

may waive the recovery of any money erroneously paid under this Act [said sections] whenever he finds that such recovery would be against equity and good conscience. (Sept. 8, 1950, ch. 922, § 11, 64 Stat. 797.)

§ 2212. Accounts of disbursing officers making erroneous payments.

The General Accounting Office shall not refuse to allow credit in the accounts of any disbursing officer for any erroneous payment or overpayment made by him in carrying out the provisions of this Act [sections 2201—2216 of this Appendix] unless such erroneous payment or overpayment was made by him as the result of his gross negligence or with the intent to defraud the United States, and no recovery shall be made from any officer authorizing any erroneous payment or overpayment under this Act unless such payment was authorized by him as the result of his gross negligence or with the intent to defraud the United States. (Sept. 8, 1950, ch. 922, § 12, 64 Stat. 797.)

§ 2213. Erroneous payments under Servicemen's Dependents Act of 1942.

Notwithstanding the provisions of section 515 (c) of the Career Compensation Act of 1949 [section 315 (c) of Title 37], the Comptroller General, upon the recommendations of the heads of the departments concerned, or such subordinates as they may designate, and a showing that collection would be against equity and good conscience, may waive indebtednesses growing out of erroneous payments of allowances under the authority of the Servicemen's Dependents Allowance Act of 1942, as amended [former section 201 et seq. of Title 37], and authorize payments based thereon, on applications filed by enlisted and former enlisted members of the Army, Navy, Marine Corps, Air Force, and Coast Guard, or their dependents, and not finally acted upon prior to October 1, 1949: *Provided*, That in cases where no deductions have been made from the pay of enlisted or former enlisted members the allowances paid hereunder may be limited to the amount of the Government's contribution to such allowances: *And provided further*, That appropriations available for current pay of enlisted members of the services concerned shall be available for payments authorized to be made hereunder. (Sept. 8, 1950, ch. 922, § 13, 64 Stat. 797.)

§ 2214. Discharge for hardship.

The Secretary of the Department concerned shall take cognizance of the provisions of this Act [sections 2201—2216 of this Appendix] and shall establish policies, under which enlisted members with dependents may be discharged for hardship. (Sept. 8, 1950, ch. 922, § 14, 64 Stat. 797.)

§ 2215. Effective date of Act.

This Act [sections 2201—2216 of this Appendix] shall be effective from August 1, 1950, except that the allotment requirements of this Act [said sections] shall not be a condition precedent to the entitlement to a basic allowance for quarters prior

to the second month following the month in which this Act [said sections] is enacted. (Sept. 8, 1950, ch. 922, § 15, 64 Stat. 797.)

§ 2216. Termination of Act.

This Act [sections 2201—2216 of this Appendix], except sections 10, 11, and 12 hereof [sections 2210, 2211, and 2212 of this Appendix], shall terminate on April 30, 1953. (Sept. 8, 1950, ch. 922, § 16, 64 Stat. 797.)

CIVIL DEFENSE [New]

ACT JAN. 12, 1951, CH. 1228, 64 STAT. 1245

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TITLE I—GENERAL PROVISIONS

§ 2251. Congressional declaration of policy.

It is the policy and intent of Congress to provide a plan of civil defense for the protection of life and property in the United States from attack. It is further declared to be the policy and intent of Congress that this responsibility for civil defense shall be vested primarily in the several States and their political subdivisions. The Federal Government shall provide necessary coordination and guidance; shall be responsible for the operations of the Federal Civil Defense Administration as set forth in this Act [sections 2251–2297 of this Appendix]; and shall provide necessary assistance as hereinafter authorized. (Jan. 12, 1951, ch. 1228, § 2, 64 Stat. 1246.)

SHORT TITLE

Congress in enacting sections 2251–2297 provided by section 1 of act Jan. 12, 1951, cited to text, that said sections should be popularly known as the "Federal Civil Defense Act of 1950".

