Public Law 89-769

November 6, 1966
[S.1861]

AN ACT

To provide additional assistance for areas suffering a major disaster.

Disaster Relief Act of 1966.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act of 1966".

DEFINITION

SEC. 2. As used in this Act, the term "major disaster" means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g).

64 Stat. 1109.

FEDERAL LOAN ADJUSTMENTS

SEC. 3. (a) Where such action is found to be necessary because of loss, destruction, or damage of the property, or impairment of the economic feasibility of the system, of borrowers under programs administered by the Rural Electrification Administration, resulting from a major disaster, the Secretary of Agriculture is authorized to adjust and to readjust the schedules for payment of principal and interest on loans to such borrowers, and to extend the maturity dates of such loans to a period not beyond forty years from the dates of such loans. The authority herein conferred is in addition to the loan extension authority provided in section 12 of the Rural Electrification Act.

49 Stat. 1366.
7 USC 912.

(b) The Secretary of Housing and Urban Development is authorized to refinance any note or other obligation which is held by him in connection with any loan made by the Department of Housing and Urban Development or its predecessor in interest, or which is included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, where he finds such refinancing necessary because of the loss, destruction, or damage to property or facilities securing such obligations as a result of a major disaster. The interest rate on any note or other obligation refinanced under this subsection may be reduced to a rate not less than (i) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such note or other obligation, adjusted to the nearest one-eighth of 1 per centum, less (ii) not to exceed 2 per centum per annum, and the term thereof may be extended for such period as will provide a maturity of not to exceed forty years. The Secretary may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

68 Stat. 295.
12 USC 1701g-5.

(c) Section 1820 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

72 Stat. 1213;
78 Stat. 800.

"(f) The Administrator is authorized to refinance any loan made or acquired by the Veterans' Administration when he finds such refinancing necessary because of the loss, destruction, or damage to property securing such loan as the result of a major disaster as determined by the President pursuant to the Act entitled "An Act to

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authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g). The interest rate on any loan refinanced under this subsection may be reduced to a rate not less than (i) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such loan, adjusted to the nearest one-eighth of 1 per centum, less (ii) not to exceed 2 per centum per annum, and the term thereof may be extended for such period as will provide a maturity of not to exceed forty years; except that the Administrator may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship."

64 Stat. 1109.

FEDERAL HOUSING ADMINISTRATION—INSURED DISASTER LOANS

SEC. 4. (a) Section 221 of the National Housing Act is amended by striking out "family displaced from an urban renewal area or as a result of governmental action", "families displaced from urban renewal areas or as a result of governmental action", and "families displaced by urban renewal or other governmental action" each place they appear in subsections (a), (d)(2), (d)(3)(iii), (d)(6), and (f), and inserting in lieu thereof, as appropriate, "displaced family" or "displaced families".

68 Stat. 599.
12 USC 1715*l*.

(b) Section 221(f) of such Act is further amended by adding the following sentence at the end thereof: "As used in this section the terms 'displaced family' and 'displaced families' shall mean a family or families displaced from an urban renewal area, or as a result of governmental action, or as a result of a major disaster as determined by the President pursuant to the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855–1855g)."

DISASTER WARNINGS

SEC. 5. The Secretary of Defense is authorized to utilize or to make available to other agencies the facilities of the civil defense communications system established and maintained pursuant to section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c)), for the purpose of providing needed warning to governmental authorities and the civilian population in areas endangered by imminent natural disasters.

64 Stat. 1248.

ASSISTANCE TO UNINCORPORATED COMMUNITIES

SEC. 6. (a) The Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855), is amended by inserting before the semicolon at the end of section 2(e) a comma and the following: "and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or local government or governmental agency".

