

**THE NATIONAL PLAN**  
**for**  
**Civil Defense and Defense Mobilization**

**Annex 4**

**AUTHORITIES FOR CIVIL**  
**DEFENSE AND DEFENSE**  
**MOBILIZATION**



**Executive Office of the President**  
**OFFICE OF CIVIL AND DEFENSE MOBILIZATION**

## Preface

This annex describes the legal authorities upon which The National Plan for Civil Defense and Defense Mobilization is based.

It discusses constitutional provisions, statutes, Executive orders, and other authorities pertinent to civil defense and defense mobilization at the Federal, State, and local levels. Citations to these authorities are given in the footnotes to the annex.

The annex is published in looseleaf form in order that pages may be added or replaced easily whenever changes in existing law make revisions appropriate.



A handwritten signature in cursive script, appearing to read "George A. Hughes".

Director  
*Office of Civil and Defense Mobilization*

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ANNEX 4

**AUTHORITIES FOR  
CIVIL DEFENSE AND DEFENSE  
MOBILIZATION**

**I. Definitions**

Generally, at the Federal level the legal basis for undertaking the actions prescribed in The National Plan for Civil Defense and Defense Mobilization derives from authority vested in the President of the United States by virtue of the Constitution and statutes of the United States. The constitutions and statutes of the several States and local charters and ordinances provide the authority required to implement the Plan at the State and local level. State and local authorities vary with respect to comprehensiveness and adequacy.

Certain of these authorities can be used only under specific contingencies, such as those described in the Planning Basis.<sup>1</sup>

Civil defense and defense mobilization encompass the entire field of nonmilitary defense as distinguished from military defense, which is the function of the Armed Forces. Civil defense and defense mobilization together involve all preattack and postattack activities undertaken to save lives, marshal the resources of the

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<sup>1</sup>See Annex 1, Planning Basis. For example, only in general war would the comprehensive powers contained in Title III of the Federal Civil Defense Act of 1950, as amended (50 USC App. 2291-2297), be invoked on a nationwide basis. However, the priorities and allocations authority vested in the President pursuant to the provisions of Title I of the Defense Production Act of 1950, as amended (50 USC App. 2071-2073), might be exercised in a limited war situation or a period of heightened tension if the circumstances were such that the required findings could be made.



Nation, mobilize production, stabilize the economy, control the distribution of goods and services, restore communities, and repair industrial plants and facilities of all kinds.

Civil defense is more specifically defined by statute:

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)<sup>2</sup>

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<sup>2</sup> Federal Civil Defense Act of 1950, as amended, Sec. 3(b) (50 USC App. 2252(b)).

## II. Assumptions

While the National Plan is generally based upon existing constitutional and statutory provisions, current authority in some areas does not contemplate implementation of certain of the activities specified in the Plan in the most efficient and expeditious manner. This is especially true of some economic stabilization measures which it might be necessary to invoke in a situation short of war.

Therefore, the Departments and Agencies of the Federal Government, the States, and the localities will continuously review existing authorities to determine whether these provide an adequate legal basis for implementing emergency plans and conducting the activities prescribed in the National Plan. It is assumed that in the event such reviews disclose areas where existing legal authorities are inadequate, proposed legislation will be developed and introduced for consideration by the appropriate legislative bodies at the various levels of government.



## III. Responsibilities

### A. Federal

The President's authority and responsibility for conducting civil defense and defense mobilization activities at the Federal level can be found primarily in what

<sup>3</sup>See, for example: Corwin, *The President, Office and Powers*, 4th Edition, 1957; Corwin and Koenig, *The Presidency Today*, 1956; Randall, *Constitutional Problems Under Lincoln*, Revised Edition, 1951; Rossiter, *The Supreme Court and the Commander in Chief*, 1951; Small, *Some Presidential Interpretations of the Presidency*, 1932; *The Powers of the President as Commander in Chief of the Army and Navy of the United States*, House Doc. No. 443, 84th Congress, 2d Session, 1956.

are often called the "war powers" of the Federal Government. It is not the purpose of this annex to discuss this most comprehensive subject. Many excellent books and articles have been written thereon.<sup>3</sup>

With regard to the President's authority to carry out the "war powers" suffice it to say that he gathers his powers in emergency not from one but from a variety of sources. He relies upon Constitutional clauses giving him authority to execute the laws and conduct foreign relations. Other powers derive from his position as Commander in Chief. Much authority comes from the Congress in the form of statutory grants.<sup>4</sup> In discharging his civil defense and defense mobilization responsibilities the President relies, therefore, upon varied and scattered sources of authority.<sup>5</sup>

The Congress has, in one of the primary areas of such emergency activity, specifically spelled out the respective responsibilities of the Federal Government, the States, and the localities. In regard to civil defense the Congress stated:

. . . It is the policy and intent of Congress to provide a system 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 the Congress that the responsibility for civil defense shall be vested jointly in the Federal Government and the several States and their political subdivisions. The Federal Government shall provide necessary direction, coordination, and guidance; shall be responsible for the operation of the Federal Civil Defense Administration [Office

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<sup>4</sup>Koenig, *The Presidency and the Crisis*, 1944, p. 6.

<sup>5</sup>In addition to the authorities discussed in this annex, there are a variety of special emergency authorities, as well as general authorities (not necessarily vested in the President), the exercise of which might be useful under emergency conditions. These are not, however, specifically discussed in this annex.

of Civil and Defense Mobilization] as set forth in this Act; and shall provide necessary assistance as herein authorized.<sup>6</sup>

There are four principal statutory enactments concerning civil defense and defense mobilization. These are the National Security Act of 1947,<sup>7</sup> the Federal Civil Defense Act of 1950,<sup>8</sup> the Defense Production Act of 1950,<sup>9</sup> and the Strategic and Critical Materials Stock Piling Act.<sup>10</sup> All of these must be considered in the light of Reorganization Plan No. 1 of 1958.<sup>11</sup>

The constitutional responsibilities of the Federal Government and these statutory authorities clearly indicate the over-all responsibility which the Federal Government has for direction and coordination of the total national civil defense and defense mobilization effort.

<sup>6</sup> Federal Civil Defense Act of 1950, as amended, Sec. 2 (50 USC App. 2251), as affected by Reorganization Plan No. 1 of 1958 and P.L. 85-763 (72 Stat. 861).

<sup>7</sup> 61 Stat. 495-510; the provisions having application to civil defense and defense mobilization are Sec. 101 (61 Stat. 496; 50 USC 402), and Secs. 103 and 303 (61 Stat. 499, 507; 50 USC 404, 405). These sections of the Act have been amended but only in a technical manner. Hereafter citations will be to the Act, as amended. Technical nonsubstantive amendatory citations will be omitted from subsequent footnotes.

<sup>8</sup> 64 Stat. 1245-1257; 50 USC App. 2251-2297; the Act has been amended on several occasions. See *Text of Federal Civil Defense Act, as Amended*, OCDM Advisory Bulletin 226, October 10, 1958, revised January 26, 1959, for text with amendatory citations. Hereafter citations will be to the Act, as amended.

<sup>9</sup> 64 Stat. 798-822; 50 USC App. 2061-2166; the Act has been amended on various occasions and certain authorities originally granted thereunder have expired in accordance with its terms. Hereafter citations will be to the Act, as amended.

<sup>10</sup> 53 Stat. 811-812; 50 USC 98-98h. The Act has been amended on various occasions (citations omitted). Citations are to the Act, as amended.

<sup>11</sup> 72 Stat. 1799; 23 FR 4991; 5 USC 133z-15 fn. The Plan has been amended. See note 17, *infra*. Upon the taking effect of Reorganization Plan No. 1 of 1958, all of the functions (except the function of the Director, ODM, with respect to being a member of the National Security Council), which had been vested by law in the Office of Defense Mobilization and the Federal Civil Defense Administration and the respective heads thereof, were transferred to the President. Such functions were subsequently delegated to the Director, OCDM. See note 18, *infra*. Membership on the National Security Council was transferred to the Director, OCDM.