SEPARABILITY PROVISIONS

Section 412 of act June 12, 1951, cited to text, provided that: "If any provision of this Act [sections 2251–2297 of this Appendix] or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act [said sections], and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

§ 2252. Definitions.

As used in this Act [sections 2251–2297 of this Appendix]—

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

(b) The term "civil defense" means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States, (2) to deal with the immediate emergency conditions which would be created by any such attack, and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. Such term shall include, but shall not be limited to, (A) measures to be taken in preparation for anticipated attack (including the establishment of appropriate organizations, operational plans, and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction or preparation of shelters, shelter

areas, and control centers; and, when appropriate, the non-military evacuation of civil population); (B) measures to be taken during attack (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communications); and (C) measures to be taken following attack (including activities for fire fighting; rescue, emergency medical, health and sanitation services; monitoring for specific hazards of special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities);

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

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

(e) The word "facilities", except as otherwise provided in this Act [sections 2251–2297 of this Appendix], shall include buildings, shelters, utilities, and land;

(f) The term "United States" or "States" shall include the several States, the District of Columbia, the Territories, and the possessions of the United States; and

(g) The term "neighboring countries" shall include Canada and Mexico. (Jan. 12, 1951, ch. 1228, § 3, 64 Stat. 1246.)

§ 2253. Administrative authority.

For the purpose of carrying out his powers and duties under this Act [sections 2251–2297 of this Appendix], the Administrator is authorized to—

(a) employ civilian personnel for duty in the United States, including the District of Columbia, or elsewhere, subject to the civil-service laws, and to fix the compensation of such personnel in accordance with the Classification Act of 1949, as amended [sections 1071–1153 of Title 5]; and subject to the standards and procedures of that Act [said sections], to place not more than twenty-two positions in grades 16, 17, and 18 of the General Schedule established by that Act [said sections], and any such positions shall be additional to the number authorized by section 505 of that Act [section 1105 of Title 5]; and, notwithstanding the provisions of any other law, except those imposing restrictions upon dual compensation, employ, in a civilian capacity, with the approval of the President, not to exceed twenty-five retired personnel of the armed services on a

full- or part-time basis without loss or reduction of or prejudice to their retired status;

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

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

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

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

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

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

§ 2254. Exemption from certain employment restrictions.

The authority granted in subsections 401 (b) and (c) [section 2253 (b) (c) of this Appendix] shall be exercised in accordance with regulations of the President who may also provide by regulation for the exemption of persons employed or whose services

are utilized under the authority of said subsections from the operation of sections 281, 283, 284, 434, and 1914 of Title 18 and section 190 of the Revised Statutes [section 99 of Title 5]. (Jan. 12, 1951, ch. 1228, title IV, § 402, 64 Stat. 1255.)

§ 2255. Security regulations; oath.

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

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

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

and that I will well and faithfully discharge the duties upon which I am about to enter.

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

Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621 of Title 18. (Jan. 12, 1951, ch. 1228, title IV, § 403, 64 Stat. 1255.)

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

The functions, property, and personnel of the Federal Civil Defense Administration established by Executive Order Numbered 10186, issued December 1, 1950 [set out as a note under section 2271 of this Appendix], are transferred to the Administration established by this Act [sections 2251—2297 of this Appendix], and the President may transfer to the Administration such functions, property, and personnel of the National Security Resources Board concerned with civil defense activities as he deems necessary to carry out the purposes of this Act [said sections]. (Jan. 12, 1951, ch. 1228, title IV, § 404, 64 Stat. 1256.)

§ 2257. Utilization of existing facilities.

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

§ 2258. Reports to Congress.

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

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

The provisions of this Act [sections 2251—2297 of this Appendix] shall be applicable to the United

States, its States, Territories and possessions, and the District of Columbia, and their political subdivisions. (Jan. 12, 1951, ch. 1228, title IV, § 407, 64 Stat. 1256.)

