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Withdrawer

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File Folder IRAN/ARMS TRANSACTION: CONTINUITY OF
GOVERNMENT (1 OF 2)

FOIA

S643

Box Number CFOA 1131

SYSTEMATIC

131

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164757	PAPER	MARTIAL LAW	4	ND	B1

The above documents were not referred for declassification review at time of processing

Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
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- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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~~SECRET~~ ATTACHMENT

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

July 9, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.
COUNSEL TO THE PRESIDENT

WILLIAM B. LYTTON, III
DEPUTY SPECIAL COUNSELLOR TO THE PRESIDENT

FROM: PAUL SCHOTT STEVENS *PS*
SUBJECT: Miami Herald Articles on Lt Colonel North

I am forwarding for your information a copy of a memorandum to me prepared by Jim Miskel, a member of the staff of NSC's Defense Policy Directorate, concerning the recent Miami Herald articles. Among other materials attached to the memorandum are copies of the documents that Mark Belnick identified to Bill Lytton (see Tabs A and D).

As it turns out, the articles do not appear to have any direct relation to the classified continuity of the government program (although analogous objections to FEMA's authority were raised by the Attorney General in that context). I nonetheless would like to discuss with you in advance how we can satisfy Mr. Belnick's interest in this matter so as to avoid the possibility of compromising the classified program. In that connection, I have obtained a listing of congressional staff who have been cleared into the program; I am asking Brian Merchant to compare this list to the list of staff members of the Select Committees whom NSC has cleared, to identify any overlap.

Attachment

Tab I Copy of July 7 memorandum to me from Jim Miskel

cc:

Grant S. Green
William A. Cockell
James Miskel

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3/31/14



NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

July 7, 1987

INFORMATION

MEMORANDUM FOR PAUL S. STEVENS

FROM: JIM MISKEL *jm*
SUBJECT: Miami Herald Report on FEMA and Lt. Col. North

In June 30, 1982 FEMA document referred to in the article is an internal staff paper, not a plan to impose "martial law". A copy is attached at Tab A. The June 30, 1982 staff paper does summarize two classified Presidential Emergency Action Documents (PEADS) that bear on the subject; but these documents were developed in the 1960s and updated in the late 1970s as standby executive orders and proclamations. There are more than 20 PEADS, they cover a wide range of potential options that might be considered in a major emergency or attack on the U.S., e.g. transferring the Coast Guard to the operational control of the Navy during wartime.

Lt. Col. North participated in a White House Military Office-NSC review of the classification level of one of the PEADS related to the subject of constitutional rights (Tab B). We have no evidence that he participated in the development of the June 30, 1982 FEMA staff paper. The ex-FEMA official responsible for the staff paper, John Brinkerhoff, was quoted in a July 6 wire as labeling the reports of Lt. Col. North's involvement as "ridiculous" (Tab C).

Lt. Col. North was FEMA's point of contact on the NSC for some programs; he was listed as the NSC staff person that FEMA would notify with reports of a major emergency. Other FEMA "accounts" such as mobilization planning were handled by the defense group.

The Attorney General memo of August 2, 1984 quoted in the newspapers is attached at Tab D. The memo is not related to the subjects of martial law or suspension of constitutional rights. The Attorney General memo to National Security Advisor McFarlane addresses the issue of proposed revisions to Executive Order 11490. Executive Order 11490 was promulgated in 1969. It is unclassified and assigns basic emergency preparedness responsibilities to departments and agencies. A copy of the current Executive Order 11490 is at Tab E.

The Justice Department concern was that FEMA appeared to be interpreting its authority to set policy during emergencies too liberally. Indeed, the Attorney General sent an analogous,

-2-

classified letter (also dated August 2, 1984) to the FEMA Director objecting to the pre-eminent position FEMA appeared to be according itself in the continuity of government program.

This classified document was not referred to in the Miami Herald article. However, the coincidental date of the second letter and the press language about a "secret government" may have suggested that a connection with the continuity of government program. It is clear, however, that the article is quoting the unclassified letter dealing with Executive Order 11490.

NSDD 188, dated September 1986, clarified the role of FEMA as a coordinator, not as a policy-maker or "emergency czar". The clarification has been implemented in the continuity of government program and is being incorporated into pending revisions to Executive Order 11490.

FEMA is conducting an in-house review of documents pertinent to the Miami Herald article to prepare for possible questions. Copies of the documents are being provided to me by the FEMA Chief of Staff. FEMA has not received any calls from the media about the story as of this afternoon.

Attachments

Tab A	June 30, 1982 FEMA internal staff paper
Tab B	Security classification review dtd Oct 19, 1984
Tab C	Article quoting J. Brinkerhoff
Tab D	Attorney General memo dtd Aug 2, 1984
Tab E	Current Executive Order 11490

CC: William A. Cockell
D. Barry Kelly

A

SECRET

MEMORANDUM FOR: LOUIS O. GIUFFR
DIRECTOR

FROM: John H. Brinkerhoff, Signer
Acting Associate Director
National Preparedness Programs

SUBJECT: Martial Law (U)

(U) During the recent exercise, the topic of martial law surfaced, just as it has in most large exercises in recent decades. The attached paper was prepared by the Research Office at my request in order to provide a ready reference that will minimize debate within FEMA, and serve as a basis for more formal external proceedings should you so direct. Because any such action would surely be complex and almost inevitably controversial, I am limiting distribution to the General Counsel and Associate Directors. The present version reflects comments received from initial internal coordination.

