striking the last sentence of subsection
21 (c)(1).

22 **SEC. 11. INDIVIDUAL AND FAMILY GRANT PROGRAMS.**

23 Section 411(a) of The Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C. 5178(a))
25 is amended by striking “or through other means”.

1 **SEC. 12. CATASTROPHIC DISASTERS.**

2 Title IV of The Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5170–5189b)
4 is amended by adding at the end the following new section:

5 **“SEC. 425. CATASTROPHIC DISASTERS.**

6 “(a) DECLARATION.—

7 “(1) RECOMMENDATION BY DISASTER SUPPORT
8 TEAMS.—At the onset of an event in which the dis-
9 aster support teams established under section 303(a)
10 have been deployed, or immediately thereafter, the
11 disaster support teams shall make concurrent rec-
12 ommendations to the Director, the President, and
13 the Governors of the affected States as to whether
14 the event should be declared a catastrophic disaster.

15 “(2) REQUEST FOR DECLARATION.—Requests
16 for a declaration by the President that a cata-
17 strophic disaster exists shall be made by the Gov-
18 ernors of the affected States. A request for a dec-
19 laration of a catastrophic disaster may accompany
20 the request for a declaration of a major disaster
21 under section 401.

22 “(3) GENERAL AUTHORITY.—The President
23 may declare that a catastrophic disaster, a major
24 disaster, or an emergency exists on the basis of a re-
25 quest under this subsection. If the President deter-
26 mines an immediate Federal response is required to

1 provide services necessary to sustain life, the Presi-
2 dent may declare a catastrophic disaster without re-
3 ceiving a request from the Governor of an affected
4 State.

5 “(4) NOTIFICATION OF GOVERNOR.—The Presi-
6 dent shall inform the Governor of an affected State
7 that a catastrophic disaster declaration has been
8 made as soon after the declaration as practicable.

9 “(b) EFFECT OF DETERMINATION.—

10 “(1) DISASTER RESPONSE.—Upon the declara-
11 tion of a catastrophic disaster, the Director, after
12 consulting the Federal coordinating officer, shall de-
13 termine whether ancillary resources, such as the re-
14 sources of the Department of Defense, are required
15 to support any disaster response activities. Upon the
16 determination that ancillary resources are required,
17 the Director, after consulting the Federal coordinat-
18 ing officer, shall determine what resources of Fed-
19 eral agencies are necessary to respond to such disas-
20 ter and shall take such action as may be necessary
21 to ensure that such resources are made available.

22 “(2) RESPONSIBILITY OF THE DEPARTMENT OF
23 DEFENSE.—

24 “(A) IN GENERAL.—Following the declara-
25 tion of a catastrophic disaster, the Secretary of

1 Defense shall, when requested by the Director
2 and with the concurrence of the Governor of the
3 affected State, provide to persons adversely af-
4 fected by the disaster, disaster response mate-
5 rials and services not otherwise available from
6 State, local, or volunteer agencies, including—

7 “(i) food, water, and shelter;

8 “(ii) communications;

9 “(iii) debris removal;

10 “(iv) medical assistance; and

11 “(v) any other services necessary to
12 sustain human life or to promote recovery.

13 “(B) REIMBURSEMENT.—The Secretary of
14 Defense shall be reimbursed from the disaster
15 relief fund for the provision of disaster response
16 materials and services described in subpara-
17 graph (A).

18 “(C) DIRECTION OF ACTIVITIES.—The
19 provision of disaster response materials and
20 services under subparagraph (A) and the ad-
21 ministration of relief by consenting State, local,
22 and volunteer agencies shall be directed by the
23 Federal Coordinating Officer, in consultation
24 with the Director and in coordination with the
25 Governors of the affected States or a designee

1 of any such Governor. After a declaration of a
2 catastrophic disaster, specific requests by the
3 Governors for individual disaster response ma-
4 terials and services described in subparagraph
5 (A) shall not be necessary.

6 “(D) TRAINING.—The Secretary of De-
7 fense shall undertake necessary training and ex-
8 ercises to ensure preparedness for carrying out
9 this paragraph.

10 “(3) ADDITIONAL ASSISTANCE.—The assistance
11 provided in this subsection shall supplement and not
12 supplant the major disaster and emergency assist-
13 ance programs provided in this title and title V.”.