§ 2260. Appropriations and transfers of funds.

There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act [sections 2251—2297 of this Appendix]. Funds made available for the purposes of this Act [said sections] may be allocated or transferred for any of the purposes of this Act [said sections], with the approval of the Bureau of the Budget, to any agency or Government corporation designated to assist in carrying out this Act [said sections]: *Provided*, That each such allocation or transfer shall be reported in full detail to the Congress within thirty days after such allocation or transfer. (Jan. 12, 1951, ch. 1228, title IV, § 408, 64 Stat. 1257.)

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

To aid in carrying out the purposes of this Act [sections 2251—2297 of this Appendix], the Administrator is authorized to certify to the Reconstruction Finance Corporation as to the necessity under its Civil Defense Program of purchasing securities or making a loan or loans (including participations therein and guarantees thereof) for the purpose of aiding in financing projects for civil defense purposes, and the Reconstruction Finance Corporation upon such certification by the Administrator is authorized to purchase such securities or to make such loan or loans (including participations therein and guarantees thereof) with maturities not to exceed fifty years and on such terms and conditions as the Corporation may determine except that any such purchases of securities or loans may be made only to the extent that financing is not otherwise available on reasonable terms. The total amount of loans, purchases, participations, and guarantees, made pursuant to this section shall not exceed \$250,000,000 outstanding at any one time. The total amount of investments, loans, purchases, and commitments authorized by law to be made by the Reconstruction Finance Corporation is increased by such sum. (Jan. 12, 1951, ch. 1228, title IV, § 409, 64 Stat. 1257.)

§ 2262. Atomic Energy Act of 1946 unaffected.

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

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

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

TITLE II—ORGANIZATION OF ADMINISTRATION

§ 2271. Federal Civil Defense Administration—(a) Establishment; appointment and compensation of Administrator.

There is established in the executive branch of the Government a Federal Civil Defense Administration (hereinafter referred to as the "Administration") at the head of which shall be a Federal Civil Defense Administrator appointed from civilian life by the President, by and with the advice and consent of the Senate. The Federal Civil Defense Administrator (hereinafter referred to as the "Administrator") shall receive compensation at the rate of \$17,500 per year.

(b) Deputy Administrator; appointment, compensation, and duties.

There shall be in the Administration a Deputy Administrator who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$16,000 per year. The Deputy Administrator shall perform such functions as the Administrator shall prescribe and shall act for, and exercise the powers and perform the duties of, the Administrator during his absence or disability.

(c) Administrator subject to Presidential control.

The Administrator shall perform his functions subject to the direction and control of the President. (Jan. 12, 1951, ch. 1228, title I, § 101, 64 Stat. 1247.)

EX. ORD. NO. 10186. ESTABLISHMENT OF THE FEDERAL CIVIL DEFENSE ADMINISTRATION

Ex. Ord. No. 10186, Dec. 5, 1950, 15 F. R. 8557, provided:

By virtue of the authority vested in me by the Constitution and the statutes, and in furtherance of the civil defense of the United States, it is ordered as follows:

1. There is hereby established the Federal Civil Defense Administration (hereinafter referred to as the Administration) in the Office for Emergency Management of the Executive Office of the President. At the head of the Administration shall be an Administrator who shall be appointed by the President with compensation at the rate of \$17,500 a year, and who may appoint a Deputy Administrator with compensation at the rate of \$16,000 a year. The foregoing appointments shall be made without regard to the civil-service laws and the Classification Act of 1949 [sections 1071—1153 of Title 5].

2. The basic purpose of the Administration shall be to promote and facilitate the civil defense of the United States in cooperation with the several States. Subject to the direction and control of the President and within such amounts of funds as may be made available, and in accordance with law, the Administrator shall perform the following functions:

(a) Prepare comprehensive Federal plans and programs for the civil defense of the United States and coordinate them with the civil-defense activities of the States, of neighboring countries, and, with the consent of any such country, of any state, province, or similar political subdivision thereof.

