

95TH CONGRESS
1ST SESSION

H. R. 7222

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1977

Mr. TSONGAS introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To reorganize the executive branch of the Government by consolidation of functions and to increase efficiency and coordination in the area of disaster assistance, emergency preparedness, mobilization readiness, 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 That this Act may be cited as the "Federal Emergency
4 Assistance and Preparedness Administration Act of 1977".

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DEFINITIONS

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SEC. 2. As used in this Act—

(1) the term “emergency preparedness” refers to all programs, functions, activities, or expenditures of the Federal Government undertaken for the purpose of preparing, warning, planning, stockpiling, training, or otherwise establishing contingency measures against damage or danger to life, limb, property, the environment, or the economy, or the mitigation of such damage or danger which might result from the occurrence of any one or a combination of—

(A) a major disaster or emergency as defined in the Disaster Relief Act of 1974;

(B) an industrial, transportation, or similar accident;

(C) an economic crisis resulting from any commodity shortage (including an energy shortage), industrial shutdown, or other disruption caused by any occurrence referred to in this subsection or by any other fortuitous or uncontrollable circumstance resulting in severe personal, business, or community hardship;

(D) the effect on life or property of an act of sabotage or terrorism;

(E) an accident involving radioactive material;

1 (F) any such emergency or disaster occurring
2 outside the United States or its territories for which
3 the United States might wish to donate assistance;
4 or
5 (G) the effect on civilian life and property of a
6 military or industrial mobilization or an attack upon
7 the United States involving either conventional or
8 nuclear weapons;
9 (2) the term "disaster assistance" refers to all
10 programs, functions, activities, or expenditures of the
11 Federal Government undertaken for the purpose of
12 facilitating recovery from or repair of damage inflicted
13 by or providing immediate relief during the course of
14 any of the occurrences enumerated in clause (1); and
15 (3) the term "Federal agency" means any depart-
16 ment, agency, or other authority of the executive branch
17 of the Government or any subdivision or office thereof.

18 ESTABLISHMENT

19 SEC. 3. There is hereby established as an independent
20 establishment of the executive branch of the Government the
21 Federal Emergency Assistance and Preparedness Adminis-
22 tration (hereinafter referred to as the "Administration").

23 DIRECTOR

24 SEC. 4. (a) The Administration shall have a Director
25 and Deputy Director who shall be appointed by the Presi-

1 dent, by and with the advice and consent of the Senate, with-
2 out regard to political affiliation and solely on the basis of
3 fitness to perform the duties and functions of the office. The
4 Deputy Director shall act for and exercise the powers of the
5 Director during the absence or disability of the Director.

6 (b) The Director shall be responsible for the exercise
7 of all powers and the discharge of all duties of the Adminis-
8 tration. The Director shall have authority and control of all
9 of the staff of the Administration and their activities. The
10 Director shall maintain budgets and allocate available funds
11 as appropriate in carrying out the provisions of this Act.

12 (c) The Director shall be a permanent member of the
13 National Security Council and shall report to the President
14 through his Domestic Council for other than national security
15 matters.

16 (d) (1) Section 5314 of title 5, United States Code, is
17 amended by adding at the end thereof the following:

18 “(66) Director, Federal Emergency Assistance
19 and Preparedness Administration.”

20 (2) Section 5315 of title 5, United States Code, is
21 amended by adding at the end thereof the following:

22 “(114) Deputy Director, Federal Emergency
23 Assistance and Preparedness Administration.”

ORGANIZATION

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2 SEC. 5. (a) For purposes of carrying out his responsibil-
3 ties under this Act, the Director may delegate such of his
4 duties and authorities as he sees fit to subordinates within the
5 Administration and to the Deputy Director.

6 (b) The Director shall establish within the Administra-
7 tion the following Offices to assist him in carrying out the
8 provisions of this Act and the functions transferred to the
9 Administration by this Act:

10 (1) An Office of Disaster Assistance Operations to im-
11 plement those functions of the Administration relating to
12 emergency relief for areas declared by the President pursuant
13 to his authority under the Disaster Relief Act of 1974 to be
14 major disaster areas or areas under states of emergency.

15 (2) An Office of Emergency Preparedness to implement
16 those functions of the Administration related to preparing the
17 American people against contingencies as defined in section
18 2 (1).

19 (3) An Emergency Information Center to implement
20 the responsibilities of the Administration under sections 6
21 (10), 6 (11), 8 (a) (4), and 8 (a) (6).