Attachment

Copies with attachment to:
Associate Director, Resource Management
and Administration
Associate Director, State and Local Programs
and Support
General Counsel
Associate Director, Training and Education
cc:

FEMA CLASSIFIED FILES

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UPON REMOVAL OF ATTACHMENTS THIS
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THE WHITE HOUSE

WASHINGTON

October 19, 1984

MEMORANDUM FOR

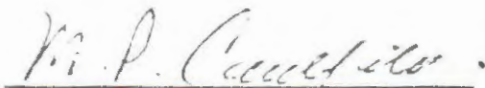
William F. Williams
Acting Associate Director
Emergency Operations Directorate
Federal Emergency Management Agency

SUBJECT

Secret Classification of Presidential
Emergency Action Document 21

Per your request the White House Military Office and the National Security Council staff conducted a security classification review of Presidential Emergency Action Document (PEAD) 21. This document, classified Secret in its entirety, is appropriately classified under Executive Order 12356 (April 1982 and revised January 1983). Since the document is classified by FEMA, which is not a part of the Executive Office of the President, it is doubtful that it is exempt from the Freedom of Information Act (FOIA). However, if you want to pursue the question of FOIA exemption for PEAD 21, the White House Legal Counsel would be the best source for legal opinions on the matter.

Jack Mills is available to coordinate any further assistance you may require concerning the PEADs.



M. P. CAULFIELD
Colonel, U. S. Marine Corps
Deputy Director
White House Military Office



O. L. NORTH
Lt Colonel, U. S. Marine Corps
Deputy Director
Political-Military Affairs

C

75 ufi 07-06-87 12:40 aed

Report says North authored plan to suspend Constitution

MIAMI (UPI) — Lt. Col. Oliver North helped write a contingency plan 1982 that called for the suspension of the Constitution and imposition of martial law in the event of a national crisis, a newspaper reports.

Outlined in a June 30, 1982, memo, the plan was a revised version of federal contingency plans for dealing with nuclear war, mass

insurrection or military mobilization, The Miami Herald said Sunday.

The newspaper said the memo it obtained was written by John Brinkerhoff, a deputy to Louis Guiffrida, the Federal Emergency Management Agency chief. The martial law provisions resembled a 1970 paper by Guiffrida proposing such action in the event of a national black militant uprising, the paper added.

North, as the FEMA contact at the National Security Council staff, helped Brinkerhoff write the 1982 recommendations for suspending the constitution, declaring martial law, turning control of the United States over to his agency and appointing military commanders to run state and local governments.

Reached by telephone Sunday at his home in northern Virginia, Brinkerhoff denounced as "ridiculous" the report involving him and the marine now at the center of the Iran-Contra scandal.

Saying he left government in 1982, Brinkerhoff added, "There never was a plan to install martial law or martial rule. The whole purpose of emergency preparedness is and was to maintain civil rule.

"A lot of memos and lot of plans were written. We have a responsibility to plan for mobilization in case of emergency or war. As far as some evil plot ... it simply is untrue."

According to the Herald, the proposal alarmed Attorney General William French Smith, who in August 1984 wrote to North's boss at the time, national security adviser Robert McFarlane, stating his objections and urging a delay in signing the directive.

"I believe that the role assigned to the Federal Emergency Management Agency in the revised Executive Order exceeds its proper function as a coordinating agency for emergency preparedness," the Herald said Smith wrote. "This department and others have repeatedly raised serious policy and legal objections to the creation of an emergency czar for FEMA."

The newspaper said it was not clear whether an executive order was signed with the proposed martial law plans, but congressional sources said they believed President Reagan did sign an executive order in 1984 that revised national military mobilization measures to deal with civilians in a crisis.

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ED 11490

D



Office of the Attorney General

Washington, D.C. 20530

August 2, 1984

The Honorable Robert C. McFarlane
Assistant to the President for
National Security Affairs
The White House
Washington, D.C. 20500

Dear Bud:

The Office of Legal Counsel (OLC) of the Department of Justice was recently asked by the Office of Management and Budget (OMB) to review, for form and legality, a draft Executive Order (EO) revising EO 11490, which deals with the Assignment of Emergency Preparedness Functions to Federal Departments and Agencies. OLC is presently working with OMB concerning the request, and will be making a formal response to OMB in the near future.

Apart from the legal review by OLC, I believe that the draft Executive Order raises serious substantive and public policy issues that should be further addressed before this proposal is submitted to the President. In short, I believe that the role assigned to the Federal Emergency Management Agency (FEMA) in the revised Executive Order exceeds its proper function as a coordinating agency for emergency preparedness.