(b) Conduct or arrange for the conduct of research to develop civil-defense measures and equipment and to effect the standardization thereof.

(c) Disseminate civil-defense information and exchange such information with foreign countries.

(d) Conduct or arrange for training programs for the instruction of State and local civil-defense leaders and specialists in the organization, operation, and techniques of civil defense.

(e) Assist and encourage any two States or groups of States or any one or more States and any neighboring state, province, or similar political subdivision of a foreign country, with the consent of such foreign country, in negotiating and entering into agreements or compacts for mutual aid across State lines, or into or out of the United States, to meet emergencies or disasters from enemy attacks which cannot be adequately met or controlled by the local forces: *Provided*, That all such agreements or compacts shall be subject to the consent of the Congress.

(f) Make appropriate provision for necessary civil-defense communications.

3. All departments and agencies of the Federal Government are authorized and directed to cooperate with the Administrator and, to the extent permitted by law, to furnish the Administrator such information and assistance as he may require in the performance of his functions under this order. The Administrator shall, to the extent practicable, utilize existing facilities and services of the departments and other agencies. The Administrator shall review the civil-defense activities of the departments and agencies and promote the coordination of these activities with one another and with the comprehensive Federal plans and programs prepared by the Administrator pursuant to this order. Insofar as the functions assigned hereunder relate to negotiations or the exchange of information with foreign countries or their political subdivisions, such functions shall be performed in cooperation with and subject to the approval of the Secretary of State.

4. To the extent necessary to carry out the provisions of this order, the Administrator is authorized (1) to employ civilian personnel for duty in the United States, including the District of Columbia, or elsewhere, subject to the civil-service laws, (2) to fix the compensation of such personnel in accordance with the Classification Act of 1949 [sections 1071—1153 of Title 5], and (3) to make provision for supplies, facilities, and services: *Provided*, That the rates of compensation for not more than twenty-two positions (1) may be fixed without regard to the Classification Act of 1949 [sections 1071—1153 of Title 5], (2) shall be not less than \$11,200 or more than \$14,000 per annum, and (3) shall be fixed subject to the approval of the Civil Service Commission in those cases in which they are \$13,000 or less per annum and subject to the approval of the President in those cases in which they are more than \$13,000 per annum.

5. The Administrator is authorized to employ experts and consultants or organizations thereof, in accordance with and subject to the provisions of section 15 of the act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of \$50 per diem. While away from their homes or regular places of business, on the business of the Administration, persons so employed may be paid actual transportation expenses and an allowance not to exceed \$15 per diem in lieu of subsistence and other expenses.

6. Those activities with respect to civil defense heretofore performed by employees of the National Security Resources Board which are within the scope of this order shall hereafter be performed by the Administration; and the employees now primarily engaged in performing the said activities shall be transferred from the National Security Resources Board to the Administration. The records of the National Security Resources Board relating to the said activities shall be made available to the Administrator pursuant to the provisions of Executive Order No. 9784 of September 25, 1946.

7. As used in this order, the terms "State" and "States" include the Territories and possessions of the United States and the District of Columbia.

8. Pending the appropriation of funds for the use of the Administration, its expenditures, including the compensation of personnel, shall be financed out of an allotment or allotments to be made by the President from the appropriation under the heading "Executive Office of the President—Emergencies (National Defense)" appearing in the Supplemental Appropriation Act, 1951 (Public Law 843, 81st Congress, approved September 27, 1950).

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

(a) There is created a Civil Defense Advisory Council, hereinafter referred to as the Council, which shall advise and consult with the Administrator with respect to general or basic policy matters relating to civil defense. The Council shall consist of the Administrator, who shall be chairman, and twelve additional members to be appointed by the President, of whom three members shall be representative of the State governments, three members shall be representative of the political subdivisions of the States and the remaining members shall be selected among the citizens of the United States of broad and varied experience in matters affecting the public interest, other than officers and employees of the United States (including any department or agency of the United States) who, as such, regularly receive compensation for current services. The following organizations shall be invited to establish panels of names for the members representative of the States and the political subdivisions thereof:

The Council of State Governments.