14 **SEC. 13. DISASTER LOANS.**

15 Title IV of The Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42 U.S.C. 5170–5189b)
17 is further amended by adding at the end the following:

18 **“SEC. 426. DISASTER LOANS.**

19 “(a) AUTHORITY TO MAKE LOANS.—

20 “(1) IN GENERAL.—The Director is authorized
21 to make such loans, either directly or in cooperation
22 with banks or other lending institutions through
23 agreements to participate on an immediate or de-
24 ferred (guaranteed basis), as the Director may de-
25 termine to be necessary to repair, rehabilitate, or re-

1 place residential property and associated personal
2 property damaged or destroyed by or as a result of
3 a major disaster or catastrophic disaster.

4 “(2) INSURANCE LIMITATION.—The Director
5 shall not make loans under this section to repair, re-
6 habilitate, or replace real or personal property to the
7 extent that insurance is available to compensate a
8 loan applicant for damages sustained from a major
9 disaster or catastrophic disaster.

10 “(3) INCREASED AMOUNT FOR PREVENTION
11 AND MITIGATION.—The Director may increase the
12 amount of a loan under this section by not to exceed
13 an additional 20 percent if the Director determines
14 that such increase is necessary to protect the dam-
15 aged or destroyed property from possible future dis-
16 asters by taking mitigating measures.

17 “(b) REFINANCING OF MORTGAGE OR LIEN.—A loan
18 made by the Director under this section may be made for
19 the purpose of refinancing any mortgage or lien against
20 a totally destroyed or substantially damaged home; except
21 that no loan or guarantee shall be extended unless the Di-
22 rector finds that—

23 “(1) the applicant is not able to obtain credit
24 elsewhere;

1 “(2) such property is to be repaired, rehabili-
2 tated, relocated, or replaced;

3 “(3) the amount refinanced will not exceed the
4 amount of physical loss sustained; and

5 “(4) such amount will be reduced to the extent
6 that such mortgage or lien is satisfied by insurance.

7 “(c) TERMS.—

8 “(1) TIME PERIOD.—

9 “(A) IN GENERAL.—No loan under this
10 section may be made for a period exceeding 30
11 years.

12 “(B) SUSPENSION OF PAYMENTS.—The
13 Director may consent to a suspension in the
14 payment of principal and interest charges on,
15 and to an extension in the maturity of, the Fed-
16 eral share of any loan under this section for a
17 period not to exceed 10 years if—

18 “(i) the borrower is a homeowner;

19 “(ii) the loan was made to enable the
20 homeowner to repair or replace the home
21 which was damaged or destroyed as the re-
22 sult of the major disaster or catastrophic
23 disaster; and

24 “(iii) the Director determines that the
25 suspension or extension is necessary to

1 avoid severe financial hardship and will aid
2 in the orderly liquidation of the loan.

3 “(C) ASSUMPTION OF OBLIGATIONS.—

4 During any period in which principal and inter-
5 est charges are suspended on the Federal share
6 of any loan under subparagraph (B), the Direc-
7 tor shall, upon the request of any person, firm,
8 or corporation having a participation in such
9 loan, purchase such participation, or assume
10 the obligation of the borrower, for the balance
11 of such period, to make principal and interest
12 payments on the non-Federal share of such
13 loan; except that no such payments shall be
14 made by the Director on behalf of any borrower
15 unless—

16 “(i) the Director determines that such
17 action is necessary in order to avoid a de-
18 fault; and

19 “(ii) the borrower agrees to make pay-
20 ments to the Director in an aggregate
21 amount equal to the amount paid in its be-
22 half by the Director in such manner and at
23 such time (during or after the term of the
24 loan) as the Director shall determine hav-

1 ing due regard to the purposes sought to
2 be achieved by this paragraph.

3 “(2) INTEREST RATE.—The rate of interest on
4 the Federal share of any loan made under this sec-
5 tion, as determined from the date the major disaster
6 or catastrophic disaster commenced, shall be—

7 “(A) in the case of a homeowner unable to
8 secure credit elsewhere, the rate prescribed by
9 the Director but not more than $\frac{1}{2}$ the rate de-
10 termined by the Secretary of the Treasury tak-
11 ing into consideration the current average mar-
12 ket yield on outstanding marketable obligations
13 of the United States with remaining periods to
14 maturity comparable to the average maturities
15 of such loan plus an additional charge of not to
16 exceed 1 percent per year as determined by the
17 Director, and adjusted to the nearest $\frac{1}{8}$ of 1
18 percent, but not to exceed 4 percent per year;
19 and

20 “(B) in the case of a homeowner able to
21 secure credit elsewhere, the rate prescribed by
22 the Director but not more than the rate deter-
23 mined by the Secretary of the Treasury taking
24 into consideration the current average market
25 yield on outstanding marketable obligations of

1 the United States with remaining periods to
2 maturity comparable to the average maturities
3 of such loans plus an additional charge of not
4 to exceed 1 percent per year as determined by
5 the Director, and adjusted to the nearest $\frac{1}{8}$ of
6 1 percent, but not to exceed 8 percent per year.