## B. State and Local

The sovereign authority of the States, as expressed in their constitutions and their various emergency and extraordinary statutory authorities, provide the basis upon which the State governments and their political subdivisions direct and coordinate appropriate civil defense and defense mobilization activities. All States have statutory enactments concerning civil defense; however, these vary considerably. Most States have generally followed the Model State Civil Defense Act<sup>12</sup> in enacting legislation concerning this subject. Therefore, this annex will use the Model Act as a guide for discussion of State authority.<sup>13</sup>

In some States<sup>14</sup> there is specific statutory authority for the conduct of various activities associated with defense mobilization. However, the statutes of many of the States are currently inadequate for full performance of a few of the functions assigned to the States and localities by the National Plan. A comprehensive review of existing State and local emergency authori-

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<sup>12</sup>The Drafting Committee of State Officials of the Council of State Governments developed and endorsed the "Model State Civil Defense Act." See Council of State Governments, *Suggested State Legislation Program for 1949*. This "Model Act" was reprinted in *Suggested State Legislation Program for 1951*. The Committee suggested amendments in 1951, 1952, and 1953. These are summarized in *Suggested State Legislation Program for 1953*; see subsequent issues of that publication for other suggested legislation in connection with civil defense.

<sup>13</sup>OCDM has prepared a "Comparison of State Civil Defense Legislation," which constitutes a comprehensive compilation of current State statutes dealing with the subject. In addition, the laws of each State have been compared with the provisions of the Model State Civil Defense Act. Copies are available from OCDM upon request.

<sup>14</sup>See, for example, the New York State Defense Emergency Act (Sec. 12), the Massachusetts civil defense laws (Mass. Laws Ann. V10, p. 247, Sec. 7), and Section 8A of the Rhode Island Defense Emergency Act of 1950 (General Laws of Rhode Island, Sec. 30-15-14).

ties, looking toward the development of the necessary legislative proposals which can be considered by appropriate legislative bodies, has been undertaken jointly by the States and the Federal Government.

## IV. Organizations

### A. Federal

Prior to July 1, 1958 the two principal Agencies dealing with nonmilitary defense were the Federal Civil Defense Administration (FCDA), created as an independent agency by the Federal Civil Defense Act, and the Office of Defense Mobilization (ODM), established in the Executive Office of the President by Reorganization Plan No. 3 of 1953.<sup>15</sup>

Reorganization Plan No. 1 of 1958 transferred to the President all of the functions which were previously vested by law in ODM and in FCDA or the respective heads thereof.<sup>16</sup> Since several other nonmilitary defense functions already were vested in the President by the Constitution and statutes, the result of the Reorganization Plan was to place in the President the responsibility for all civil defense and defense mobilization functions at the national level.

The Reorganization Plan also consolidated the two Agencies into the new Office of Civil and Defense Mobilization (OCDM),<sup>17</sup> which was created as part of the Executive Office of the President.

<sup>15</sup> 67 Stat. 634; 18 FR 3375; 5 USC 133z-15 fn.

<sup>16</sup> Reorganization Plan No. 1 of 1958, Sec. 1(a); but see note 11, *supra*.

<sup>17</sup> *Ibid.*, Sec. 2(a). The Plan was "amended" by PL 85-763 (72 Stat. 861) to change the name of the new Agency from "Office of Defense and Civilian Mobilization" to "Office of Civil and Defense Mobilization."



By Executive order all of the functions transferred to the President by the Reorganization Plan and the functions previously vested in him and delegated to ODM and FCDA were delegated to the Director of OCDM.<sup>18</sup>

The Reorganization Plan, as implemented by the Executive order, provides the legal basis by which the Director of OCDM, acting for the President, directs, manages, and coordinates the civil defense and defense mobilization activities of the Federal Government.

Under special authority in the Reorganization Plan, the President is empowered to delegate civil defense and defense mobilization functions to the Departments and Agencies of the Federal Government as nonmilitary defense needs require.<sup>19</sup>

While all of the functions which previously had been conducted by ODM and FCDA were by Executive order delegated to the Director, OCDM, under the Reorganization Plan the performance of certain functions is assigned to other Federal Departments and Agencies. The Director of OCDM will provide the necessary overall supervision and coordination of functions so assigned to insure that they will be carried out in accordance with the provisions of the National Plan.<sup>20</sup>

<sup>18</sup>Executive Order 10773 of July 1, 1958 (23 FR 5061), as amended by Executive Order 10782 of September 6, 1958 (23 FR 6971).

<sup>19</sup>Reorganization Plan No. 1 of 1958, Sec. 1(b).

<sup>20</sup>See Annex 5, *Federal Delegations and Assignments*. The delegations and assignments by FCDA and ODM existing on the effective date of Reorganization Plan No. 1 of 1958 remain in effect until modified or rescinded. See Section 8 of Executive Order 10773, as amended. Future delegations, and assignments by the Director, may be pursuant to Section 2 of the Executive order and Section 2(e) of Reorganization Plan No. 1 of 1958.

The Reorganization Plan provides for the establishment of OCDM Regional Offices, at the head of which are Regional Directors.<sup>21</sup> These Regional Directors, on behalf of the Director who is acting for the President, will coordinate and, where appropriate, direct the civil defense and defense mobilization functions of all Federal Agency field establishments and will maintain the necessary coordination with, and in appropriate circumstances provide direction to, State and local civil defense organizations.<sup>22</sup>

### **B. State and Local**

All States have established a civil defense organization which generally is under the supervision of a Director of civil defense. The Model Act provides that the Governor retains general direction and control over the civil defense agency and directs the performance of emergency functions within the regularly constituted government structure. The departments and agencies of the State are utilized by the Governor and the Civil Defense Director in carrying out the civil defense functions. In the event of disaster beyond local control, the Governor is authorized to assume direct operational control over all or any parts of the civil defense organizations of the State.<sup>23</sup>



<sup>21</sup>Reorganization Plan No. 1 of 1958, Sec. 3.

<sup>22</sup>The National Plan for Civil Defense and Defense Mobilization, Part IV, Section A, Subsections 4 and 5. See Annex 3 for discussion as to the circumstances under which the Regional Director will "direct" functions of Federal Agency field establishments.

<sup>23</sup>Model State Civil Defense Act, Secs. 4, 6(a), 7(a), and 14. In some States the title of the office varies.

The Model Act also authorizes and directs the creation of local organizations for civil defense, each of which is headed by a Director who has direct responsibility for local administration and emergency operations subject to the direction and control of the executive officer or the governing body of the political subdivision involved. The Model Act authorizes the conduct by the local civil defense organization of functions under mutual aid arrangements outside the territorial jurisdiction of the political subdivision.<sup>24</sup>

## V. Functions for the Protection of Life and Property

### A. Continuity of Government

#### 1. Federal

The line of succession to the Office of President includes 12 officials.<sup>25</sup> Lines of succession are established pursuant to law for other key Federal executive officials.<sup>26</sup> The Federal judiciary has

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<sup>24</sup>Model State Civil Defense Act, Secs. 9 and 10. See also, the Model Interstate Civil Defense and Disaster Compact, Council of State Governments, *Suggested State Legislation Program for 1951*.

<sup>25</sup>U.S. Constitution, Article II, Section 1, clause 6, provides that in case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President. Additional legislation in this area is authorized by the Constitution. Congress has enacted a succession statute (3 USC 19). Successors to the office after the Vice President are Speaker of the House of Representatives, President pro tempore of the Senate, Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Postmaster General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, and Secretary of Labor.

<sup>26</sup>See, for example, 5 USC 4, 5, and 6. 5 USC 6 authorizes the President to designate interim successors to department heads. This statute has been implemented by Executive order. See, for example, Executive Order 10791 of November 28, 1958 (23 FR 9307), which provides for succession to the Office of Secretary of State; Executive Order 10820 of May 18, 1959 (24 FR 4045), which provides for succession to the Office of Secretary of Defense; and Executive Order 10586 of January 13, 1955 (20 FR 361), which provides for succession to the Office of Secretary of the Treasury.

established emergency plans designed to assure a capability for its continued functioning during periods of emergency. While currently lines of succession for Federal legislative offices might appear to be inadequate (especially for the House of Representatives) the necessary constitutional amendment and statutes are being developed to provide for a system of automatic succession which would facilitate uninterrupted operation of the Congress following attack.

Pursuant to the provisions of the National Security Act, the Federal Civil Defense Act, and Executive Order 10346,<sup>27</sup> Federal Departments and Agencies have established relocation sites from which emergency operations can be conducted.

Under a variety of specific statutory provisions, including Reorganization Plan No. 1 of 1958, the Federal Civil Defense Act, the Defense Production Act, and the general powers of the President to supervise the conduct of functions by the Executive Branch, including his constitutional duty to take care that the laws be faithfully executed, there is adequate authority for a system of records preservation and the implementation of plans designed to assure full utilization of the resources of the Federal Government for civil defense and defense mobilization.<sup>28</sup>

<sup>27</sup>Executive Order 10346 of April 17, 1952 (17 FR 3477), as amended.