The Governor's Conference.

The American Municipal Association.

The United States Conference of Mayors.

The representatives of the States and the political subdivisions thereof appointed by the President shall be selected from the panels established by the above-mentioned organizations. Not more than a majority of two of the members shall be appointed to the Council from the same political party. Each member shall hold office for a term of three years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after January 12, 1951, shall expire, as designated by the President at the time of appointment, four at the end of one year, four at the end of two years and four at the end of three years, after January 12, 1951. The Council shall meet at least once in each calendar year and at such other times as the Administrator shall determine that its advice and counsel will be of assistance to the program.

(b) The Administrator may appoint such other advisory committees as are deemed necessary.

(c) The members of the Council and the members of any other advisory committees, other than the Administrator, may be compensated at rates not in excess of those prescribed in section 401 (b) of this Act [section 2253 (b) of this Appendix]. (Jan. 12, 1951, ch. 1228, title I, § 102, 64 Stat. 1247.)

TITLE III—POWERS AND DUTIES

§ 2281. Functions of Administration.

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

(a) Preparation of plans for civil defense.

Prepare national plans and programs for the civil defense of the United States, making such use of

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

(b) Delegation of civil defense responsibilities.

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

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

Make appropriate provision for necessary civil defense communications and for dissemination of warnings of enemy attacks to the civilian population;

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

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

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

Conduct or arrange, by contract or otherwise, for training programs for the instruction of civil defense officials and other persons in the organization, operation, and techniques of civil defense; conduct or operate schools or classes, including the furnishing of subsistence and quarters for trainees and instructors subject to reimbursement on terms prescribed by the Administrator; and provide instructors and training aids as deemed necessary: *Provided*, That not more than one national civil defense college and three civil defense technical training schools shall be established under the authority of this subsection: *Provided further*, That no land shall be acquired and no buildings shall be constructed pursuant to this subsection unless specifically authorized by the Congress.

(f) Dissemination of information.

Publicly disseminate appropriate civil defense information by all appropriate means;

(g) Encouragement of State civil defense work.

Assist and encourage the States to negotiate and enter into interstate civil defense compacts; review the terms and conditions of such proposed compacts in order to assist to the extent feasible in obtaining uniformity therein and consistency with the national civil defense plans and programs; assist and coordinate the activities thereunder; aid and assist in encouraging reciprocal civil defense legislation by

the States which will permit the furnishing of mutual aid for civil defense purposes in the event of an attack which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or undergoing an attack: *Provided*, That a copy of each such civil defense compact shall be transmitted promptly to the Senate and the House of Representatives. The consent of the Congress shall be granted to each such compact, upon the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which the compact is transmitted to it; but only if, between the date of transmittal and expiration of such sixty-day period, there has not been passed a concurrent resolution stating in substance that the Congress does not approve the compact: *Provided*, That nothing in this subsection shall be construed as preventing Congress from withdrawing at any time its consent to any such compact;

(h) Acquisition of necessary defense materials and facilities.

Procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for civil defense, with the right to take immediate possession thereof: *Provided*, That facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this Act [sections 2251—2297 of this Appendix], prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended [section 255 of Title 40]: *Provided further*, That the Administrator shall report not less often than quarterly to the Congress all property acquisitions made pursuant to this subsection: *Provided further*, That on and after January 1, 1952, the Administrator shall not acquire any land, or any interest therein, pursuant to the provisions of this subsection unless such acquisition shall first have been specifically authorized by the Congress.

(i) Financial aid to States.