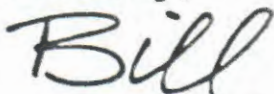
Even under the existing Order, it has often been difficult to separate the coordinating responsibilities of FEMA from the operational responsibilities of other departments and agencies. EO 11490, as signed on October 30, 1969, "severally charged" all departments and agencies with the "duty of assuring the continuity of the Federal Government in any national emergency." Nevertheless, in operating under the Executive Order FEMA has promulgated numerous plans and proposals that are in sharp contrast to the concept of utilizing the existing decision-making structure of the Executive Branch for emergency planning and response. Recent FEMA continuity of government plans feature layers of FEMA operational personnel inserted between the President and all other federal civil agencies. Its mobilization exercise scenarios continue to assign FEMA the responsibility of representing the Department of Justice and other Cabinet agencies at meetings with the President and the National Security Council during national security emergencies.

This Department and others have repeatedly raised serious policy and legal objections to the creation of an "emergency czar" role for FEMA. Specific policy concerns regarding recent FEMA initiatives include the abandonment of the principle of "several" agency responsibility and the expansion of the definition of severe emergencies to encompass "revolving" crises.

law enforcement emergencies. Legal objections relate to the absence of Presidential or Congressional authorization for unilateral FEMA directives which seek to establish new Federal Government management structures or otherwise task Cabinet departments and other federal agencies. I am convinced that the policy ramifications of these issues have not yet been adequately considered by affected Administration officials.

In spite of these objections, the draft Executive Order seems to legitimize FEMA's authority beyond that of a coordinating agency. In view of the serious substantive and public policy ramifications of this expanded role by FEMA, I encourage you to delay submission of the Order to the President pending a re-evaluation of the Administration's desired approach to emergency preparedness and continuity of government programs. I believe that a revised draft Executive Order should be prepared which clarifies the emergency preparedness responsibility of each federal department and agency and articulates the desirable limitations upon the operational and oversight roles of the Federal Emergency Management Agency. We stand ready to meet at any time with the appropriate people to draft these clarifications.

Sincerely,



William French Smith
Attorney General

cc: David A. Stockman
Director, Office of Management
and Budget

✓ Louis Giuffrida
Director, FEMA

E

**Executive Order 11490—Assigning emergency preparedness functions
to Federal departments and agencies**

SOURCE: The provisions of Executive Order 11490 of Oct. 22, 1969, appear at 34 FR 17567, 3 CFR, 1966-1970 Comp., p. 820, unless otherwise noted.

CROSS REFERENCE: Executive Order 11725 of June 27, 1973, 38 FR 17175, 3 CFR, 1970-1975 Comp., p. 779, which was revoked by Executive Order 12148 of July 20, 1979, this chapter, p. 843, transferred certain functions under Executive Order 11490 to the Administrator of General Services.

WHEREAS our national security is dependent upon our ability to assure continuity of government, at every level, in any national emergency type situation that might conceivably confront the nation; and

WHEREAS effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

WHEREAS effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

WHEREAS the Congress has directed the development of such national emergency preparedness plans and has provided funds for the accomplishment thereof; and

WHEREAS this national emergency preparedness planning activity has been an established program of the United States Government for more than twenty years:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, it is hereby ordered as follows—

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12	Department of Housing and Urban Development.....
13	Department of Transportation.....
14	Energy Research and Development Administration.....
14A	Nuclear Regulatory Commission.....
15	Civil Aeronautics Board.....
15A	Environmental Protection Agency.....
16	Export-Import Bank of the United States.....
17	Federal Bank Supervisory Agencies.....
18	Federal Communications Commission.....

the Secretary of Transportation, enforcement of marine inspection and navigation laws.

[Sec. 301 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124]

SEC. 302. *Financial Coordination.* The Secretary shall assume the initiative in developing plans for implementation of national policy on sharing war losses and for the coordination of emergency monetary, credit, and Federal benefit payment programs of those departments and agencies which have responsibilities dependent on the policies or capabilities of the Department.

PART 4—DEPARTMENT OF DEFENSE

SEC. 401. *Functions.* The Secretary of Defense shall perform the following emergency preparedness functions:

(1) Provide specific strategic guidance as required for emergency preparedness planning and programming, including, for example, guidance regarding such factors as accessibility of foreign sources of supply and estimated shipping loss discounts and aircraft losses in the event of war.

(2) Develop and furnish quantitative and time-phased military requirements for selected end-items, consistent with defined military concepts, and supporting requirements for materials, components, production facilities, production equipment, petroleum, natural gas, solid fuels, electric power, food, transportation, and other services needed to carry out specified Department of Defense current and mobilization procurement, construction, research and development, and production programs. The items and supporting resources to be included in such requirements, the periods to be covered, and the dates for their submission to the appropriate resource agency will be determined by mutual agreement between the Secretary of Defense and the head of the appropriate resource agency.