7 “(d) DETERMINATION OF LOAN AMOUNTS.—

8 “(1) GENERAL RULE.—Except as otherwise
9 provided by this subsection, and subject to reduc-
10 tions required under subsections (a) and (b), loans
11 under this section shall be in amounts equal to 100
12 percent of property losses described in subsections
13 (a) and (b).

14 “(2) LIMITATION ON AGGREGATE AMOUNT.—
15 No loan shall be made under this section, either di-
16 rectly or in cooperation with banks or other lending
17 institutions through agreements to participate on an
18 immediate or deferred (guaranteed) basis, if the
19 total amount outstanding and committed to the bor-
20 rower under this section would exceed \$500,000 for
21 each major disaster or catastrophic disaster.

22 “(3) LIMITATION ON REDUCTIONS.—The Direc-
23 tor, subject to the reductions required by subsections
24 (a) and (b), shall not reduce the amount of eligibility
25 for any homeowner on account of loss of real estate

1 to less than \$100,000 for each major disaster or cat-
2 astrophic disaster, or for any homeowner or lessee
3 on account of loss of personal property to less than
4 \$20,000 for each major disaster or catastrophic dis-
5 aster, such sums being in addition to any eligible re-
6 financing.

7 “(e) COLLATERAL REQUIREMENTS.—The Director
8 shall not require collateral for loans of \$10,000 or less
9 which are made under subsection (a).

10 “(f) LOANS MADE ON A DEFERRED BASIS.—In
11 agreements to participate in loans on a deferred basis
12 under this section, such participation by the Director shall
13 not be in excess of 90 percent of the balance of the loan
14 outstanding at the time of disbursement.

15 “(g) REGULATIONS.—Not later than 1 year after the
16 date of the enactment of this section, the Director shall
17 issue such regulations as may be necessary to carry out
18 this section.

19 “(h) HOMEOWNER DEFINED.—For purposes of this
20 section, the term ‘homeowner’ has the meaning such term
21 has under section 3 of the Small Business Act.”.

22 **SEC. 14. PROCEDURE FOR DECLARATION OF EMERGENCY.**

23 Section 501(a) of The Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C. 5191(a))
25 is amended by striking “information” in the fourth sen-

1 tence and inserting “such information as the Director
2 shall require”.

3 **SEC. 15. REORGANIZATION.**

4 (a) CODIFICATION OF DIRECTOR’S DUTIES.—Each
5 of the following sections of The Robert T. Stafford Disas-
6 ter Relief and Emergency Assistance Act are amended by
7 striking “President” each place it appears and inserting
8 “Director”: 201(i) (as redesignated by this Act), 201(j)
9 (as redesignated by this Act), 202 (other than subsection
10 (a)), 308, 309, 311, 313(a) (as designated by this Act),
11 406 (other than subsection (e)), 411, 416, 417, 418, 420,
12 and 422.

13 (b) QUALIFICATIONS OF DIRECTOR.—The President
14 may only appoint a person as the Director of FEMA if
15 such person has prior emergency management, disaster re-
16 lief assistance, or fire service experience.

17 (c) REDESIGNATION OF EMPLOYEE POSITIONS.—
18 After December 31, 1993, each of the positions of Re-
19 gional Director of FEMA shall be classified as a career
20 reserved position within the meaning of section 3132(a)(8)
21 of title 5, United States Code.

22 (d) PRESIDENTIAL APPOINTMENTS.—After Decem-
23 ber 31, 1993, the following employee positions within
24 FEMA shall be subject to Presidential appointment with-
25 out confirmation by the Senate:

1 (1) The positions of Associate Director of each
2 of the following:

3 (A) External Affairs Directorate.

4 (B) National Preparedness Directorate.

5 (C) State and Local Programs and Sup-
6 port Directorate.

7 (2) The position of Federal Insurance Adminis-
8 trator.

9 (3) The position of Administrator of the United
10 States Fire Administration.

11 (4) The position of Superintendent of the Na-
12 tional Academy for Fire Prevention and Control.