Make financial contributions, on the basis of programs or projects approved by the Administrator, to the States for civil defense purposes, including, but not limited to the, procurement, construction, leasing, or renovating of materials and facilities. Such contributions shall be made on such terms or conditions as the Administrator shall prescribe, including, but not limited to, the method of purchase, the quantity, quality, or specifications of the materials or facilities, and such other factors or care or treatment to assure the uniformity, availability, and good condition of such materials or facilities: *Provided*, That, except as otherwise provided in section 303 (d) of this Act [section 2293 of this Appendix], no contributions shall be made for State or local personnel and administrative expenses, or for items of personal equipment for State or local workers, or for the procurement of land: *Provided further*, That the amounts authorized to be contributed by the Administrator to each State for organizational equipment shall be equally matched by such State

from any source it determines is consistent with its laws: *Provided further*, That financial contributions to the States for shelters and other protective facilities shall be determined by taking the amount of funds appropriated or available to the Administrator for such facilities in each fiscal year and apportioning same among the States in the ratio which the urban population of the critical target areas (as determined by the Administrator, after consultation with the Secretary of Defense) in each State, at the time of the determination, bears to the total urban population of the critical target areas of all of the States: *Provided further*, That the amounts authorized to be contributed by the Administrator to each State for such shelters and protective facilities shall be equally matched by such State from any source it determines is consistent with its laws and, if not matched within a reasonable time, the Administrator may reallocate same to other States on the formula outlined above: *Provided further*, That the value of any land contributed by any State or political subdivision thereof shall be excluded from the computation of the State share: *Provided further*, That the amounts paid to any State under this subsection shall be expended solely in carrying out the purposes set forth herein and in accordance with State civil defense programs or projects approved by the Administrator: *Provided further*, That the Administrator shall make no contribution toward the cost of any program or project for the procurement, construction, or leasing of any facility which (1) is intended for use, in whole or in part, for any purpose other than civil defense and (2) is of such kind that upon completion it will, in his judgment, be capable of producing sufficient revenue to provide reasonable assurance of the retirement or repayment of such cost, except that (subject to the foregoing provisos of this subsection) he may make contribution to any State toward that portion of the cost of the construction, reconstruction, or enlargement of any facility which he shall determine to be directly attributable to the incorporation in such facility of any feature of construction or design not necessary for the principal intended purpose thereof but which is, in his judgment, necessary for the use of such facility for civil defense purposes. Whenever the Administrator, after reasonable notice and opportunity for hearing the State, finds that there is a failure to expend funds in accordance with the terms and conditions governing the Federal contribution for such approved programs or projects, the Administrator shall notify such State that further payments will not be made to the State from appropriations under this Act [sections 2251—2297 of this Appendix] or from funds otherwise available for the purposes of this Act [said sections] (or in his discretion from appropriations under this Act [said sections] or from funds otherwise available for the purposes of this Act [said sections] for any approved program or project with respect to which there is such failure to comply) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Administrator shall either

withhold the payment of any financial contributions to such State, or limit payments to the program or project with respect to which there is substantial compliance with the terms and conditions governing the Federal contribution for such program or project: *Provided*, That the Administrator shall report not less often than quarterly to the Congress all contributions made pursuant to this subsection.

(j) Sale and disposition of surplus property.

Arrange for the sale or disposal of materials and facilities found by the Administrator to be unnecessary or unsuitable for civil defense purposes in the same manner as provided for excess property in the Federal Property and Administrative Services Act of 1949, as amended [sections 201–290 of Title 41], and any funds received as proceeds from the sale or other disposition of such materials and facilities shall be covered into the Treasury as miscellaneous receipts. (Jan. 12, 1951, ch. 1228, title II, § 201, 64 Stat. 1248.)

§ 2282. Definition of “national defense” or “defense”.

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

§ 2283. Mutual aid pacts between States and neighboring countries.

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

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

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

TITLE IV—EMERGENCY AUTHORITY

§ 2291. Sections 2291–2297 of this Appendix effective only during civil defense emergency; proclamation of emergency; termination.