(3) Advise and assist the Director, Federal Emergency Management Agency in developing a national system of production urgencies.

(4) Advise and assist the Director, Federal Emergency Management Agency in developing a system, in conjunction with the Department of State, for the international allocation of critical materials and products among the United States and the various foreign claimants in the event of an emergency, including an attack on the United States.

(5) Plan for and administer priorities and allocations authority delegated to the Department of Defense. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Director, Federal Emergency Management Agency.

(6) Assist the Department of Commerce and other appropriate agencies in the development of the production and distribution controls plans for use in any period of emergency.

(7) Develop with industry, plans for the procurement and production of selected military equipment and supplies needed to fulfill emergency requirements, making maximum use of plants in dispersed locations, and, where essential and appropriate, providing for alternative sources of supply in order to minimize the effects of enemy attack.

(8) Develop with industry, plans and programs for minimizing the effect of attack damage to plants producing major items of military equipment and supply.

(9) Recommend to the Director, Federal Emergency Management Agency measures for overcoming potential deficiencies in production capacity to produce selected military supplies and equipment needed to fulfill emergency requirements, when necessary measures cannot be effected by the Department of Defense.

(10) Furnish information and recommendations, when requested by the Director, Federal Emergency Management Agency, for purposes of processing applications for defense loans under Title III of the Defense Production Act of 1950, as amended.

(11) Furnish advice and assistance on the utilization of strategic and critical materials in defense production, including changes that occur from time to time.

(12) Analyze problems that may arise in maintaining an adequate mobilization production base in military-product industries and take necessary actions to overcome these problems within the limits of the authority and funds available to the Department of Defense.

(13) Assist the Secretary of Commerce with respect to the identification and evaluation of facilities important to the national defense.

(14) Advise and assist the Director, Federal Emergency Management Agency in the development and review of standards for the strategic location and physical security of industries, services, government, and other activities for which continuing operation is essential to national security, and exercise physical security cognizance over the facilities assigned to him for such purpose.

(15) Develop and operate damage assessment systems and assist the Director, Federal Emergency Management Agency and other departments and agencies in their responsibilities as stated in Section 3002(2); participate with the Director, Federal Emergency Management Agency in the preparation of estimates of potential damage from enemy attack.

(16) Advise and assist the Director, Federal Emergency Management Agency in the development of over-all manpower policies to be instituted in the event of an emergency, including an attack on the United States, including the provision of information relating to the size and composition of the Armed Forces.

(17) Advise on existing communications facilities and furnish military requirements for commercial communications facilities and services in planning for and in event of an emergency, including an attack on the United States.

(18) Furnish military requirements for all forms of transportation and transportation facilities in planning for and in the event of emergency, including an attack upon the United States.

(19) Assist the Director, Federal Emergency Management Agency in preparation of legislative programs and plans for coordinating nonmilitary support of emergency preparedness programs.

(20) Develop plans and procedures for the Department of Defense utilization of nonindustrial facilities in the event of an emergency in order to reduce requirements for new construction and to provide facilities in a minimum period of time.

(21) Advise and assist the Director, Federal Emergency Management Agency in (1) determining what key foreign facilities and operating

rights thereto are important to the security of the United States, and (2) obtaining through appropriate channels protection against sabotage.

(22) Develop plans and procedures to carry out Department of Defense responsibilities stated in the National Censorship Agreement between the Department of Defense and the Director, Federal Emergency Management Agency.

(23) Advise and assist the Department of State in planning for the evacuation of dependents from overseas areas, United States teachers and administrators in the overseas dependents schools, and such other United States citizens as may be working in United States schools overseas.

(24) Develop plans for implementation of approved Department of State/Department of Defense policies and procedures for the protection and evacuation of United States citizens and certain designated aliens abroad.

(25) Develop plans and procedures for the provision of logistical support to members of foreign forces, their employees and dependents as may be present in the United States under the terms of bilateral or multilateral agreements which authorize such support in the event of a national emergency.

(26) Develop with the Department of Transportation and Federal Communications Commission plans and programs for the control of air traffic, civil and military, during an emergency.

(27) Develop with the Federal Communications Commission and the National Security Council plans and programs for the emergency control of all devices capable of emitting electromagnetic radiation.

(28) Develop, under the guidance of the Department of the Interior, plans and programs designed to help meet water requirements in an emergency in watershed areas regulated by the Corps of Engineers or other Department of Defense elements.

(29) Develop plans for emergency assistance to public water supply utilities, working as necessary through agencies having primary responsibility, and with State and local governments.

(30) In coordination with the Department of Transportation and other responsible Federal agencies, and in cooperation with the Tennessee Valley Authority in matters affecting the Tennessee River and certain of its tributaries, and with respect to all other inland waterways, canals, harbors, and navigation channels within the United States and possessions and territories, develop emergency plans and procedures for improvement, restoration, rehabilitation, operation and maintenance of components of Federally authorized river and harbor projects; locating and removing obstructions to navigation; accomplishing dredging to clear and straighten navigation channels; collecting, compiling, and publishing information on the physical characteristics and facilities of ports of the United States and possessions and territories for the use and benefit of navigation.