13 (e) CONFORMING AMENDMENTS.—

14 (1) SECTION 5 OF FFPCA.—Section 5(b) of the
15 Federal Fire Prevention and Control Act of 1974
16 (15 U.S.C. 2204(b)) is amended by striking “, by
17 and with the advice and consent of the Senate,”.

18 (2) SECTION 7 OF FFPCA.—Section 7(b) of such
19 Act (15 U.S.C. 2206(b)) is amended by striking
20 “appointed by the Secretary” and inserting “ap-
21 pointed by the President”.

1 **SEC. 16. REVISION OF THE FEDERAL CIVIL DEFENSE ACT**
 2 **OF 1950.**

3 (a) IN GENERAL.—The Federal Civil Defense Act of
 4 1950 (50 U.S.C. App. 2251–2303) is amended to read as
 5 follows:

6 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

7 “(a) SHORT TITLE.—This Act may be cited as the
 8 ‘Federal Civil Defense Act of 1950’.

9 “(b) TABLE OF CONTENTS.—

- “Sec. 1. Short title; table of contents.
- “Sec. 2. Declaration of policy.
- “Sec. 3. Definitions.
- “Sec. 4. Applicability of Act.

“TITLE I—POWERS AND DUTIES

- “Sec. 101. Elements of civil defense.
- “Sec. 102. Detailed functions of director.
- “Sec. 103. Mutual aid pacts between States and neighboring countries.
- “Sec. 104. Civil defense identity insignia.
- “Sec. 105. Contributions for personnel and administrative expenses.
- “Sec. 106. State matching funds for construction of emergency operating centers.
- “Sec. 107. Use of funds to prepare for and respond to emergencies, major disasters, and catastrophes.

“TITLE II—MISCELLANEOUS PROVISIONS

- “Sec. 201. Loans to finance projects for civil defense purposes.
- “Sec. 202. Civil Defense Procurement Fund.
- “Sec. 203. Relation of Act to Atomic Energy Act of 1946.
- “Sec. 204. Rule of construction regarding investigation of espionage, sabotage, or subversive acts.
- “Sec. 205. Separability.

10 **“SEC. 2. DECLARATION OF POLICY.**

11 “The purpose of this Act is to provide a system of
 12 civil defense for the protection of life and property in the
 13 United States from major disasters, catastrophic disas-
 14 ters, and emergencies and to vest responsibility for civil

1 defense jointly in the Federal Government and the several
2 States and their political subdivisions. The Congress rec-
3 ognizes that the organizational structure established joint-
4 ly by the Federal Government and the several States and
5 their political subdivisions for civil defense purposes can
6 be effectively utilized to provide relief and assistance to
7 people in areas of the United States adversely affected by
8 a major disaster, catastrophic disaster, or emergency. The
9 Federal Government shall provide necessary direction, co-
10 ordination, and guidance and shall provide necessary as-
11 sistance as authorized in this Act.

12 **“SEC. 3. DEFINITIONS.**

13 “For purposes of this Act, the following definitions
14 apply:

15 “(1) CATASTROPHIC DISASTER.—The term ‘cat-
16 astrophic disaster’ has the same meaning given that
17 term in section 102(3) of The Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act (42
19 U.S.C. 5122(3)).

20 “(2) CIVIL DEFENSE.—The term ‘civil defense’
21 means all those activities and measures designed or
22 undertaken—

23 “(A) to minimize the effects of a major
24 disaster, catastrophic disaster, or emergency
25 upon the civilian population;

1 “(B) to deal with the immediate emergency
2 conditions which would be created by the major
3 disaster, catastrophic disaster, or emergency;

4 “(C) to effectuate emergency repairs to, or
5 the emergency restoration of, vital utilities and
6 facilities destroyed or damaged by the major
7 disaster, catastrophic disaster, or emergency; or

8 “(D) to improve preparedness and re-
9 sponse training for a major disaster, cata-
10 strophic disaster, or emergency.

11 “(3) DIRECTOR.—The term ‘Director’ means
12 the Director of the Federal Emergency Management
13 Agency.

14 “(4) EMERGENCY.—The term ‘emergency’ has
15 the same meaning given that term in section 102(1)
16 of The Robert T. Stafford Disaster Relief and
17 Emergency Assistance Act (42 U.S.C. 5122(1)).

18 “(5) FACILITIES.—The term ‘facilities’, except
19 as otherwise provided in this Act, includes buildings,
20 shelters, utilities, and land.