The provisions of this title [sections 2291–2297 of this Appendix] shall be operative only during the existence of a state of civil defense emergency (referred to hereinafter in this title [said sections] as

“emergency”). The existence of such emergency may be proclaimed by the President or by concurrent resolution of the Congress if the President in such proclamation, or the Congress in such resolution, finds that an attack upon the United States has occurred or is anticipated and that the national safety therefor requires an invocation of the provisions of this title [said sections]. Such emergency also shall exist with respect to any designated geographic area or areas of the United States when the President determines that any such attack has been made upon or is anticipated within such area or areas, and directs the Administrator to proceed pursuant to the provisions of this title [said sections] with respect to such area or areas. Any such emergency shall terminate upon the proclamation of the termination thereof by the President, or the passage by the Congress of a concurrent resolution terminating such emergency. (Jan. 12, 1951, ch. 1228, title III, § 301, 64 Stat. 1251.)

§ 2292. Utilization of Federal departments and agencies.

During the period of such emergency, under such terms and conditions as to donation, compensation, or return as may be prescribed, and solely for civil defense purposes, the President may direct, after taking into consideration the military requirements of the Department of Defense, any Federal department or agency to provide, and such departments and agencies are authorized to provide—

(a) their personnel, materials, and facilities to the Administrator for the aid of the States;

(b) emergency shelter by construction or otherwise; and

(c) on public or private lands, protective and other work essential for the preservation of life and property, for clearing debris and wreckage, and for making emergency repairs to, and temporary replacement of, communications, hospitals, utilities, transportation facilities, or public facilities of States or their political subdivisions damaged or destroyed by attack. (Jan. 12, 1951, ch. 1228, title III, § 302, 64 Stat. 1252.)

§ 2293. Emergency powers of Administrator.

During the period of such emergency, the Administrator is authorized to—

(a) exercise the authority contained in section 201 (h) [section 2281 (h) of this Appendix] without regard to the limitation of any existing law, including the provisions of the Act of June 30, 1932, as amended [section 278a of Title 40], and section 3709 of the Revised Statutes, as amended [section 5 of Title 41], and section 3734 of the Revised Statutes, as amended [sections 259 and 269 of Title 40], and the Federal Property and Administrative Services Act of 1949, as amended [sections 201–290 of Title 41];

(b) sell, lease, lend, transfer, or deliver materials or perform services for civil defense purposes on such terms and conditions as the Administrator shall prescribe and without regard to the limitations of existing law: *Provided*, That any funds received from the sale or other disposition of materials or

for services shall be deposited to the credit of appropriations currently available and made pursuant to this Act [sections 2251—2297 of this Appendix] and shall be available for expenditure for the purposes of such appropriations;

(c) coordinate and direct, for civil defense purposes, the relief activities of the various departments and agencies of the United States as provided in section 302 hereof [section 2292 of this Appendix];

(d) reimburse any State, including any political subdivisions thereof, for the compensation paid to and the transportation, subsistence, and maintenance expenses of any employees while engaged in rendering civil defense aid outside the State and to pay fair and reasonable compensation for the materials of the State government or any political subdivision utilized or consumed outside of the State, including any transportation costs, in accordance with rules and regulations prescribed by the Administrator. As used in this subsection, the term "employees" shall include full- or part-time paid, volunteer, auxiliary, and civil defense workers subject to the order or control of a State government or any political subdivision thereof, and such employees shall not be deemed by reason of such reimbursement to be employees or appointees of the United States;

(e) provide financial assistance for the temporary relief or aid of any civilian injured or in want as the result of any attack; and

(f) employ temporarily additional personnel without regard to the civil-service laws and to incur such obligations on behalf of the United States as may be required to meet the civil defense requirements of an attack or of an anticipated attack.

During the period of any such emergency, the Administrator shall transmit quarterly to the Congress a detailed report concerning all action taken pursuant to this section. (Jan. 12, 1951, ch. 1228, title III, § 303, 64 Stat. 1252.)