[Sec. 401 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124; EO 12046 of Mar. 27, 1978, 43 FR 13349, 3 CFR, 1978 Comp., p. 156; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

PART 5—DEPARTMENT OF JUSTICE

SEC. 501. *Functions.* The Attorney General shall perform the following emergency preparedness functions:

(1) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(2) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(3) *Judicial and legislative liaison.* In cooperation with the Director, Federal Emergency Management Agency, maintain liaison with Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(4) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents, and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(5) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of State and Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(a) The location, restraint, or custody of alien enemies.

(b) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(c) Apprehension of deserting alien crewmen and stowaways.

(d) Investigation and control of aliens admitted as contract laborers.

(e) Control of persons entering or departing from the United States at designated ports of entry.

(f) Increased surveillance of the borders to preclude prohibited crossings by persons.

(6) *Alien property.* Develop emergency plans, in consultation with the Department of State, for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act.

(7) *Security standards.* In consultation with the Department of Defense and with other executive agencies, to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(8) *Drug Control.* Develop emergency plans and procedures for the administration of laws governing the import, manufacture, and distribution of narcotics. Consult with and render all possible aid and assistance

to the Director, Federal Emergency Management Agency, the Department of Health, Education, and Welfare, and the General Services Administration in the allocation, distribution, and, if necessary, the replenishment of Government stockpiles of narcotic drugs.

[Sec. 501 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 502. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Director of the Federal Emergency Management Agency, the Attorney General shall:

(1) *Local law enforcement.* Upon request, consult with and assist the Director of the Federal Emergency Management Agency to plan, develop, and distribute materials for use in the instruction and training of law enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions of learning; and assist the States in preparing for the conduct of intrastate and interstate law enforcement operations to meet the extraordinary needs that would exist for emergency police services under conditions of attack or imminent attack.

(2) *Penal and correctional institutions.* Develop emergency plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutional resources, when available, for cooperation with local authorities in connection with mass feeding and housing, for the storage of standby emergency equipment, for the emergency use of prison hospitals and laboratory facilities, for the continued availability of prison-industry products, and, in coordination with the Department of Labor, for the development of Federal prisoner skills to appropriately augment the total supply of manpower, advise States and their political subdivisions regarding the use of State and local prisons, jails, and prisoners for the purpose of relieving local situations and conditions arising from a state of emergency.

(3) *Identification and location of persons.* Develop emergency plans and procedures for the use of the facilities and personnel of the Department of Justice in assisting the Department of Health, Education, and Welfare with the development of plans and procedures for the identification of the dead and the reuniting of families during a civil defense emergency.

[Sec. 502 amended by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

PART 6—UNITED STATES POSTAL SERVICE

[Title amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124]

SEC. 601. *Functions.* The Postmaster General shall prepare plans and programs for emergency mail service and shall cooperate with indicated Federal agencies, in accordance with existing agreements or directives, in the following national emergency programs:

(1) *Registering of persons.* Assist the Department of Health, Education, and Welfare in planning a national program and developing technical guidance for States, and directing Postal Service activities concerned with registering persons and families for the purpose of receiving

ing and answering welfare inquiries and reuniting families in civil defense emergencies. The program shall include procurement, transportation, storage, and distribution of safety notification and emergency change of address cards in quantities and localities jointly determined by the Director of the Federal Emergency Management Agency and the United States Postal Service.

(2) *Other emergency programs.* (a) Censorship of international mails. (Department of Defense; Department of the Treasury; Director, Federal Emergency Management Agency)

(b) Provision for emergency mail service to Federal agencies at both regular and emergency sites. (General Services Administration)

(c) Emergency registration of Federal employees. (Office of Personnel Management)

(d) Registration of enemy aliens. (Department of Justice)

[Sec. 601 amended by EO 11521 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 426; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

PART 7—DEPARTMENT OF THE INTERIOR

SEC. 701. *Resume of Responsibilities.* The Secretary of the Interior shall prepare national emergency plans and develop preparedness programs covering (1) electric power; (2) petroleum and gas; (3) solid fuels; (4) minerals; and (5) water, as defined in Section 702 of this part.

SEC. 702. *Definitions.* As used in this part:

(1) "Electric power" means all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(2) "Petroleum" means crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for their movement and facilities specially designed for their storage.

(3) "Gas" means natural gas (including helium) and manufactured gas, including pipelines for their movement and facilities specially designed for their storage.

(4) "Solid fuels" means all forms of anthracite, bituminous, subbituminous, and lignitic coals, coke, and coal chemicals produced in the coke-making process.

(5) "Minerals" means all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the Atomic Energy Act of 1954, as amended) obtained by mining and like operations and processed through the stages specified and at the facilities designated in an agreement between the Secretary of the Interior and the Secretary of Commerce as being within the emergency preparedness responsibilities of the Secretary of the Interior.