<sup>28</sup>See Reorganization Plan No. 1 of 1958, Secs. 1(b), 2(e), and 7. See also, the Federal Civil Defense Act of 1950, as amended, Sec. 201(b) (50 USC App. 2281(b)), Sec. 302 (50 USC App. 2292), Sec. 303(c) (50 USC App. 2293(c)), Sec. 401(c) (50 USC App. 2253 (c)), and Sec. 405 (50 USC App. 2257), and the Defense Production Act of 1950, Sec. 304 (50 USC App. 2094), Sec. 703(a) (50 USC App. 2153(a)), and Sec. 710(d) (50 USC App. 2160(d)).



## 2. State and Local Governments

All State constitutions make provision for succession to the office of Governor.<sup>29</sup> Statutory provisions in many States provide for succession to other offices.<sup>30</sup>

The Council of State Governments has developed, for presentation to the States, suggested legislation providing for the establishment of lines of succession to legislative, executive, and judicial offices at the State and local levels and providing authority for the establishment of relocation sites for the carrying on of emergency government operations.<sup>31</sup> Many States have adopted, or now are in the process of adopting, this legislation in whole or in part. Federal financial assistance is available to States to construct secure emergency government control centers.<sup>32</sup> Suggested legislation to facilitate preservation of essential records is being prepared.

The Model Act provides that the Governor and the executive heads or governing bodies of political subdivisions shall utilize to the maximum the resources of all State and local agencies of government.<sup>33</sup>

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<sup>29</sup> For a listing of specific constitutional provisions, see *Continuity of Government, Suggested State Legislation*, 1959, OCDM, p. 123, fn 61.

<sup>30</sup> *Ibid.*, p. 100.

<sup>31</sup> *Suggested State Legislation Program for 1959*, Council of State Governments. For a discussion of the legal problems involved in this legislation and of existing provisions of law, see *Continuity of Government, Suggested State Legislation*, 1959; note 29, *supra*.

<sup>32</sup> This is accomplished pursuant to the provisions of Sec. 201(i) of the Federal Civil Defense Act of 1950, as amended (50 USC App. 2281(i)). See OCDM *Federal Contributions Manual*, AM25-1, Chapter 14, for terms and conditions governing this assistance.

<sup>33</sup> Model State Civil Defense Act, Sec. 14.

## B. Public Information and Education

### 1. Federal

The Federal Civil Defense Act provides authority to:

publicly disseminate appropriate civil defense information by all appropriate means,<sup>34</sup> [and]

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.<sup>35</sup>

It also contains authority under which the Federal Government can assist the States in their programs for public education and information.<sup>36</sup>

### 2. State and Local

All States have adequate authority to conduct public information and education programs and accept the assistance offered by the Federal Government.<sup>37</sup>



## C. Reduction of Vulnerability

### 1. Federal

The legal authorities for the activities connected with reduction of vulnerability are closely allied with the authorities for the activities specified in Part VI, Sections A, B, and C of this annex which are discussed more fully hereafter. The Federal Civil Defense Act provides authority for

<sup>34</sup>Sec. 201(f) (50 USC App. 2281(f)).

<sup>35</sup>Sec. 201(e) (50 USC App. 2281(e)).

<sup>36</sup>Sec. 201(i) (50 USC App. 2281(i)). See *OCDM Federal Contributions Manual*, AM25-1, Chapters 7 and 11.

<sup>37</sup>See, for example, the Model State Civil Defense Act, Secs. 6(c) (3) and 13(b).

construction of shelter and procurement of protective devices<sup>38</sup> and for providing assistance to the States and others in connection therewith.<sup>39</sup> The Federal Government also assists the States in connection with the development of a capability for movement and reception of persons<sup>40</sup> and the establishment of stockpiles of emergency supplies and equipment.<sup>41</sup>

Relative to the dispersal of production facilities, the Defense Production Act provides:

In order to insure productive capacity in the event of such an attack on the United States, it is the policy of the Congress to encourage the geographical dispersal of the industrial facilities of the United States in the interest of the national defense, and to discourage the concentration of such productive facilities within limited geographical areas which are vulnerable to attack by an enemy of the United States. In the construction of any Government-owned industrial facilities, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facilities, and in the procurement of goods and services, under this or any other Act, each department and agency of the Executive

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<sup>38</sup>Sec. 3(b) (50 USC App. 2252(b)), Sec. 201(h) (50 USC App. 2281(h)), and Sec. 302 (50 USC App. 2292).

<sup>39</sup>Sec. 201(h) (50 USC App. 2281(h)), Sec. 409 (50 USC App. 2261), and Sec. 201(i) (50 USC App. 2281(i)). See also, OCDM *Federal Contributions Manual*, AM25-1, Chapter 8.

<sup>40</sup>Sec. 201(i) (50 USC App. 2281(i)). See also, OCDM *Federal Contributions Manual*, AM25-1. Further, the Federal Government has assisted the States in the development of Operational Survival Plans. These Plans make detailed provisions, among other matters, for movement and reception. The terms and conditions upon which OCDM has provided this assistance are contained in OCDM *Survival Plan Manual*, M27-1, revised.

<sup>41</sup>Sec. 201(i) (50 USC App. 2281(i)). See also, OCDM *Federal Contributions Manual*, AM25-1.

Branch shall apply, under the co-ordination of the Office of Defense Mobilization [Office of Civil and Defense Mobilization], when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense. Nothing contained in this paragraph shall preclude the use of existing industrial facilities.<sup>42</sup>

The Defense Production Act also authorizes activities and measures (including the development of alternative production sources) designed to facilitate the maintenance of the production mobilization base.<sup>43</sup>

## 2. State and Local

The civil defense legislation in most States provides appropriate authority for the conduct by State and local governments of programs connected with reduction of vulnerability.<sup>44</sup>



## D. Warning of Attack

### 1. Federal

The Federal Civil Defense Act authorizes the Federal Government to make appropriate provision for necessary civil defense communications and for dissemination of warnings of enemy at-

<sup>42</sup>Sec. 2 (50 USC App. 2062), as affected by Reorganization Plan No. 1 of 1958 and PL 85-763 (72 Stat. 861). See also, the National Security Act of 1947, as amended (50 USC 404); DMO I-19 of January 3, 1956 (32A CFR CH 1, DMO I-19; 21 FR 270); and Department of Defense Directive 5220.5 of November 17, 1955.

<sup>43</sup>Secs. 301-304 (50 USC App. 2091-2094).

<sup>44</sup>See, for example, the Model State Civil Defense Act, Secs. 3(a), 6(c)(2), 6(c)(3), 6(c)(4), 6(c)(8), and 7(d).

tacks to the civilian population<sup>45</sup> and to furnish financial assistance to the States and cities in connection with their development of attack warning systems.<sup>46</sup>

## 2. State and Local

All States have authority for State and local governments to conduct necessary activities relative to dissemination of attack warning information.<sup>47</sup>

## E. Preparations for Damage Assessment

### 1. Federal

There is adequate authority in the National Security Act<sup>48</sup> and in the Federal Civil Defense Act<sup>49</sup> for the development of damage assessment systems and procurement of the equipment and facilities necessary to make such systems operational.<sup>50</sup>

### 2. State and Local

The Model Act provides authority for the States to develop damage assessment systems

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<sup>45</sup>Sec. 201(c) (50 USC App. 2281(c)).

<sup>46</sup>Sec. 201(i) (50 USC App. 2281(i)). See also, OCDM *Federal Contributions Manual*, AM25-1, Chapter 5.

<sup>47</sup>See, for example, the Model State Civil Defense Act, Secs. 3(a), 6(c)(2), and 6(c)(8).

<sup>48</sup>50 USC 404.

<sup>49</sup>Sec. 201(a), (d) (50 USC App. 2281(a), (d)) and Sec. 3(b) (50 USC App. 2252(b)).

<sup>50</sup>See, for example, Sec. 201(h) (50 USC App. 2281(h)).

necessary to the emergency government operation at the State and local level.<sup>51</sup>

## F. Communications

### 1. Federal

Comprehensive authority is granted in the Federal Civil Defense Act<sup>52</sup> and the Communications Act of 1934, as amended<sup>53</sup> for the Federal Government to establish and maintain secure communications systems within and among Federal Agencies and between the Federal Government and the States and to exercise emergency powers (including establishment of priorities for use) in order to insure that the fullest use, consistent with military needs, will be made of all communications resources for civil defense and defense mobilization purposes. This includes authority for Federal activities in connection with RACES and CONELRAD.