§ 2294. Government immune from liability for death or personal injury to employees; benefits employees entitled to.

The Federal Government shall not be liable for any damage to property or for any death or personal injury occurring directly or indirectly as a result of the exercise or performance of, or failure to exercise or perform, any function or duty, by any Federal agency or employee of the Government, in carrying out the provisions of this title during the period of such emergency. Nothing contained in this section shall affect the right of any person to receive any benefit or compensation to which he might otherwise be entitled under the Federal Employees' Compensation Act, as amended [sections 751—756, 757—791, and 793 of Title 51, or any other Act of Congress providing for any pension or retirement. (Jan. 12, 1951, ch. 1228, title III, § 304, 64 Stat. 1253.)

§ 2295. Waiver of Administrative Procedure Act.

During the period of such emergency, the functions and duties exercised under this Act [sections

2251—2297 of this Appendix] shall be excluded from the operation of the Administrative Procedure Act [sections 1001—1011 of Title 5], except as to the requirements of section 3 thereof [section 1002 of Title 5]. (Jan. 12, 1951, ch. 1228, title III, § 305, 64 Stat. 1253.)

§ 2296. Compensation for acquisition of nongovernmental property; return of property to owner; disposal of surplus property.

(a) Except in the case of property acquired pursuant to section 201 (h) of this Act [section 2281 (h) of this Appendix] in conformity with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [sections 201—290 of Title 41], or through judicial proceedings for condemnation, the Administrator shall promptly determine the amount of the compensation to be paid for any property (other than that of the Federal Government or any department or agency thereof) or the use thereof acquired pursuant to this Act [sections 2251—2297 of this Appendix], but each such determination shall be made as of the time it is acquired in accordance with the provisions for just compensation in the fifth amendment to the Constitution of the United States. If the person entitled to receive the amount so determined by the Administrator as just compensation is unwilling to accept the same as full and complete compensation for such property or the use thereof, he shall be paid promptly 75 per centum of such amount and shall be entitled to recover from the United States, in an action brought in the Court of Claims, or, without regard to whether the amount involved exceeds \$10,000, in any district court of the United States, within three years after the date of the Administrator's award, such additional amount, if any, which, when added to the amount so paid to him, shall be just compensation.

(b) Whenever the Administrator determines that any real property acquired by him is no longer needed for the purposes of this Act [sections 2051—2297 of this Appendix], he shall, if the original owner desires the return of the property and pays to the Administrator the fair value thereof, return such property to such owner. In the event the Administrator and the original owner do not agree as to the fair value of such property, the fair value shall be determined by three appraisers, one of whom shall be chosen by the Administrator, one by the original owner, and the third by the first two appraisers; the expenses of such determination shall be paid in equal shares by the Government and the original owner.

(c) Whenever the need for the purposes of this Act [sections 2251—2297 of this Appendix] of any personal property acquired under this Act [said sections] shall terminate, the Administrator may dispose of such property on such terms and conditions as he shall deem appropriate, but to the extent feasible and practicable he shall give to the former owner of any property so disposed of an opportunity to reacquire it (1) at its then fair value as determined by the Administrator, or (2) if it is to be disposed of (otherwise than at a public sale of

which he shall give reasonable notice) at less than such value, at the highest price any other person is willing to pay therefor: *Provided*, That this opportunity to reacquire need not be given in the case of fungibles or items having a fair value of less than \$1,000. (Jan. 12, 1951, ch. 1228, title III, § 306, 64 Stat. 1253.)

§ 2297. Termination of sections 2291-2297 of this Appendix.

The provisions of this title [sections 2291—2297 of this Appendix] shall terminate on June 30, 1954, or on such earlier date as may be prescribed by concurrent resolution of the Congress. (Jan. 12, 1951, ch. 1228, title III, § 307, 64 Stat. 1254.)