(6) "Water" means all usable waters, from all sources, within the jurisdiction of the United States, which can be managed, controlled and allocated to meet emergency requirements.

[Sec. 702 amended by EO 11521 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124]

SEC. 703. *Resource functions.* With respect to the resources defined in Section 702, the Secretary of the Interior shall:

(1) *Minerals development.* Develop programs and encourage the exploration, development, and mining of strategic and critical minerals for emergency purposes.

(2) *Production.* Provide guidance and leadership to assigned industries in the development of plans and programs to insure the continuity of production in the event of an attack, and cooperate with the Department of Commerce in the identification and evaluation of essential facilities.

(3) *Water.* Develop overall plans for the management, control, and allocation of the water resources of the nation in an emergency. Establish a system of priorities for the use of water in periods of emergency. Coordinate the emergency water planning efforts of those departments and agencies having specific statutory or delegated water responsibilities. Coordinate the overall plans with those developed by the Environmental Protection Agency to provide potable water for community needs. In developing any plans relating to water for use on farms and in food facilities, assure that those plans are in consonance with plans and programs of the Department of Agriculture. Provide national leadership and coordination for the development of Federal emergency plans for the management and allocation of water resources in the national interest during an emergency. Coordinate emergency water resource planning at the State, interstate, and local levels through the appropriate Federal departments and agencies concerned with each area of planning.

(4) *Electric power and natural gas.* In preparedness planning for electric power and natural gas, the Federal Power Commission shall assist the Secretary of the Interior as set forth in Section 1901 of this order.

[Sec. 703 amended by EO 11921 of June 11, 1976. 41 FR 24294, 3 CFR, 1976 Comp., p. 124]

PART 8—DEPARTMENT OF AGRICULTURE

SEC. 801. *Resume of Responsibilities.* The Secretary of Agriculture shall prepare national emergency plans and develop preparedness programs covering: (1) food resources, farm equipment, fertilizer, and food resource facilities as defined below; (2) lands under the jurisdiction of the Secretary of Agriculture; (3) rural fire control; (4) defense against hazardous agents (nuclear, biological and chemical) and effects pertaining to agricultural activities; and (5) rural defense information and education.

[Sec. 801 amended by EO 11921 of June 11, 1976. 41 FR 24294, 3 CFR, 1976 Comp., p. 124]

SEC. 802. *Definitions.* As used in this part:

(1) "Food resources" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order, the term "food resources" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not

include any such material after it loses its identity as an agricultural commodity or agricultural product.

(2) "Farm equipment" means machinery, equipment, and repair parts manufactured primarily for use on farms in connection with the production or preparation for market or use of "food resources".

(3) "Fertilizer" means any product or combination of products for plant nutrition in form for distribution to the users thereof.

(4) "Food resource facilities" means plants, machinery, vehicles (including on farm), and other facilities (including farm housing) for the production, processing, distribution, and storage (including cold storage) of food resources, and for domestic distribution of farm equipment and fertilizer.

SEC. 803. *Functions.* With respect to food resources, food resource facilities, lands under the jurisdiction of the Secretary, farm equipment, and fertilizer, the Secretary of Agriculture shall:

(1) *Production, processing, storage, and distribution.* Develop plans for priorities, allocations, and distribution control systems and related plans, including control of use of facilities designed to provide adequate and continuing production, processing, storage, and distribution of essential food resources in an emergency, and to provide for the domestic distribution of farm equipment and fertilizer.

(2) *Stockpiles.* Take all possible measures in the administration of Commodity Credit Corporation inventories of food resources to assure the availability of such inventories when and where needed in an emergency. The Secretary shall also develop plans and procedures for the proper utilization of agricultural items stockpiled for survival purposes.

(3) *Land management.* Develop plans and direct activities for the emergency protection, management, and utilization of the lands, resources, and installations under the jurisdiction of the Secretary of Agriculture and assist in the development of plans for the emergency operation, production, and processing of forest products in cooperation with other Federal, State, and private agencies.

[Sec. 803 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124]

SEC. 804. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Director of the Federal Emergency Management Agency, the Secretary of Agriculture shall:

(1) *Rural fire defense.* In cooperation with Federal, State, and local agencies, develop plans for a national program and direct activities relating to the prevention and control of fires in the rural areas of the United States caused by the effects of enemy attack.

(2) *Nuclear, biological, and chemical hazards protection for agriculture.* Develop, in consonance with overall planning of the Environmental Protection Agency, plans for a national program, direct Federal activities, and furnish technical guidance to State and local authorities concerning (a) diagnosis and strengthening of defensive barriers and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals, crops or products thereof; (b) protective measures, treatment and handling of livestock, including poultry or products thereof, which have been exposed to or affected by radiation; and, (c) use of crops, agricultural commodities on farms and ranches, agricultural lands, forest lands, and water for agricultural purposes, any of which have been exposed to or affected by

radiation. Develop plans for a national program and direction of Federal activities to assure the safety and wholesomeness and to minimize losses from hazardous agents (nuclear, biological and chemical) and other emergency hazards of livestock, meat and meat products, poultry and poultry products in establishments under the continuous inspection of the Department of Agriculture, and agricultural commodities and products owned by the Commodity Credit Corporation or by the Department of Agriculture.