22 (4) An Office of Program Evaluation to review on a
23 continuing basis all programs, functions, and activities of the

1 Administration, including both those under the direct author-
2 ity of the Administration and those within the supervisory or
3 coordinating functions of the Director under section 7 of this
4 Act, and to make recommendations, based on its review, to
5 the Director for the improvement of such programs, func-
6 tions, and activities through better coordination, consolida-
7 tion, institutional realignment, programmatic amendment, or
8 otherwise through legislation or agency action.

9 FUNCTIONS

10 SEC. 6. The Administration shall—

11 (1) implement all Federal disaster assistance pro-
12 grams and authorities transferred to the Administration
13 by section 9;

14 (2) implement all Federal emergency preparedness
15 programs and authorities transferred to the Administra-
16 tion by section 9;

17 (3) coordinate all programs, functions, and activi-
18 ties of the Federal Government related to emergency
19 preparedness and disaster assistance;

20 (4) develop and implement a coherent overall
21 policy framework encompassing all functions of the
22 Administration, and in such framework—

23 (A) identify priorities for Federal activity,

24 (B) integrate the preparedness and assistance

1 functions of the Administration to provide a unified
2 approach to Federal emergency activities,

3 (C) provide adequate emphasis to civil defense
4 and other nuclear preparedness programs, and

5 (D) identify and integrate the roles of the
6 States and localities in the overall emergency pre-
7 paredness and disaster assistance effort;

8 (5) carry out comprehensive planning and policy
9 formulation with respect to industrial mobilization, eco-
10 nomic readiness, and such other civil preparedness func-
11 tions as may be assigned by the President for emergen-
12 cies and contingencies relating to the national defense
13 and for supervising and coordinating the implementa-
14 tion of Federal economic and industrial mobilization
15 programs;

16 (6) develop, in coordination with other branches,
17 departments, and agencies of the Federal Government,
18 contingency plans for the continuity of the Federal Gov-
19 ernment and for supervising the implementation of
20 these plans;

21 (7) establish and maintain training programs for
22 personnel from public agencies and private institutions
23 concerned with predicting, planning for, and preparing
24 for emergencies and disasters or with providing assist-

1 ance before, during, or after the occurrence of such
2 emergencies and disasters;

3 (8) develop, and where appropriate, implement,
4 in consultation with representatives of appropriate Fed-
5 eral agencies contingency plans for fulfilling its responsi-
6 bilities under this Act, in a manner which—

7 (A) reflects priorities established under clause
8 (4),

9 (B) concentrates available resources against
10 those needs most common and costly, and

11 (C) incorporates the full range of contingency
12 and emergency situations within the jurisdiction of
13 the Administration;

14 (9) initiate reviews of Federal emergency prepared-
15 ness and disaster assistance programs and make periodic
16 recommendations regarding how such programs can be
17 improved through greater consolidation, coordination, in-
18 stitutional realignment, programmatic amendment, or
19 otherwise by legislation or Federal agency action;

20 (10) undertake research and development activities
21 leading to the improvement of programs under the cog-
22 nizance of the Administration, including generic studies
23 of disasters, emergencies, crises, and other contingencies
24 which adversely affect life and property, and provide the
25 results of such research and development activities to

1 Federal, State, local, and private agencies, as appro-
2 priate; and

3 (11) monitor all programs, functions, and activities
4 of the Federal Government concerned with collecting
5 and analyzing data on natural, economic, industrial, agri-
6 cultural, technological, scientific, and other phenomena
7 and trends, including data on materials availability and
8 consumption, for the purpose of assisting in the fulfill-
9 ment of the Administration's responsibilities for predict-
10 ing, planning for, and preparing for industrial and eco-
11 nomic mobilization, strategic stockpiling, economic crises,
12 and emergencies and disasters as defined under section
13 2 (1) of this Act, and assemble and maintain current in-
14 formation relevant to such purposes in a central location
15 and make available to the public and to interested public
16 and private agencies on a periodic basis new information
17 assembled pursuant to this clause.

18 COORDINATION WITH OTHER FEDERAL AGENCIES

19 SEC. 7. (a) All expenditures related to emergency pre-
20 paredness and mobilization authorities under the Defense
21 Production Act of 1950, as amended, as delegated and
22 assigned to Federal agencies under Executive Orders 11490
23 and 10480, as amended, shall be included within the annual
24 budget and appropriation of the Administration, and the
25 Director shall be responsible for coordinating and supervising

1 the implementation of programs and activities pursuant to
2 such authorities.