75 Stat. 308; 79 Stat. 931.

(b) Section 306 of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), is amended by adding at the end thereof the following new subsection:

"(c) In areas which have suffered major disasters the Secretary is authorized, without regard to the annual grant limitation in subsection (a)(2), to make or insure loans to associations, including corporations not operated for profit and public and quasi-public agencies, for the acquisition, construction, improvement, replacement, or extension of waste disposal systems and other public facilities damaged or destroyed as a result of a major disaster providing for community services in rural areas, when the Secretary determines that such action is necessary for the rebuilding of a community or a portion thereof damaged by a disaster, and to make grants not to exceed 50 per centum of the cost of repair, reconstruction, or replacement of waste disposal systems, water systems, and other public facilities damaged or destroyed as a result of a major disaster providing for community services in these areas in any case in which repayment of a loan for such purposes from income would require a charge for such service which the Secretary determines to be beyond the ability of a majority of the users who might be served thereby to pay such charges and if such charge would exceed cost of such services in comparable communities in the State."

HIGHER EDUCATION FACILITIES ASSISTANCE IN DISASTER AREAS

77 Stat. 363.

SEC. 7. (a) The Higher Education Facilities Act of 1963 (20 U.S.C. 701-757) is amended by inserting immediately after the last section of such Act the following new section:

"HIGHER EDUCATION FACILITIES CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

"SEC. 408. (a) If the Director of the Office of Emergency Planning determines that a public institution of higher education is located in whole or in part within an area which, before July 1, 1967, has suffered a disaster which is a 'major disaster' as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), and if the Commissioner determines with respect to such public institution of higher education that—

64 Stat. 1109.

"(1) the academic facilities of the institution have been destroyed or seriously damaged as a result of the disaster;

"(2) the institution is exercising due diligence in availing itself of State and other financial assistance available for the restoration or replacement of the facilities; and

"(3) the institution does not have sufficient funds available to it from other sources, including the proceeds of insurance on the facilities, to provide for the restoration or replacement of the academic facilities so destroyed or seriously damaged,

the Commissioner may provide the additional assistance necessary to enable the institution to carry out construction necessary to restore or replace the facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which he determines to be available to the institution from other sources, including the proceeds of insurance on the facilities, may not exceed the cost of construction incident to the restoration or

replacement of the academic facilities destroyed or seriously damaged as a result of the disaster.

"(b) In addition to and apart from the assistance provided to a public institution of higher education under subsection (a), the Commissioner may provide funds to such institution in an amount which he considers necessary to replace equipment, maintenance supplies, and instructional supplies (including books, and curricular and program materials) destroyed or seriously damaged as a result of the disaster, or to lease or otherwise provide (other than by acquisition of land or construction of academic facilities) such facilities needed to replace temporarily those academic facilities which have been made unavailable as a result of the disaster, or both.

"(c) In any case deemed appropriate by the Commissioner, disaster assistance provided under subsection (a) or (b) may be in the form of a repayable advance subject to such terms and conditions as he considers to be in the public interest.

"(d) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section.

"(e) No payment may be made to a public institution of higher education for academic facilities under subsection (a) or for assistance under subsection (b) unless an application therefor is submitted through the appropriate State commission and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the institutions which have submitted approvable applications. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State commission, that the project or projects with respect to which it is made are not inconsistent with overall State plans, submitted under section 105(a), for the construction of academic facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State commission.

77 Stat. 367.
20 USC 715.

"(f) Amounts paid by the Commissioner to a public institution of higher education under subsection (a) or (b) may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to an institution which are not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

"(g) For the purposes of this section an institution of higher education is deemed to be a 'public institution of higher education' if the institution is under public supervision and control."

(b) Section 7 of the Small Business Act, as amended (15 U.S.C. 636), is amended by adding thereto the following new subsection:

72 Stat. 387;
Ante, p. 133.

"(e) In the administration of the disaster loan program under subsection (b)(1) of this section, in the case of property loss or damage as a result of a disaster which is a 'major disaster' as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), the Small Business Administration, to the extent such loss or damage is not compensated for by insurance or otherwise, may lend to a privately owned college or university without regard to whether the required financial assistance is otherwise available from private sources, and may waive interest payments and defer principal payments on such a loan for the first three years of the term of the loan."

64 Stat. 1109.

PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE

69 Stat. 642.
42 USC 1491-1497.

50 Stat. 888.
42 USC 1430.

69 Stat. 641.
40 USC 462.

79 Stat. 490.
42 USC 3102.

Ante, p. 1318.