21 “(6) MAJOR DISASTER.—The term ‘major dis-
22 aster’ has the same meaning given that term in sec-
23 tion 102(2) of The Robert T. Stafford Disaster Re-
24 lief and Emergency Assistance Act (42 U.S.C.
25 5122(2)).

1 “(7) MATERIALS.—The term ‘materials’ in-
2 includes raw materials, supplies, medicines, equip-
3 ment, component parts and technical information
4 and processes necessary for civil defense.

5 “(8) NEIGHBORING COUNTRIES.—The term
6 ‘neighboring countries’ includes Canada and Mexico.

7 “(9) ORGANIZATIONAL EQUIPMENT.—The term
8 ‘organizational equipment’ means equipment (other
9 than those items which the local community nor-
10 mally utilizes in combating local disasters, except
11 when required in unusual quantities dictated by the
12 requirements of the civil defense plans) determined
13 by the Director to be—

14 “(A) necessary to a civil defense organiza-
15 tion, as distinguished from personal equipment;
16 and

17 “(B) of such a type or nature as to require
18 it to be financed in whole or in part by the Fed-
19 eral Government.

20 “(10) STATE.—The term ‘State’ includes the
21 several States, the District of Columbia, the Terri-
22 tories, the possessions of the United States, and
23 interstate civil defense authorities established under
24 section 102(g).

1 **“SEC. 4. APPLICABILITY OF ACT.**

2 “The provisions of this Act shall be applicable to the
3 United States, its States, Territories and possessions, and
4 the District of Columbia, and their political subdivisions.

5 **“TITLE I—POWERS AND DUTIES**

6 **“SEC. 101. ELEMENTS OF CIVIL DEFENSE.**

7 “Activities and measures designed or undertaken as
8 part of civil defense activities under this Act shall include
9 the following:

10 “(1) Measures to be undertaken in preparation
11 for anticipated major disasters, catastrophic disas-
12 ters, and emergencies (including the establishment
13 of appropriate organizations, operational plans, and
14 supporting agreements, the recruitment and training
15 of personnel, the conduct of research, the procure-
16 ment and stockpiling of necessary materials and
17 supplies, the provision of suitable warning systems,
18 the construction or preparation of shelters, shelter
19 areas, and control centers, and, when appropriate,
20 the non-military evacuation of civil population).

21 “(2) Measures to be undertaken during a major
22 disaster, catastrophic disaster, or emergency (includ-
23 ing the enforcement of passive defense regulations
24 prescribed by duly established military or civil au-
25 thorities, the evacuation of personnel to shelter

1 areas, the control of traffic and panic, and the con-
2 trol and use of lighting and civil communications).

3 “(3) Measures to be undertaken following a
4 major disaster, catastrophic disaster, or emergency
5 (including activities for fire fighting, rescue, emer-
6 gency medical, health and sanitation services, mon-
7 itoring for specific dangers of special weapons,
8 unexploded bomb reconnaissance, essential debris
9 clearance, emergency welfare measures, and imme-
10 diately essential emergency repair or restoration of
11 damaged vital facilities).

12 **“SEC. 102. DETAILED FUNCTIONS OF DIRECTOR.**

13 “(a) PREPARATION OF PLANS FOR CIVIL DE-
14 FENSE.—The Director may prepare national plans and
15 programs for the civil defense of the United States, spon-
16 sor and direct such plans and programs, and request such
17 reports on State plans and operations for civil defense as
18 may be necessary to keep the President, the Congress and
19 the States advised of the status of civil defense in the
20 United States.

21 “(b) DELEGATION OF CIVIL DEFENSE RESPONSIBIL-
22 ITIES.—The Director may delegate, with the approval of
23 the President, to the several departments and agencies of
24 the Federal Government appropriate civil defense respon-
25 sibilities, and review and coordinate the civil defense ac-

1 tivities of the departments and agencies with each other
2 and with the activities of the States and neighboring coun-
3 tries.

4 “(c) CIVIL DEFENSE COMMUNICATIONS AND
5 WARNINGS.—The Director may make appropriate provi-
6 sion for necessary civil defense communications and for
7 dissemination of warnings to the civilian population of a
8 major disaster, catastrophic disaster, or emergency.

9 “(d) DEVELOPMENT OF PROTECTIVE MEASURES.—
10 The Director may study and develop civil defense meas-
11 ures designed to afford adequate protection of life and
12 property.