### 2. State and Local

Adequate authority exists at the State and local level for the development of communications systems for emergency use by the States and local governments.<sup>54</sup>

<sup>51</sup>Model State Civil Defense Act, Secs. 3(a), 6(c) (2), 6(c) (3), and 6(c) (4).

<sup>52</sup>Sec. (3b) (50 USC App. 2252(b) and Secs. 201(c) and (h) (50 USC App. 2281(c), (h)).

<sup>53</sup>47 USC 305 and 606. See Executive Order 10312 of December 10, 1951 (16 FR 12452), as amended; Executive Order 10460 of June 16, 1953 (18 FR 3513), as amended; Executive Order 10705 of April 17, 1957 (22 FR 2729), as amended; and DMO IX-4, dated November 6, 1958 (23 FR 9027).

<sup>54</sup>For example, see the Model State Civil Defense Act, Secs. 3(a), 6(c) (2), 6(c) (3), and 6(c) (8).

## G. Maintenance of Government, Law and Order

### 1. Federal

The broad powers and responsibilities vested in the Federal Government by Article IV, Section 4 of the Constitution, together with the right of government to take those actions which are necessary to protect itself and conduct war, as well as the comprehensive congressional definition of "civil defense activities,"<sup>55</sup> provide the basis upon which the Federal Government can take necessary actions in relation to guaranteeing the maintenance of the essential functions of government, including the maintenance of law and order.

As Commander in Chief and Chief Executive, the President is empowered, indeed obliged, to preserve the peace of the United States against domestic violence and alien attack. The mandates of the Constitution, a procession of statutes dating back to 1792, and the practice of chief executives in periods of emergency throughout our history have combined to place in the keeping of the President a very wide discretion in employing the Armed Forces to execute the laws and defend the Nation.<sup>56</sup>

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<sup>55</sup>See Federal Civil Defense Act of 1950, as amended, Sec. 2(b) (50 USC App. 2252(b)). As previously noted it is not the purpose of this annex to discuss the broad constitutional principles underlying civil defense and defense mobilization. These, however, are the basis for many of the actions set forth in the section of the *National Plan* dealing with the maintenance of government and law and order. With respect to military assistance, see Annex 7, *Role of the Military*, and Department of Defense Directive 3025.1 of July 14, 1956.

<sup>56</sup>See Rossiter, *The Supreme Court and the Commander-in-Chief*, p. 11.

## 2. State and Local

The “police power” of the States<sup>57</sup> and the Model Act,<sup>58</sup> as well as various State constitutions, provide appropriate authority for activities in connection with the maintenance of government and law and order.

### H. Disaster Services

#### 1. Federal

The Federal Government, under the Federal Civil Defense Act, has comprehensive authority to provide necessary disaster services and to furnish financial and technical assistance to the States.<sup>59</sup>

#### 2. State and Local

Under the Model Act, States are fully authorized to accumulate the necessary supplies and equipment and train personnel required to conduct disaster services. In event of enemy attack the Model Act authorizes State and local governments to exercise extraordinary authority, including requisitioning, to obtain these supplies and equipment. The Model Act waives the necessity for a license to practice a profession when an

<sup>57</sup> For a discussion of the concept that civil defense at the State and local level is based upon the police power of the States, see *People v. City of Chicago*, 413 Ill. 83, 108 N.E. 2d 16 (1952). The scope of the police power is not within the purview of this annex. However, there would appear to be no reason why many of the actions contemplated would not be within the police power. It is based on the ancient maxim “*salus populi suprema lex*” (“the safety of the people is the supreme law”). The whole *National Plan* deals essentially with the safety of the people.

<sup>58</sup> Model State Civil Defense Act, Secs. 3(a), 6(c)(1), 7(a), 7(f), 19, and 20.

<sup>59</sup> See in particular Secs. 302 and 303 (50 USC App. 2292, 2293).



authorized civil defense worker in performing his duties engages in professional practice. All disaster services are within the comprehensive meaning of civil defense as defined in the Model Act. The Model Act provides authority for the States and local governments to use the necessary emergency procedures outlined and specified in the National Plan.<sup>60</sup>

### **I. Emergency Protection From Delayed or Unconventional Weapons Effects**

The measures prescribed by the National Plan in connection with clandestine and unexploded ordnance and biological, chemical, and radiological defense, including protection measures, are carried out pursuant to the provisions of the Federal Civil Defense Act,<sup>61</sup> the Atomic Energy Act,<sup>62</sup> the basic investigative authorities of the Federal Bureau of Investigation,<sup>63</sup> and the Model Act.<sup>64</sup>

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<sup>60</sup>Model State Civil Defense Act, Secs. 3(a), 6(c)(2), 6(c)(3), 6(c)(5), 6(c)(8), 7, 8, 9, 10, 11(b), 13, and 14. See also the Model Interstate Civil Defense and Disaster Compact.

<sup>61</sup>The definition of "civil defense" as set out in Sec. 3(b) of the Act (50 USC App. 2252(b)) includes unexploded bomb reconnaissance and monitoring for the hazards of special weapons.

<sup>62</sup>42 USC 2011-2281. See in particular 42 USC 2077, 2122, 2131, and 2271-2281.

<sup>63</sup>Sec. 411 of the Federal Civil Defense Act of 1950, as amended (50 USC App. 2263) provides that nothing in the Act shall be construed to authorize investigations of espionage, sabotage, or subversive acts by other than personnel of the Federal Bureau of Investigation. This organization carries out investigations of possible violations of such statutes as the Espionage and Sabotage Act of 1954 (18 USC 2151-2156) pursuant to such statutes as 5 USC 300. The Federal Bureau of Investigation also has specific functions under the Atomic Energy Act (See 42 USC 2271(b)).

<sup>64</sup>Model State Civil Defense Act, Sec. 3(a).

## VI. Functions for Mobilization and Management of Resources and Production

### A. Development and Maintenance of Essential Resources

#### 1. Federal

The National Security Act<sup>65</sup> provides a broad base upon which the Director advises the President concerning measures to be taken to assure the existence and availability of resources necessary for expanding, maintaining, or restoring production and distribution facilities essential to civil defense and defense mobilization.

The Strategic and Critical Materials Stock Piling Act provides the principal statutory authority for activities in connection with the maintenance of the stockpiles of materials necessary for production in event of attack as well as the actions taken to assure that these will be ready for use in event of emergency.<sup>66</sup>

The Defense Production Act provides an adequate basis upon which the Federal Government can conduct programs relating to preallocation of

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<sup>65</sup>50 USC 404.

<sup>66</sup>50 USC 98-98h. However, there are many allied authorities. In this connection see 7 USC 1704(b), 7 USC 1743(a)(2), 7 USC 1856(a), and 15 USC 714(b)(h) which relate to the use of surplus agricultural farm commodities in connection with obtaining strategic and critical materials. See also, Executive Order 10560 of September 9, 1954 (19 FR 5927), as amended, and Executive Order 10575 of November 6, 1954 (19 FR 7249), as amended. And see 40 USC 485(f), which concerns the use of surplus property in this connection. Executive Order 10638 of October 10, 1955 (20 FR 7637), as amended, deals with release of material from the stockpile in event of attack.



emergency production and distribution contracts, development of substitutes for essential resources unavailable from domestic sources, development of original domestic sources for essential resources, and expansion of existing productive capacity and the production and supply of materials and facilities essential to production and distribution.<sup>67</sup>

Under the Trade Agreements Extension Act of 1958, authority is given to the President to control imports from foreign areas if such imports threaten to impair the national security.<sup>68</sup> Under the authority of the Export Control Act of 1949, the President may control exports.<sup>69</sup>

## 2. State and Local

The Model Act provides authority to stockpile emergency supplies and equipment necessary for civil defense purposes.<sup>70</sup> Under the Federal Civil Defense Act, the Federal Government provides necessary financial assistance to the States for the development and maintenance by the States of necessary stocks of survival resources.<sup>71</sup>

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<sup>67</sup>Defense Production Act, Secs. 101 (50 USC App. 2071) and 301-304 (50 USC App. 2091-2094); Executive Order 10480 of August 14, 1953 (18 FR 4939), as amended by Executive Order 10489 (18 FR 6201), Executive Order 10537 (19 FR 3807), Executive Order 10574 (19 FR 7249), Executive Order 10662 (21 FR 1673), Executive Order 10773 (23 FR 5061), and Executive Order 10782 (23 FR 6971).