SEC. 8. In the processing of applications for assistance—

(1) under title II of the Housing Amendments of 1955, or any other Act providing assistance for the repair, construction, or extension of public facilities;

(2) under the United States Housing Act of 1937 for the provision of low-rent housing;

(3) under section 702 of the Housing Act of 1954 for assistance in public works planning;

(4) under section 702 of the Housing and Urban Development Act of 1965 providing for grants for public facilities; or

(5) under section 306 of the Consolidated Farmers Home Administration Act

priority and immediate consideration shall be given, during such period as the President shall by proclamation prescribe, to applications from public bodies situated in major disaster areas.

RESTORATION OF PUBLIC FACILITIES

SEC. 9. There is hereby authorized to be appropriated such sums as may be necessary to reimburse not more than 50 per centum of eligible costs incurred to repair, restore, or reconstruct any project of a State, county, municipal, or other local government agency for flood control, navigation, irrigation, reclamation, public power, sewage treatment, water treatment, watershed development, or airport construction which was damaged or destroyed as a result of a major disaster, and of the resulting additional eligible costs incurred to complete any such facility which was in the process of construction when damaged or destroyed as a result of such major disaster. Eligible costs are defined to mean those costs determined by the Director of the Office of Emergency Planning as incurred or to be incurred in (1) restoring a public facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and (2) completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed conditions resulting from the major disaster. Reimbursement under this section shall be made to the State, county, municipal, or other local governmental agency which is constructing the public facility or for which it is being constructed, except that if the economic burden of the eligible costs of repair, restoration, reconstruction or completion is incurred by an individual, partnership, corporation, agency, or other entity (other than an organization engaged in the business of insurance), the State, county, municipality, or other local governmental agency shall reimburse such individual, partnership, corporation, agency, or other entity not to exceed 50 per centum of those costs. Eligible costs shall not include any costs for which reimbursement is received pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs.

DUPLICATION OF BENEFITS

SEC. 10. The head of each department or agency of the Federal government administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster shall administer such program in a manner which will assure that no such person, 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 such program.

EXTENSIONS OF TIME IN PUBLIC LAND MATTERS

SEC. 11. The Secretary of the Interior, upon application therefor, is authorized to grant an extension of time to the holder of any lease, license, permit, contract or entry issued by him in connection with any lands administered by him through the Bureau of Land Management where the Secretary finds that a major disaster has impeded timely fulfillment of requirements and such relief will not prejudice the rights of another party.

COORDINATION OF EFFORT

SEC. 12. The President, acting through the Office of Emergency Planning, shall plan and coordinate all Federal programs providing assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, and shall conduct periodic reviews (at least annually) of the activities of State and Federal departments or agencies to assure maximum coordination of such programs, and to evaluate progress being made in the development of State and local organizations and plans to cope with major disasters. Nothing in this section shall be deemed to relieve the head of any department or agency of any function, duty, or responsibility vested in him by any provision of law.

DISASTER ASSISTANCE STUDY

SEC. 13. The Director of the Office of Emergency Planning is authorized and directed to make, in cooperation with the Secretary of Agriculture, the Secretary of the Interior, and other affected Federal and State agencies, a full and complete study and investigation for the purpose of determining what additional or improved air operation facilities are needed to provide immediate effective action to prevent or minimize loss of publicly or privately owned property and personal injury or death which could result from forest fires or grass fires which are or threaten to become major disasters. The study and investigation shall include but not be limited to—

(1) the need for new or improved airports, heliports, or helispots at specific locations where present transportation facilities are inadequate to provide for immediate and effective action in case of forest fires or grass fires;

(2) the need for additional or improved material, equipment (including aircraft) and personnel at specific locations to provide for immediate and effective action in case of forest fires or grass fires; and

(3) the estimated cost of providing such new or improved air operation facilities (including additional or improved material, equipment, and personnel) at each specific location.

Report to Congress.

Not later than six months after the enactment of this Act the Director of the Office of Emergency Planning shall report the findings of the study and investigation to the Congress together with his recommendations for an action program, including an equitable plan for the sharing of the cost of the program by the Federal, State and local governments and private persons and organizations.

EFFECTIVE DATE

SEC. 14. This Act and the amendments made by this Act shall apply with respect to any major disaster occurring after October 3, 1964.

Approved November 6, 1966.