3 (b) Upon a declaration by the President, pursuant to
4 the Disaster Relief Act of 1974, of a major disaster or a
5 state of emergency, the Director shall coordinate and super-
6 vise all programs, functions, and activities of the Federal
7 Government to provide assistance under such declaration.
8 The head of each Federal agency having jurisdiction of any
9 such program, function, or activity, shall cooperate with the
10 Director in fulfilling his responsibilities under this section.

11 (c) The head of each Federal agency which has juris-
12 diction of a program or function relating to emergency pre-
13 paredness or disaster assistance, including those referred to
14 in subsection (b) of this section, shall, within 30 days of
15 the enactment of this section and thereafter at least annually,
16 report to the Director on the status, funding, and activities
17 of each such program or function. The Director, at least
18 annually, shall cause to be published a compilation of re-
19 ports submitted to him under this subsection. Such compila-
20 tion shall be made available to the public on such terms as
21 the Director shall prescribe.

22 (d) The head of each Federal agency which has juris-
23 diction of a program, function, or activity relating to emer-
24 gency preparedness or disaster assistance, including inter-
25 national disaster assistance, shall assist and cooperate with

1 the Director in developing contingency plans under section
2 6 (6) and 6 (8), and shall likewise assist and cooperate in
3 the implementation of those plans where so requested by
4 the Director.

5 (e) The head of each Federal agency which has jurisdic-
6 tion of any program, function, or activity concerned with
7 collecting and analyzing data described in section 6 (11)
8 shall cooperate with the Director in fulfilling his responsibili-
9 ties under that subsection.

10 COORDINATION WITH STATES AND LOCALITIES

11 SEC. 8. (a) The Director shall assist States and localities
12 in applying for and participating in all Federal programs
13 relating to emergency preparedness and disaster assistance.

14 This assistance shall include—

15 (1) providing relevant information and materials to
16 applicants and participants;

17 (2) maintaining a library of current information to
18 be made available to States and localities;

19 (3) providing education services and programs to
20 States and localities;

21 (4) monitoring all Federal agencies concerned with
22 studying natural phenomena and predicting natural oc-
23 currences and potential natural disasters, and provid-
24 ing such information on a regular basis to States and
25 localities;

1 (5) establishing within the Administration a single
2 point of contact for all State, local, and private prepared-
3 ness or relief organizations in order to facilitate coordina-
4 tion of programs and standards among different types of
5 government and organizations and to improve the provi-
6 sion of Federal services;

7 (6) providing on a regular basis such information as
8 shall have been assembled under section 6(11) of this
9 Act which might be useful to States and localities in
10 predicting, planning for, or preparing for emergencies or
11 disasters; and

12 (7) providing liaison services to other Federal
13 agencies.

14 (b) The Director shall develop improved avenues of
15 Federal-State cooperation, including those authorized under
16 the Joint Funding Simplification Act of 1974, and imple-
17 ment these methods where applicable.

18 (c) The Director shall consult with States and localities
19 in carrying out his functions under this section.

20 TRANSFERS OF FUNCTIONS AND AUTHORITIES

21 SEC. 9. All functions, authorities, files, and accounts of
22 the Defense Civil Preparedness Agency in the Department
23 of Defense, the Federal Disaster Assistance Administration
24 in the Department of Housing and Urban Development,
25 and the Federal Preparedness Agency, the Stockpile Storage

1 Division and such other elements as are related to stockpiling
2 in the General Services Administration, are hereby trans-
3 ferred to and vested in the Administration.

4 ANNUAL REPORTS

5 SEC. 10. (a) Not later than December 31 of each year,
6 the Director shall report to the President and the Congress
7 on activities pursuant to the provisions of this Act during
8 the preceding fiscal year. Such reports shall include—

9 (1) an analysis of all funds expended or obligated
10 under each of the programs or activities assigned to the
11 Administration by this Act;

12 (2) an assessment of the Administration's efforts in
13 providing assistance following each declared major dis-
14 aster or state of emergency, including an accounting of
15 assistance provided, and progress that has been made in
16 facilitating recovery from such declared major disaster
17 or state of emergency;

18 (3) progress under emergency preparedness pro-
19 grams assigned to the Administration;

20 (4) a description of activities undertaken by the
21 Administration toward improving coordination and coop-
22 eration among agencies of the Federal Government and
23 between the Federal and State and local governments
24 relating to activities under this Act;

1 (5) recommendations, as appropriate, of the Office
2 of Program Evaluation under section 5 (b) (4) ; and

3 (6) such other recommendations as the Director
4 deems appropriate and such information as may be useful
5 in assessing the progress of the Administration.