<sup>68</sup>PL 85-686, Sec. 8(a) (72 Stat. 678; 19 USC 1352 (a)). See OCDM Reg. 4 (24 FR 364), as amended.

<sup>69</sup>50 USC App. 2021-2032.

<sup>70</sup>Model State Civil Defense Act, Secs. 6(c) (3), and 9(b).

<sup>71</sup>Sec. 201(i) (50 USC App. 2281(i)). See also, OCDM *Federal Contributions Manual*, AM25-1.

**B. Reserves of Consumer End Products**

Under the Federal Civil Defense Act, the Federal Government can accumulate stocks of necessary consumer end products which might be unavailable in case of emergency.<sup>72</sup>

**C. Protection of the National Industrial Plant**

Pursuant to the provisions of the National Security Act, the Federal Civil Defense Act, and the Defense Production Act, the Federal Government, in accordance with Executive Order 10421,<sup>73</sup> conducts programs connected with physical protection of the national industrial plant. Under the Defense Production Act, the Federal Government encourages dispersal of industrial facilities.<sup>74</sup> Authority for voluntary agreements in connection with the exchange of resources by industry is contained in the Defense Production Act.<sup>75</sup>



**D. Preparations for Resources Mobilization and Management**

Under the broad authorities granted by the National Security Act, the Defense Production Act, the Federal Civil Defense Act, and the Strategic and Critical Stock Piling Act, the Federal Government is developing the plans necessary to implement the

<sup>72</sup>Sec. 201(h) (50 USC App. 2281(h)). See also, the Strategic and Critical Materials Stock Piling Act (50 USC 98-98h).

<sup>73</sup>Executive Order 10421 of December 31, 1952 (18 FR 57), as amended.

<sup>74</sup>Sec. 2 (50 USC App. 2062). See note 42, *supra*.

<sup>75</sup>Sec. 708 (50 USC App. 2158).

programs contained in the National Plan for emergency control of the economy and the mobilization and management of all essential resources.

#### **E. Exercise of Authority and Controls**

The existing legal authorities in this area are not as comprehensive as they might be for the effective implementation of some of the programs being developed under certain contingencies specified in the National Plan. In the event of attack upon the United States there is adequate authority in the Federal Government to implement such control measures as might be found necessary to the successful prosecution of the war; however, implementation of certain of the planned control measures in a situation short of war would undoubtedly require statutory authority in addition to that which presently exists.

There is currently emergency authority under the Federal Civil Defense Act for the expeditious construction and modification of facilities and for the requisitioning or condemnation of real and personal property without regard to the limitation of any existing law.<sup>76</sup> There is authority to sell, lease, lend, transfer, or deliver materials or perform services for civil defense purposes without regard to the limitations of existing law.<sup>77</sup> Under authority contained in the Defense Production Act, materials and

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<sup>76</sup>Sec. 303(a) (50 USC App. 2293(a)).

<sup>77</sup>Sec. 303(b) (50 USC App. 2293(b)).

facilities may be allocated and the unwarranted accumulation of property can be prohibited.<sup>78</sup> Proposed "standby" legislation is being developed which would authorize implementation of certain specific control measures contemplated by the National Plan.<sup>79</sup>

**F. Management of Resources After Attack on the Continental United States**

In accordance with the responsibilities specified in the National Plan, State and local governments are to provide for the accumulation, control, and distribution of goods and services. With a few exceptions it would appear that currently there is not adequate statutory authority at the State and local level to take some of the actions contemplated; however, the general police powers available to the States and localities would probably be considered adequate to support such actions following an attack upon the United States.<sup>80</sup>

Under the Federal Civil Defense Act the Director is empowered, after direction by the President, to direct and coordinate the relief activities of the Federal Agencies, and in doing so, to utilize the services, facilities, and resources of the Federal Government in aid of the States. The Federal resources, facilities, and services are to be so utilized after the

<sup>78</sup>Secs. 101-102 (50 USC App. 2071-2072).

<sup>79</sup>At the State level such legislation may be developed by the Council of State Governments. See also, note 14, *supra*.

<sup>80</sup>See notes 15 and 57, *supra*. See also, the Model State Civil Defense Act, Secs. 7(b) and 7(c) and the Model Interstate Civil Defense and Disaster Compact.



military requirements of the Department of Defense and the requirements of other Departments and Agencies in support of their essential functions have been taken into account.<sup>81</sup>

## **G. Management of Facilities After Attack on the Continental United States**

### **1. Federal**

The Defense Production Act, the National Security Act, the Strategic and Critical Stock Piling Act, and the Federal Civil Defense Act provide authority for the Federal Government to undertake the activities described in the National Plan relating to management of facilities after attack.

### **2. State and Local**

Under the Model Act, specific authority is granted by which State and local officials are authorized to invoke extraordinary measures to insure immediate repair and restoration of vital facilities.<sup>82</sup> Pursuant to the Federal Civil Defense Act<sup>83</sup> most of the States have entered into Interstate Civil Defense and Disaster Compacts. These compacts provide for mutual assistance and cooperation in the event of attack.<sup>84</sup>

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<sup>81</sup>Sec. 303(c) (50 USC App. 2293 (c)). See also, Sec. 302 (50 USC App. 2292).

<sup>82</sup>Model State Civil Defense Act, Secs. 7(b), 7(c), 7(f), and 9.

<sup>83</sup>Sec. 201(g) (50 USC App. 2281(g)).

<sup>84</sup>Forty (40) States including Hawaii have one or more interstate civil defense and disaster compacts in effect. Eight (8) additional States have authority to compact but have not filed with Congress. Only one State has no specific statutory authority in this area. (Alaska is not included herein.) See *FCDA Annual Statistical Report, 1958*. See also, *Interstate Compacts 1783-1956*, The Council of State Governments, 1956.

## VII. Supporting Functions

### A. Research and Development

#### 1. Federal

Adequate authority is provided by the Federal Civil Defense Act and the Defense Production Act to conduct appropriate research activities.<sup>85</sup> In addition the former Act provides authority to make financial contributions to the States for the purpose of conducting research.<sup>86</sup>

#### 2. State and Local

The Model Act specifically provides for the conduct by the States of research, surveys, and studies for necessary civil defense purposes.<sup>87</sup>



### B. Training and Education

#### 1. Federal

The Federal Civil Defense Act makes specific provision not only for the dissemination of public information<sup>88</sup> but also for the conduct by the Federal Government of training and education programs.<sup>89</sup> The Act also provides for financial contributions and technical assistance to the States

<sup>85</sup> See Federal Civil Defense Act, Sec. 201(d) (50 USC App. 2281(d)) and Defense Production Act, Secs. 302-303 (50 USC App. 2092-2093).

<sup>86</sup> Sec. 201(i) (50 USC App. 2281(i)). See also, OCDM *Federal Contributions Manual*, AM25-1.

<sup>87</sup> Model State Civil Defense Act, Sec. 6(c)(2) and 6(c)(4).

<sup>88</sup> Sec. 201(f) (50 USC App. 2281(f)).

<sup>89</sup> Sec. 201(e) (50 USC App. 2281(e)).

and the political subdivisions for their training and education activities.<sup>90</sup>

## 2. State and Local

The Model Act provides authority for the States to conduct the required training and education programs.<sup>91</sup>

## C. Federal Assistance

### 1. Federal

The Federal Civil Defense Act authorizes the Federal Government to provide financial assistance to the States and cities upon the basis of federally approved programs and projects.<sup>92</sup> Such financial assistance includes contributions toward State and local civil defense personnel and administrative costs.<sup>93</sup> The Act also provides for payment of travel expenses and per diem allowances for students attending federally conducted or operated civil defense schools or courses.<sup>94</sup> All of the foregoing assistance is limited to one-half of the cost involved.

Federal personal property of nearly every type and kind, surplus to the needs of the Federal

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<sup>90</sup>Sec. 201(i) (50 USC App. 2281(i)). See also, OCDM *Federal Contributions Manual*, AM25-1, Chapters 7-11.

<sup>91</sup>Model State Civil Defense Act, Sec. 6(c)(3).

<sup>92</sup>Sec. 201(i) (50 USC App. 2281(i)).