13 “(e) TRAINING PROGRAMS.—The Director may con-
14 duct or arrange, by contract or otherwise, for training pro-
15 grams for the instruction of civil defense officials and
16 other persons in the organization, operation, and tech-
17 niques of civil defense. As part of such training programs,
18 the Director may conduct or operate schools or classes and
19 provide instructors and training aids as the Director con-
20 siders to be necessary. The Director may pay travel ex-
21 penses and provide per diem allowances, in lieu of subsist-
22 ence, for trainees in attendance at such training programs
23 or furnish subsistence and quarters for trainees and in-
24 structors on terms prescribed by the Director.

1 “(f) DISSEMINATION OF INFORMATION.—The Direc-
2 tor may publicly disseminate appropriate civil defense in-
3 formation by all appropriate means.

4 “(g) ENCOURAGEMENT OF STATE CIVIL DEFENSE
5 WORK.—The Director may assist and encourage the
6 States to negotiate and enter into interstate civil defense
7 compacts. The Director shall review the terms and condi-
8 tions of such proposed compacts in order to assist to the
9 extent feasible in obtaining uniformity therein and consist-
10 ency with the national civil defense plans and programs
11 and assist and coordinate the activities under such com-
12 pacts. The Director shall aid and assist in encouraging
13 reciprocal civil defense legislation by the States which will
14 permit the furnishing of mutual aid for civil defense pur-
15 poses in the event of a major disaster, catastrophic disas-
16 ter, or emergency that cannot be adequately met or con-
17 trolled by a State or political subdivision thereof.

18 “(h) SUBMISSION OF COMPACTS.—A copy of each
19 civil defense compact entered into under subsection (g)
20 shall be transmitted promptly to the Senate and the House
21 of Representatives. The consent of the Congress shall be
22 granted to each such compact, upon the expiration of the
23 first period of sixty calendar days of continuous session
24 of the Congress following the date on which the compact
25 is transmitted to it; but only if, between the date of trans-

1 mittal and expiration of such sixty-day period, there has
2 not been passed a concurrent resolution stating in sub-
3 stance that the Congress does not approve the compact.
4 Nothing in this subsection shall be construed as prevent-
5 ing Congress from withdrawing at any time its consent
6 to any such compact.

7 “(i) FINANCIAL AID TO STATES.—The Director may
8 make financial contributions, on the basis of programs or
9 projects approved by the Director, to the States for civil
10 defense purposes, including the procurement, construc-
11 tion, leasing, or renovating of materials and facilities.
12 Such contributions shall be made on such terms or condi-
13 tions as the Director shall prescribe, including the method
14 of purchase, the quantity, quality, or specifications of the
15 materials or facilities, and such other factors or care or
16 treatment to assure the uniformity, availability, and good
17 condition of such materials or facilities. All laborers and
18 mechanics employed by contractors or subcontractors in
19 the performance of construction work financed with the
20 assistance of any contribution of Federal funds made by
21 the Director under the provisions of this section shall be
22 paid wages at rates not less than those prevailing on simi-
23 lar construction in the locality as determined by the Sec-
24 retary of Labor in accordance with the Davis-Bacon Act
25 (40 U.S.C. 276a–276a–5), and every such employee shall

1 receive compensation at a rate not less than one and one-
2 half times the basic rate of pay of the employee for all
3 hours worked in any work week in excess of eight hours
4 in any workday or forty hours in the work week, as the
5 case may be. The Director shall make no contribution of
6 Federal funds without first obtaining adequate assurance
7 that these labor standards will be maintained upon the
8 construction work.

9 “(j) SURPLUS PROPERTY.—The Director may ar-
10 range for the sale or disposal of materials and facilities
11 found by the Director to be unnecessary or unsuitable for
12 civil defense purposes in the same manner as provided for
13 excess property in the Federal Property and Administra-
14 tive Services Act of 1949 (40 U.S.C. 471 et seq.), and
15 any funds received as proceeds from the sale or other dis-
16 position of such materials and facilities shall be covered
17 into the Treasury as miscellaneous receipts.

18 **“SEC. 103. MUTUAL AID PACTS BETWEEN STATES AND**
19 **NEIGHBORING COUNTRIES.**

20 “The Director shall give all practicable assistance to
21 States in arranging, through the Department of State,
22 mutual civil defense aid between the States and neighbor-
23 ing countries.

