

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3295

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

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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

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## 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           cludes 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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