<sup>93</sup>Sec. 205 (50 USC App. 2286.) See also, OCDM Manual, AM25-2, *Contributions For Civil Defense Personnel and Administrative Expenses*.

<sup>94</sup>Sec. 201(e) (50 USC App. 2281(e)).

Government, is available for donation to the States for civil defense purposes.<sup>95</sup>

The Internal Revenue Code authorizes certain deductions, for Federal Income Tax purposes, for civil defense expenses. These include out-of-pocket expenses incurred by individuals in connection with the performance of civil defense activities. Expenses actually incurred by businesses in connection with civil defense activities or functions are authorized deductions in the same manner as ordinary and necessary business expenses.<sup>96</sup>

The National Housing Act authorizes Federal guarantees and loans for repair, alteration, and improvements on real property on such terms and conditions as the Federal Housing Administrator may prescribe.<sup>97</sup> This includes loans for the cost of constructing shelters or making alterations to provide protection in, or connected with, existing dwellings.

Under the Defense Production Act, the Federal Government may make provision for loans

<sup>95</sup>40 USC 484(j), (n). See also, FCDA Advisory Bulletin No. 202, revised October 1957, and Supplements Nos. 1 and 2 thereto and Manual M6-2, *FCDA Surplus Property*.

<sup>96</sup>Internal Revenue Code of 1954, Sec. 170 (26 USC 170). This section of the Code deals with charitable contributions. Contributions of money, equipment, or materials made to governments for public purposes (including civil defense) are contributions made to organizations for which a deduction is allowed (Secs. 170(a)(1), (c)(1)). See Rev. Rule 56-509, I.R.B. 1956-42, 11. See also, OCDM Advisory Bulletin No. 235, dated May 22, 1959.

<sup>97</sup>12 USC 1703. See also, OCDM Information Bulletin No. 100, dated July 10, 1959.



(including participations in, or guarantees of, loans) to private businesses if such are necessary to expedite production and deliveries or services to aid in carrying out Government contracts for the procurement of materials or the performance of services for the national defense (including civil defense).<sup>98</sup>

Under a special provision of the Internal Revenue Code, rapid tax amortization certifications may be granted in certain situations if there is compliance with the specific requirements of the provisions of the Code.<sup>99</sup>

## 2. State and Local

Under the Model Act, States and political subdivisions are authorized to accept financial assistance provided by the Federal Government.<sup>100</sup>

### **D. Review, Tests and Inspections**

The National Security Act and the Federal Civil Defense Act provide the authority for the review of the emergency plans of the Federal Agencies and of the States and their political subdivisions.<sup>101</sup>

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<sup>98</sup>Secs. 301-304 (50 USC App. 2091-2094). See Comptroller General Opinion, B-134339, dated December 18, 1957.

<sup>99</sup>Internal Revenue Code of 1954, Sec. 168(e), (g) (26 USC 168(e), (g)). See also, Executive Order 10480 of August 14, 1953 (18 FR 4939), as amended, and ODM Reg. 1A, dated February 26, 1958 (23 FR 1549).

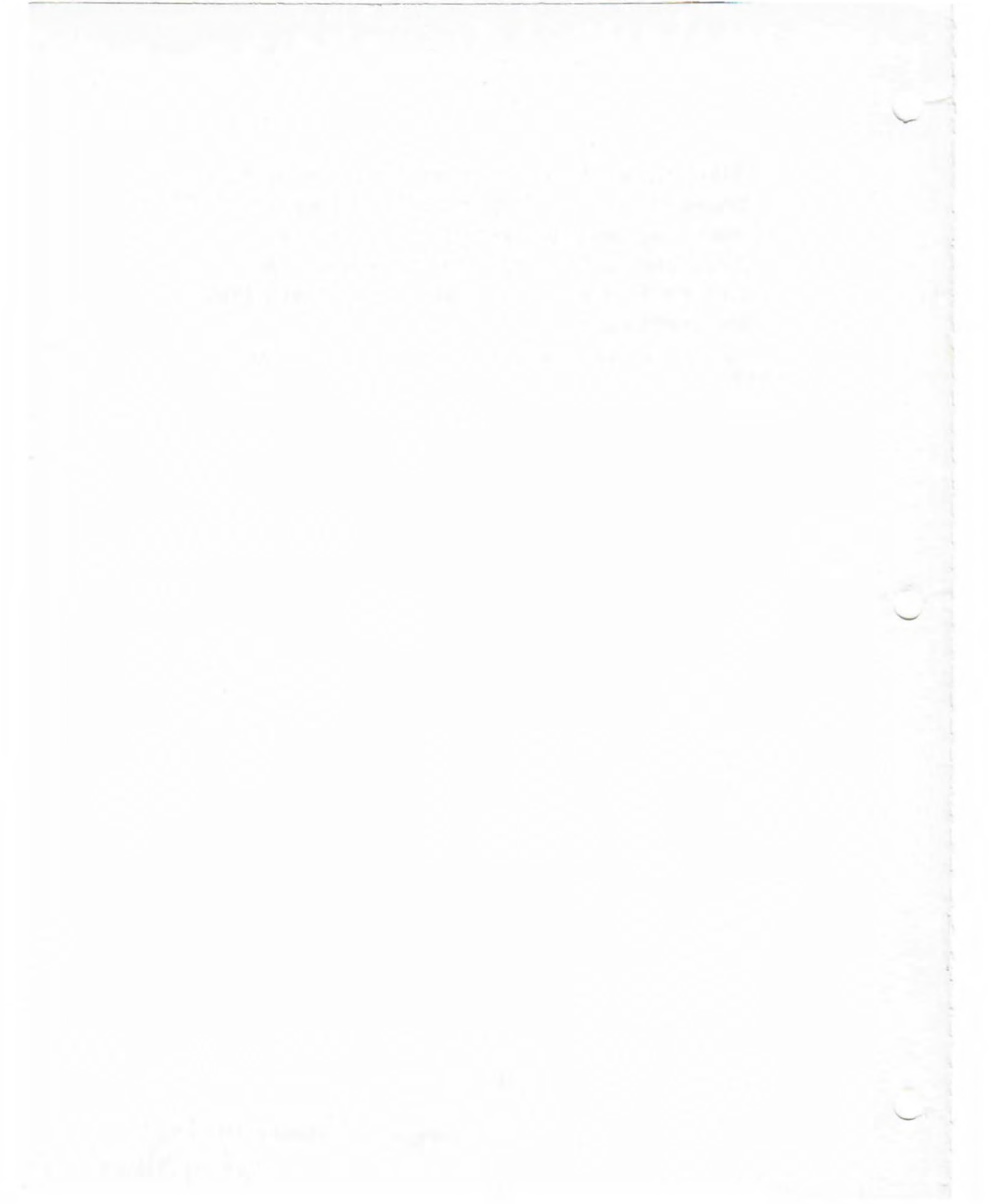
<sup>100</sup>Model State Civil Defense Act, Sec. 13(b).

<sup>101</sup>National Security Act (50 USC 404) and Federal Civil Defense Act, Secs. 201(a), (b) (50 USC App. 2281(a), (b)).

Authority is similarly provided for the conduct of necessary tests and inspections<sup>102</sup> to insure that all emergency plans and activities of government are formulated and carried out in accordance with the National Plan and the provisions of applicable laws and regulations.

<sup>102</sup>See Executive Order 10346 of April 17, 1952 (17 FR 3477), as amended.





**THE NATIONAL PLAN**  
**for**  
**Civil Defense and Defense Mobilization**

**Annex 5**

**FEDERAL DELEGATIONS**  
**AND ASSIGNMENTS**



**Executive Office of the President**  
**OFFICE OF CIVIL AND DEFENSE MOBILIZATION**

# THE NATIONAL PLAN

for

Civil Defense and Defense Mobilization

Volume 1

PLANNING AND ORGANIZATION

OF THE UNITED STATES



Executive Order of the President  
OFFICE OF CIVIL AND DEFENSE MOBILIZATION

## Preface

This annex supports and amplifies the National Plan for Civil Defense and Defense Mobilization, particularly Part IV, Section A, **Organization of the Federal Government**. It states the basis for making emergency planning and preparedness assignments to departments and agencies of the Federal Government and indicates the type of assignments proposed for each.