(3) *Defense information and education.* Conduct a defense information and education program in support of the Department's emergency responsibilities.

(4) Develop, under guidance of the Department of the Interior, plans and programs for water to be used in agricultural production and food processing in an emergency.

[Sec. 804 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

PART 9—DEPARTMENT OF COMMERCE

SEC. 901. *Resume of Responsibilities.* The Secretary of Commerce shall prepare national emergency plans and develop preparedness programs covering:

(1) The production and distribution of all materials, the use of all production facilities (except those owned by, controlled by, or under the jurisdiction of the Department of Defense or the Energy Research and Development Administration), the control of all construction materials, and the furnishing of basic industrial services except those otherwise assigned, including:

(a) Production and distribution of and use of facilities for petroleum, solid fuels, gas, electric power, and water;

(b) Production, processing, distribution, and storage of food resources and the use of food resource facilities for such production, processing, distribution, and storage;

(c) Domestic distribution of farm equipment and fertilizer;

(d) Use of communications services and facilities, housing and lodging facilities, and health, education, and welfare facilities;

(e) Production, and related distribution, of minerals as defined in Subsection 702(5), and source materials as defined in the Atomic Energy Act of 1954, as amended; and the construction and use of facilities designated as within the responsibilities of the Secretary of the Interior;

(f) Distribution of items in the supply systems of, or controlled by, the Department of Defense and the Atomic Energy Commission;

(g) Construction, use, and management of civil aviation facilities; and

(h) Construction, use and management of highways, streets, and appurtenant structures; and

(i) Domestic distribution of health resources.

(2) Federal emergency operational control responsibilities with respect to ocean shipping, ports, and port facilities, except those owned by, controlled by, or under the jurisdiction of the Department of Defense, and except those responsibilities of the Department of the Treasury with respect to the entrance and clearance of vessels. The following definitions apply to this part:

(2) "Ocean shipping" includes all overseas, coastwise, intercoastal, and Great Lakes shipping except that solely engaged in the transportation of passengers and cargo between United States ports on the Great Lakes.

(b) "Port" or "port area" includes any zone contiguous to our associated in the traffic network of an ocean or Great Lakes port, or outport location, including beach loading sites, within which facilities exist for transshipment of persons and property between domestic carriers and carriers engaged in coastal, intercoastal, and overseas transportation.

(c) "Port facilities" includes all port facilities, port equipment including harbor craft, and port services normally used in accomplishing the transfer or interchange of cargo and passengers between ocean-going vessels and other media of transportation, or in connection therewith (including the Great Lakes).

(3) Scientific and technological services and functions, essential to emergency preparedness plans, programs, and operations of the Federal departments and agencies, in which the Department of Commerce has the capability, including, but not limited to:

(a) Meteorological and related services;

(b) Preparation, reproduction, and distribution of nautical and aeronautical charts, geodetic, hydrographic, and oceanographic data, and allied services for nonmilitary purposes;

(c) Standards of measurement and supporting services; and,

(d) Research, development, testing, evaluation, application, and associated services and activities in the various fields and disciplines of science and technology in which the Department has special competence.

(4) Collection, compilation, and reporting of census information and the provision of statistical and related services, as required, for emergency planning and operations.

(5) Regulation and control of exports and imports, under the jurisdiction of the Department of Commerce, in support of national security, foreign policy, and economic stabilization objectives.

(6) Regulation and control of transfers of capital to, and reinvestment of earnings of, affiliated foreign nationals pursuant to authority conferred by Executive Order No. 11387 of January 1, 1968.

[Sec. 901 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124; EO 11953 of Jan. 7, 1977, 42 FR 2492, 3 CFR, 1977 Comp., p. 73]

SEC. 902. *Production Functions.* Within the areas designated in section 901(1) hereof, the Secretary of Commerce shall:

(1) *Priorities and allocations.* Develop control systems for priorities, allocation, production, and distribution, including provisions for other Federal departments and agencies, as appropriate, to serve as allotting agents for materials and other resources made available under such systems for designated programs and the construction and operation of facilities assigned to them.

(2) *New construction.* Develop procedures by which new production facility construction proposals will be reviewed for appropriate location in light of such area factors as locational security, availability of labor, water, power, housing, and other support requirements.

(3) *Industry evaluation.* Identify those industrial products which are essential, or of very great importance, to mobilization readiness, national defense, or postattack survival and recovery; identify the facilities ca-

pable of producing the identified products and evaluate the importance of such facilities to the national security.

(4) *Production capability.* Analyze potential effects of attack on actual production capability, taking into account the entire production complex, including shortages of resources, and conduct studies as a basis for recommending pre-attack measures that would strengthen capabilities for post-attack production.

(5) *Loans for plant modernization.* Develop plans, in coordination with the Small Business Administration, for providing emergency assistance to essential small business establishments through direct loans or participation loans for the financing of production facilities and equipment.