1 **“SEC. 104. CIVIL DEFENSE IDENTITY INSIGNIA.**

2 “The Director may prescribe insignia, arm bands,
3 and other distinctive articles (including designs previously
4 covered under Letters Patent which were assigned to the
5 United States and held by the Office of Civilian Defense
6 created by Executive Order Numbered 8757 issued May
7 20, 1941) which may be manufactured for or possessed
8 or worn by persons engaged in civil defense activities pur-
9 suant to rules for the manufacture, possession, or wearing
10 thereof established by the Director. The manufacture, pos-
11 session, or wearing of any such insignia, arm band, or
12 other distinctive article otherwise than in accordance with
13 such rules shall be unlawful and shall subject such person
14 to a fine of not more than \$1,000 or imprisonment of not
15 more than one year, or both.

16 **“SEC. 105. CONTRIBUTIONS FOR PERSONNEL AND ADMINIS-**
17 **TRATIVE EXPENSES.**

18 “(a) CONTRIBUTIONS AUTHORIZED.—To further as-
19 sist in carrying out the purpose of this Act, the Director
20 may make financial contributions to the States (including
21 interstate civil defense authorities established pursuant to
22 section 201(g)) for necessary and essential State and local
23 civil defense personnel and administrative expenses, on the
24 basis of approved plans (which shall be consistent with the
25 national plan for civil defense approved by the Director)
26 for the civil defense of the States. The financial contribu-

1 tions to the States for the purposes of this section shall
2 not exceed one-half of the total cost of such necessary and
3 essential State and local civil defense personnel and ad-
4 ministrative expenses.

5 “(b) CONTENTS OF PLAN.—A plan submitted under
6 this section shall—

7 “(1) provide, pursuant to State law, that the
8 plan shall be in effect in all political subdivisions of
9 the State and be mandatory on them, and be admin-
10 istered or supervised by a single State agency;

11 “(2) provide that the State shall share the fi-
12 nancial assistance with that provided by the Federal
13 Government under this section from any source de-
14 termined by it to be consistent with State law;

15 “(3) provide for the development of State and
16 local civil defense operational plans, pursuant to
17 standards approved by the Director;

18 “(4) provide for the employment of a full-time
19 civil defense director, or deputy director, by the
20 State, and for such other methods of administration;

21 “(5) provide that the State shall make such re-
22 ports in such form and content as the Director may
23 require; and

24 “(6) make available to duly authorized rep-
25 resentatives of the Director and the Comptroller

1 General, books, records, and papers necessary to
2 conduct audits for the purposes of this section.

3 “(c) OTHER TERMS AND CONDITIONS.—The Direc-
4 tor shall establish such other terms and conditions to
5 carry out this section as the Director may consider to be
6 necessary and proper.

7 “(d) APPLICABILITY OF OTHER LAW.—In carrying
8 out the provisions of this section, the provisions of section
9 102(g) shall apply.

10 “(e) ALLOCATION TO STATES.—For each fiscal year
11 concerned, the Director shall allocate to each State, in ac-
12 cordance with regulations and the total sum appropriated
13 hereunder, amounts to be made available to the States for
14 the purposes of this section. Regulations governing alloca-
15 tions to the States shall give due regard to (1) the critical-
16 ity of the target and support areas and the areas which
17 may be affected by major disasters, catastrophic disasters,
18 and emergencies with respect to the development of the
19 total civil defense readiness of the United States, (2) the
20 relative state of development of civil defense readiness of
21 the State, (3) population, and (4) such other factors as
22 the Director shall prescribe. The Director may reallocate
23 the excess of any allocation not utilized by a State in an
24 approvable plan submitted under this section. Amounts
25 paid to any State or political subdivision under this section

1 shall be expended solely for the purposes set forth in the
2 section.

3 “(f) EFFECT OF FAILURE TO SUBMIT PLAN.—In the
4 event a State fails to submit an approval plan as required
5 by this section within sixty days after the Director notifies
6 the States of the allocations hereunder, the Director may
7 reallocate such funds, or portions thereof, among the other
8 States in such amounts as, in the judgment of the Direc-
9 tor, will best assure the adequate development of the civil
10 defense capability of the United States.

11 “(g) ANNUAL REPORT.—The Director shall report
12 annually to the Congress all contributions made pursuant
13 to this section.

14 **“SEC. 106. STATE MATCHING FUNDS FOR CONSTRUCTION**
15 **OF EMERGENCY OPERATING CENTERS.**

16 “Notwithstanding any other provision of this Act,
17 funds appropriated to carry out this Act may not be used
18 for the purpose of constructing emergency operating cen-
19 ters (or similar facilities) in any State unless such State
20 matches in an equal amount the amount made available
21 to such State under this Act for such purpose.