Before the establishment of the Office of Civil and Defense Mobilization (under Reorganization Plan No. 1 of 1958), certain civil defense and defense mobilization responsibilities had been assigned to other Federal agencies by the Federal Civil Defense Administration through "delegations" and by the Office of Defense Mobilization through certain "defense mobilization orders." These and other responsibilities are now assigned through "emergency preparedness orders" or letters from the Director, OCDM, in order to provide for the utilization in an emergency of the staff and resources of the entire Executive Branch of the Federal Government. (The commonly used words "delegations" and "assignments" can be employed interchangeably, although "delegations" more properly refers to the emergency preparedness orders, and "assignments" is more specifically equated with the functions stipulated by the orders or letters.)

**Each emergency preparedness order is to be published in the Federal Register and also issued as an appendix to this annex.** These assignment documents



are subject to refinement and amendment as the full nature of the Federal Government's emergency organization is developed.

The annex is published in looseleaf form in order that pages may be added or replaced easily whenever revisions are made.

A handwritten signature in cursive script, reading "F. A. Leigh". The signature is written in dark ink and is centered on the page.

Director

*Office of Civil and Defense Mobilization*

Issued January 1961

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**ANNEX 5**

**FEDERAL DELEGATIONS AND  
ASSIGNMENTS**

**I. Authority<sup>1</sup>**

The assignments indicated in this annex and issued as appendixes to it are made in accordance with Executive Order 10902, Providing for the Issuance of Emergency Preparedness Orders by the Director of the Office of Civil and Defense Mobilization. This Executive order, signed by the President on January 9, 1961, reads as follows:

By virtue of the authority vested in me by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Section 1. In connection with carrying out the functions delegated or otherwise assigned to him by the provisions of Executive Order No. 10773 of July 1, 1958, as amended by Executive Order No. 10782 of September 6, 1958, or by the provisions of other orders thereby amended, the Director of the Office of Civil and Defense Mobilization shall establish a series of civil-defense and defense-mobilization planning assignments which (1) shall be known as "Emergency Preparedness Orders," (2) shall, so far as practicable, be of uniform character, and (3) shall be designed to provide for the development of civil-defense and defense-mobilization plans and programs by the several departments and agencies of the executive branch of the Government to meet all conditions of national emergency, including attack upon the United States.

<sup>1</sup>See also Executive Order 10773, as amended, and Annex 4, Authorities for Civil Defense and Defense Mobilization, particularly Section IV. A.



Section 2. The head of each department and agency assigned civil-defense and defense-mobilization functions by the Director of the Office of Civil and Defense Mobilization in consonance with the provisions of section 1 of this order shall develop the plans and programs there referred to under the policy direction and central program control of the Director of the Office of Civil and Defense Mobilization.

Section 3. Nothing in this order or in the National Plan for civil defense and defense mobilization shall be construed as conferring authority to put into effect any plan, procedure, policy, program, or other course of action prepared or developed pursuant to this order or the National Plan.

## **II. Assumptions<sup>2</sup>**

A. While it is impossible to predict the precise nature of the Federal organization required after a massive enemy attack, it must be assumed that all Federal resources will be required to cope with the emergency.<sup>3</sup> For nonmilitary purposes the civilian agencies of government—Federal, State, and local—must prepare to concentrate their resources especially on leadership in saving lives and property in an emergency, distribution of basic supplies required for survival, control of resources, restoration of vital public utilities, and production of essential commodities.

B. Every agency of government must know in advance the nature of its emergency status in order to develop a state of readiness through current planning, organization, and training.

## **III. Kinds of Assignments**

A. Each order assigns certain functions to an agency to be exercised during emergency. These functions assigned to the several agencies for the current

<sup>2</sup>See Annex 1, Planning Basis.

<sup>3</sup>See Annex 3, Organization for Civil Defense and Defense Mobilization, and Annex 6, Federal Emergency Plans and Procedures.

period are planning and preparedness activities. The orders do not carry specific new authority to act in an emergency, but all provide that emergency plans and programs be developed as an integral part of the continuing activities of the agencies which would be responsible for such programs in an emergency. Some operations currently being carried out under authority of other Executive orders or statutes are closely related to the planning and preparedness activities of the agencies involved; in most cases these operations are reflected in the preparedness assignments and are consistent with them.

B. Each order is independent and outlines the entire preparedness program of the agency. Yet there are many similarities. Some assignments, contained in each order, are common to all agencies having any civil defense or defense mobilization responsibilities but are carried out independently; the principal common assignments provide for:

1. Continuity of the agency, both in Washington and in the field, including lines of succession, readiness of relocation sites, preservation of essential records, and availability of an Executive Reserve.
2. Determination and assessment of the effects of attack on resources assigned to the agency.
3. Establishment of working relations at the field level with other Federal agencies and with State and local officials, including the use by the State of Federal resources not needed for Federal operations.
4. Guidance to those industries, businesses, institutions, or associations which come within the



agency's normal area of influence, with regard to security, self-protection, and participation in local survival plans.

5. Development of an understanding by the pertinent industries or other groups, as well as the public generally, of the agency's role in an emergency.

C. Other assignments (such as those for production and distribution) are similar for a group of agencies but concern different resources; in general these involve close coordination. "Horizontal" assignments such as those pertaining to manpower, transportation, communications, stabilization, and public works require a high degree of coordination among several agencies.

#### **IV. Emergency Preparedness Orders**

A. Emergency preparedness orders are proposed for the following categories of agencies:

1. Departments with Cabinet status.
2. Agencies with current defense roles.
3. Agencies with general Federal service functions.
4. Agencies with primary preparedness responsibilities. These agencies will provide the basis for emergency organizations.
5. Agencies with major support responsibilities, segments of which will be incorporated into new wartime agencies such as those required for stabilization, transportation, communications, or reconstruction.
6. Agencies with other supporting roles.

B. Emergency preparedness orders are to be issued by the Director, OCDM, to the following departments and agencies and incorporated as appendixes to this annex:

1. Department of State
2. Department of the Treasury
3. Department of Defense
4. Department of Justice
5. Post Office Department
6. Department of the Interior
7. Department of Agriculture
8. Department of Commerce
9. Department of Labor
10. Department of Health, Education, and Welfare
11. Atomic Energy Commission
12. Civil Aeronautics Board
13. Export-Import Bank
14. Farm Credit Administration
15. Federal Aviation Agency
16. Federal Communications Commission
17. Federal Deposit Insurance Corporation
18. Federal Home Loan Bank Board
19. Federal Power Commission
20. Federal Reserve System (Board of Governors)
21. General Services Administration
22. Housing and Home Finance Agency
23. Interstate Commerce Commission
24. National Aeronautics and Space Administration
25. National Science Foundation
26. Railroad Retirement Board
27. Securities and Exchange Commission
28. Selective Service System
29. Small Business Administration
30. Tennessee Valley Authority
31. United States Civil Service Commission
32. United States Information Agency
33. Veterans Administration



## V. Use of Other Agencies

Assignments to agencies within the Executive Office of the President are self-evident and will not be published as appendixes to this annex. Other agencies not listed above will have no emergency preparedness assignments as agencies. They are being requested by letter from the Director, OCDM, to plan for a temporary suspension of such of their normal peacetime functions as would be impractical to administer for a substantial period following enemy attack, in order that their resources may be reassigned to emergency missions.

## VI. Redelegations

Each emergency preparedness order includes the general provision that, in carrying out the functions outlined, the head of the agency may reassign any portion to appropriate officials within his own agency or in other agencies. This provision is included to permit an agency with primary responsibility to include those elements of other agencies which are in a position to contribute to a total readiness posture.

**THE NATIONAL PLAN**  
**for**  
**Civil Defense and Defense Mobilization**

**Annex 6**

**FEDERAL EMERGENCY**  
**PLANS AND PROCEDURES**



**Executive Office of the President**  
**OFFICE OF CIVIL AND DEFENSE MOBILIZATION**



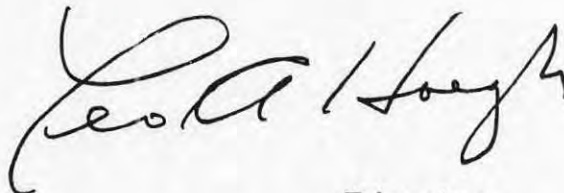
## Preface

This annex supports and amplifies the National Plan for Civil Defense and Defense Mobilization, particularly Part III, **Responsibilities**, and Part IV, **Organization**, as they pertain to the Federal Government. It states the responsibilities, objectives, and actions required for the development of complete Federal emergency plans and procedures for civil defense and defense mobilization.