6 (b) Each report required to be submitted to the Con-
7 gress by this Act shall be referred to the standing committee
8 or committees having jurisdiction over any part of the subject
9 matter of the report.

10 AUTHORIZATION OF APPROPRIATIONS

11 SEC. 11. There are authorized to be appropriated to the
12 Federal Emergency Assistance and Preparedness Adminis-
13 tration through the close of fiscal year 1981—

14 (1) for all expenses, except those set forth under
15 paragraphs (2) and (3), \$126,700,000 for fiscal year
16 1978, \$129,700,000 for fiscal year 1979, \$132,700,000
17 for fiscal year 1980, and \$135,700,000 for fiscal year
18 1981;

19 (2) for expenses in carrying out the functions of
20 the Administration under the Disaster Relief Act of
21 1974, not including administrative expenses, such sums
22 as may be necessary; and

23 (3) for expenses in carrying out the functions of
24 the Administration under section 7 (a) of this Act,

1 \$38,000,000 for each of the fiscal years 1978, 1979,
2 1980, and 1981.

3 AMENDMENT OF PREPAREDNESS PROGRAMS

4 SEC. 12. (a) Section 2 of the Federal Civil Defense
5 Act of 1950 (50 U.S.C. App. 2251) is amended—

6 (1) by striking out “, in this thermonuclear age,”
7 in the first sentence of such section; and

8 (2) by inserting “or from major disasters” im-
9 mediately after “from attack” in the second sentence of
10 such section.

11 (b) Section 3 of the Federal Civil Defense Act of 1950
12 (50 U.S.C. App. 2252) is amended—

13 (1) by inserting immediately after paragraph (a)
14 the following:

15 “(b) The term ‘major disaster’ means any hurricane,
16 tornado, storm, flood, high water, wind-driven water, tidal
17 wave, tsunami, earthquake, volcanic eruption, landslide, mud-
18 slide, snowstorm, drought, fire, explosion, civil disturbance,
19 sabotage, or other catastrophe in any part of the United
20 States which causes, or which may cause, substantial dam-
21 age or injury to civilian property or persons.”.

22 (2) by redesignating paragraphs (b), (c), (d),
23 (e), (f), and (g) as paragraphs (c), (d), (e), (f),
24 (g), and (h), respectively;

1 (3) by amending paragraph (c) (as redesignated
2 by paragraph (2)) by—

3 (A) inserting “or by a major disaster” in
4 clause (1) immediately after “attack upon the
5 United States”; and

6 (B) inserting “or major disaster” after
7 “attack” each place it appears in such paragraph
8 after clause (1); and

9 (4) by amending paragraph (d) (as redesignated
10 by paragraph (2)) by striking out the period at the
11 end of the first sentence and all that follows through
12 “civil defense plans”.

13 (c) Section 201 of the Federal Civil Defense Act of
14 1950 (50 U.S.C. App. 2281) is amended—

15 (1) by striking out “of enemy attacks to the civilian
16 population” in paragraph (c) and inserting in lieu there-
17 of “to the civilian population of any attack or major
18 disaster”;

19 (2) by inserting “and major disasters” in para-
20 graph (d) immediately after “effects of attacks”;

21 (3) by striking out “June 30, 1976” in the second
22 proviso to paragraph (e) and inserting in lieu thereof
23 “September 30, 1980”;

24 (4) by inserting “or major disaster” in paragraph
25 (g) immediately after “attack” each place it appears;

1 (5) by striking out “June 30, 1976” in the fourth
2 proviso to paragraph (h) and inserting in lieu thereof
3 “September 30, 1980”;

4 (6) by striking out “quarterly” in the tenth proviso
5 to paragraph (i) and inserting in lieu thereof “an-
6 nually”.

7 (d) Section 205 of the Federal Civil Defense Act of
8 1950 (50 U.S.C. App. 2286) is amended—

9 (1) by inserting “and the areas which may be af-
10 fected by major disasters” in paragraph (d) (1) im-
11 mediately after “target and support areas”; and

12 (2) by striking out “June 30, 1976” in subsection
13 (h) and inserting in lieu thereof “September 30, 1980”.

14 (e) Section 307 of the Federal Civil Defense Act of
15 1950 (50 U.S.C. App. 2297) is amended by striking out
16 “June 30, 1974” and inserting in lieu thereof “September
17 30, 1980”.

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