1 **“SEC. 107. USE OF FUNDS TO PREPARE FOR AND RESPOND**
2 **TO MAJOR DISASTERS, CATASTROPHES, AND**
3 **EMERGENCIES.**

4 “Funds made available to the States under this Act
5 may be used by the States for the purposes of preparing
6 for, and providing emergency assistance in response to a
7 major disaster, catastrophic disaster, or emergency. Regu-
8 lations prescribed to carry out this section shall authorize
9 the use of civil defense personnel, materials, and facilities
10 supported in whole or in part through contributions under
11 this Act for civil defense activities and measures related
12 to major disasters, catastrophic disasters, or emergencies.

13 **“TITLE II—MISCELLANEOUS**
14 **PROVISIONS**

15 **“SEC. 201. LOANS TO FINANCE PROJECTS FOR CIVIL DE-**
16 **FENSE PURPOSES.**

17 “To aid in carrying out the purpose of this Act, the
18 Director is authorized to certify to the Secretary of Trans-
19 portation as to the necessity of purchasing securities or
20 making a loan or loans (including participations therein
21 and guarantees thereof) for the purpose of aiding in fi-
22 nancing projects for civil defense purposes. Upon such cer-
23 tification by the Director, the Secretary is authorized to
24 purchase such securities or to make such loan or loans
25 (including participations therein and guarantees thereof)
26 with maturities not to exceed fifty years and on such terms

1 and conditions as the Secretary may determine, except
2 that any such purchases of securities or loans may be
3 made only to the extent that financing is not otherwise
4 available on reasonable terms. The total amount of loans,
5 purchases, participations, and guarantees, made pursuant
6 to this section shall not exceed \$250,000,000 outstanding
7 at any one time.

8 **“SEC. 202. CIVIL DEFENSE PROCUREMENT FUND.**

9 “There is established a working capital of \$5,000,000
10 for the ‘Civil Defense Procurement Fund’, which is estab-
11 lished for the purpose of financing the procurement by the
12 Director of materials or organizational equipment for
13 which financial contributions to the States are otherwise
14 authorized to be made on a matching basis by subsection
15 102(i). The Fund shall be charged with the purchase price
16 of the materials or organizational equipment, and shall be
17 paid therefor in advance, or be reimbursed, in equal
18 amounts from (1) applicable appropriations, and (2) funds
19 provided by the States. Such materials or organizational
20 equipment may be delivered to any State, and the Federal
21 share of the purchase price of materials or organizational
22 equipment so delivered shall be in lieu of equivalent finan-
23 cial contributions therefor.

1 **“SEC. 203. RELATION OF ACT TO ATOMIC ENERGY ACT OF**
2 **1946.**

3 “Nothing in this Act shall be construed to amend or
4 modify the provisions of the Atomic Energy Act of 1946
5 (42 U.S.C. 2011 et seq.).

6 **“SEC. 204. RULE OF CONSTRUCTION REGARDING INVES-**
7 **TIGATION OF ESPIONAGE, SABOTAGE, OR**
8 **SUBVERSIVE ACTS.**

9 “Nothing in this Act shall be construed to authorize
10 investigations of espionage, sabotage, or subversive acts
11 by any persons other than personnel of the Federal Bu-
12 reau of Investigation.

13 **“SEC. 205. SEPARABILITY.**

14 “If any provision of this Act or the application of
15 such provision to any person or circumstances shall be
16 held to be invalid, the remainder of the Act, and the appli-
17 cation of such provisions to persons or circumstances other
18 than those as to which it is held invalid, shall not be af-
19 fected thereby.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) CROSS REFERENCE.—Section 202(c) of The
22 Robert T. Stafford Disaster Relief and Emergency
23 Assistance Act (42 U.S.C. 5132(c)) is amended by
24 striking “section 201(c) of the Federal Civil Defense
25 Act of 1950, as amended (50 U.S.C. App.

1 2281(c)),” and inserting “section 102(c) of the Fed-
2 eral Civil Defense Act of 1950”.

3 (2) REPEAL.—The undesignated paragraph
4 under the heading “CIVIL DEFENSE PROCUREMENT
5 FUND” in chapter XI of the Third Supplemental Ap-
6 propriation Act, 1951 (50 U.S.C. App. 2264; 65
7 Stat. 61) is repealed.

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