While the annex is concerned solely with the Federal Government, *it is of value to the States and their political subdivisions not only as indicative of Federal emergency Standard Operating Procedure (SOP) but also as applicable to similar State and local planning.*

Auxiliary documents will be issued as necessary and will be subordinate to and compatible with this annex and the National Plan. These will include emergency action documents for implementing such plans and procedures. Although certain of the plans and procedures developed pursuant to this annex will be classified, the annex and its appendixes will be maintained in an unclassified form.

The annex is published in looseleaf form in order that pages may be added or replaced easily whenever revisions are made.



Director  
*Office of Civil and Defense Mobilization*

Issued June 1960



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**ANNEX 6**

**FEDERAL EMERGENCY PLANS  
AND PROCEDURES**

**I. Definition**

For the purpose of this annex, the term "Federal emergency plans and procedures" refers to those detailed plans and standard operating procedures which must be developed by each Federal agency in order to carry out, during an emergency, its responsibilities as set forth in the National Plan for Civil Defense and Defense Mobilization. These plans and procedures include those pertaining to the alerting, movement, and emergency use of the employees of each Federal agency, as well as plans for the emergency use of the agency's resources. They also cover the substantive actions to be taken by each agency in carrying out its emergency functions, including the necessary implementing documents and orders.



**II. Assumption**

This annex is based on the assumption that all possible emergency actions should be planned in advance, and that the decisions required at the time of emergency to implement plans and procedures should be kept to a minimum.

### III. General Responsibilities

The Federal Government is responsible for developing Federal emergency plans and procedures for all of its agencies, employees, and material resources, wherever located. This responsibility must be carried out not only to achieve Federal operational readiness, but to provide example to State and local governments, nongovernmental organizations, and individuals.

A. The Director, Office of Civil and Defense Mobilization, is responsible for:

1. Developing overall Federal plans covering the three principal contingencies cited in the Preface to the National Plan—international tension, limited war, and general war.
2. Providing guidance and assistance to the Federal agencies in developing their emergency plans and in preparing implementing documents and procedures.
3. Coordinating the emergency plans, procedures, and documents for the entire Federal establishment.
4. Developing OCDM plans, procedures, and documents.

B. The heads of Federal agencies are responsible for:

1. Developing plans, consistent with overall plans developed by OCDM and with governing policies and regulations, for their agencies' inherent and assigned defense functions.
2. Developing standard operating procedures and implementing documents where necessary.

3. Specifically assigning all of their agencies' resources for emergency use. This applies to all agencies.

#### **IV. Functions**

The essential elements or functions of Federal readiness in civil defense and defense mobilization are the following: (a) Each agency's readiness for alerting employees, its measures for its own self-protection, and its provision of guidance for the self-protection of families of employees with emergency assignments; (b) operational plans for carrying out the agency's emergency responsibilities; (c) organization, staffing, training, and equipment necessary for the execution of plans; and (d) assignment, to other Federal or to State and local emergency functions, of agency personnel and resources not needed under the agency's plans.

##### **A. Personnel Protection and Relocation**

###### **1. Objective**

To assure readiness by each agency for the warning and protection of its employees and their movement, as appropriate, to relocation sites.

###### **2. Actions Required**

Each Federal agency will:

- a. Provide for warning its employees. (Under a tactical or a strategic warning situation, Federal employees generally would be alerted through their command channels or through a general warning issued to the public,<sup>1</sup> and would take

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<sup>1</sup>See Annex 7, Role of the Military, for contingency planning by the military for use of available resources in nonmilitary emergency assignments.



action as so directed. Some essential personnel, however, would remain on duty after tactical warning or would relocate as soon as feasible. All Federal facilities must be so organized that each employee knows what he is to do upon warning.)

- b. Provide for an internal civil defense organization in each Federal facility, consistent, where appropriate, with that of the locality in which the facility is located.<sup>2</sup>
- c. Develop relocation plans at the field level, consistent with the Federal Relocation Arc program for national headquarters and with plans of the States and localities concerned.
- d. Provide for movement of appropriate personnel to relocation sites under emergency conditions, in cooperation with the States and localities involved.
- e. In accordance with OCDM instructions, provide to employees having emergency assignments guidance on the care of their families during an emergency. (Each employee having an emergency assignment which would prevent his direct assistance to his family during the emergency must indoctrinate his family in the civil defense plans of its community and must take proper preparedness measures for the family's protection

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<sup>2</sup>See the General Services Administration handbook *Building Organization for Self Protection*.

without dependence on his presence in an emergency.) No provision can be made for accommodating dependents in agencies' relocation facilities.

**B. Operational Readiness Planning**

1. Objective

To assure that each agency is prepared and ready to carry out in emergency its necessary functions.

2. Actions Required

Each Federal Agency<sup>3</sup> will:

- a. Determine its nonmilitary defense emergency functions and those of its field establishments, in accordance with the the National Plan and its annexes and implementing plans and programs.
- b. Develop Standard Operating Procedures (SOP's) for carrying out these emergency functions. (These procedures should be integrated with appropriate State and local civil defense plans.)
- c. Develop emergency documents for implementing the emergency plans. These include:
  - (1) Emergency Executive orders.
  - (2) Presidential proclamations.
  - (3) Delegations of authority.
  - (4) Regulations.
  - (5) Directives.
  - (6) Emergency appointments.
  - (7) Draft legislation.



<sup>3</sup>See Annex 7, Role of the Military, for contingency planning by the military for use of available resources in nonmilitary emergency assignments.

- d. Test periodically its readiness, at headquarters and in the field, to carry out its emergency functions.<sup>4</sup>
- e. Adjust plans, programs, and procedures, on the basis of test results, to improve operational capability.

**C. Organization, Staffing, Training, and Equipment**

1. Objective

To assure that Federal agencies, both at headquarters level and in the field, are capable of executing their emergency plans.

2. Actions Required

Each agency will:

- a. Determine, to the extent possible pre-emergency, the personnel and resources required to perform its emergency mission.
- b. Arrange for the assignment to it of additionally needed personnel and resources from other Federal agencies.
- c. Advise each unit, facility, and employee of the emergency functions assigned or actions to be taken.
- d. Train personnel, including Executive Reservists, as required.

**D. Assignment of Personnel and Resources to Other Functions**

1. Objective

To assure that all Federal personnel and resources are assigned for specific emergency functions.

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<sup>4</sup>See Annex 39, Review, Tests, and Inspection.

## 2. Actions Required

Each Federal agency, in accordance with pertinent policies and regulations, will:

- a. Determine, in cooperation with OCDM and to the extent possible preemergency, which of its personnel and resources are *not* needed to carry out its own emergency functions.
- b. To the extent possible preemergency, assign those personnel and resources to emergency service with other Federal agencies as appropriate or, if not needed or usable at the Federal level, assign them to emergency service with State or local civil defense organizations which request such assistance. (In the field, such assignments will be determined by the OCDM Regional Director or the field representative of the appropriate agency, in accordance with the agency's policies and plans, and will be coordinated by the Regional Director through the Regional Civil and Defense Mobilization Board and other appropriate agencies. Assignment of personnel or resources to a local government must also be coordinated with the State government.)
- c. In emergency, reevaluate these assignments in light of then existing conditions and needs. Personnel without specific assignments should make their services available to State or local civil defense.



## V. Execution

### A. Office of Civil and Defense Mobilization

The Office of Civil and Defense Mobilization, in collaboration with other Federal agencies, shall prepare and issue, as appropriate, Federal plans which outline the principal Federal actions to be taken under varying emergency conditions. The Director will issue guidance to other Federal agencies in accordance with Part III, Section A, and Part IV, Section A, of the National Plan, and Parts III and IV of this annex. Guidance regarding the movement of Executive Branch personnel to relocation sites has been issued to each Federal agency and is summarized in Part IV, Section A, of this annex.

### B. Other Federal Agencies

Each Federal agency shall, in accordance with Part IV, Section A, of the National Plan and with this annex, develop plans, programs, and procedures to carry out its functions in an emergency and to assure full use of its personnel under emergency conditions. It shall make these plans available to State and local governments as appropriate.

1. The General Services Administration will provide guidance and assistance to appropriate Federal agencies regarding their plans for facility and personnel protection.<sup>5</sup>
2. The Civil Service Commission will coordinate the reassignment of Federal personnel to emergency duties outside their own agencies.

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<sup>5</sup>See also Annex 8, Preparations for Continuity of Government, and Annex 11, Protection of Essential Facilities.