(6) *Water claimancy.* Develop a system and procedures to provide essential industrial water resource claimancy requirements to the Department of the Interior in an emergency.

[Sec. 902 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124]

SEC. 903. *Maritime Functions.* Within the areas designated in section 901(2) of this part, the Secretary of Commerce shall develop plans and procedures in consonance with international treaties, under coordinating authority of the Secretary of Transportation and in cooperation with other appropriate Federal agencies and the States and their political subdivisions, to provide for Federal operational control of ocean ports and shipping, including:

(1) *Shipping allocation.* Allocation of specific ocean shipping to meet the national requirements, including those for military, foreign assistance, emergency procurement programs, and those essential to the civilian economy.

(2) *Ship acquisition.* Provision of ships for ocean shipping by purchase, charter, or requisition, by breakout from the national defense reserve fleet, and by construction.

(3) *Operations.* Operation of ocean shipping, directly or indirectly.

(4) *Traffic control.* Provisions for the control of passengers and cargo through port areas to assure an orderly and continuous flow of such traffic.

(5) *Traffic priority.* Administration of priorities for the movement of passengers and cargo through port areas.

(6) *Port allocation.* Allocation of specific ports and port facilities to meet the needs of the Nation and our allies.

(7) *Support activities.* Performance of supporting activities needed to carry out the above-described functions, such as: ascertaining national support requirements for ocean shipping, including those for support of military and other Federal programs and those essential to the civil economy; maintenance, repair, and arming of ships; recruiting, training, and assigning of officers and seamen; procurement, warehousing, and issuance of ships' stores, supplies, equipment, and spare parts; supervision of stevedoring and bunkering; management of terminals, shipyards, repair, and other facilities; and provision, maintenance, and restoration of port facilities. Claimancy for resources shall include materials, manpower, equipment, supplies, services, and water.

[Sec. 903 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124]

SEC. 904. *Census Functions.* Within the area designated in section 901(4) hereof, the Secretary of Commerce shall:

(1) Provide for the collection and reporting of census information on the status of human and economic resources, including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and governments, as required for emergency planning purposes.

(2) Plan, create, and maintain a capability for the conduct of post-attack surveys to provide information on the status of surviving populations and resources as required for the programs of the Director, Federal Emergency Management Agency.

(3) Provide for and maintain the ability to make estimates of attack effects on industry, population, and other resources for use within the Department of Commerce.

[Sec. 904 amended by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 905. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Director of the Federal Emergency Management Agency, the Secretary of Commerce shall:

(1) *Weather functions.* Prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by radiological fallout in event of attack and make this information available to Federal, State, and local authorities for public dissemination.

(2) *Geodetic, hydrographic, and oceanographic data.* Provide geodetic, hydrographic, and oceanographic data and services to the Department of Defense and other governmental agencies, as appropriate.

[Sec. 905 amended by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 906. *National Oceanic and Atmospheric Administration's National Marine Fisheries Service functions.* Under a redelegation of authority from the Department of Agriculture to the Department of Commerce, the National Oceanic and Atmospheric Administration shall develop overall plans and programs to ensure that the fishing industry continues to produce essential protein. This includes responsibility for priority and allocation functions, acting as claimant agency for critical materials and additional facilities, labor supply, production and processing of fishery products, and the control and protection of fishing vessels.

[Sec. 906 added by EO 11921 of June 11, 1976, 3 CFR, 1976 Comp., p. 124]

PART 10—DEPARTMENT OF LABOR

SEC. 1001. *Resume of Responsibilities.* The Secretary of Labor shall have primary responsibility for preparing national emergency plans and developing preparedness programs covering civilian manpower mobilization, more effective utilization of limited manpower resources, including specialized personnel, wage and salary stabilization, worker incentives and protection, manpower resources and requirements, skill development and training, research, labor-management relations, and critical occupations.

SEC. 1002. *Functions.* The Secretary of Labor shall:

(1) *Civilian manpower mobilization.* Develop plans and issue guidance designed to utilize to the maximum extent civilian manpower resources.

such plans and guidance to be developed with the active participation and assistance of the States and local political subdivisions thereof, and of other organizations and agencies concerned with the mobilization of the people of the United States. Such plans shall include, but not necessarily be limited to:

(a) *Manpower management.* Recruitment, selection and referral, training, employment stabilization (including appeals procedures), proper utilization, and determination of the skill categories critical to meeting the labor requirements of defense and essential civilian activities;

(b) *Priorities.* Procedures for translating survival and production urgencies into manpower priorities to be used as guides for allocating available workers; and

(c) *Improving mobilization base.* Programs for more effective utilization of limited manpower resources, and, in cooperation with other appropriate agencies, programs for recruitment, training, allocation, and utilization of persons possessing specialized competence or aptitude in acquiring such competence.

(2) *Wage and salary stabilization.* Develop plans and procedures for wage and salary stabilization and for the national and field organization necessary for the administration of such a program in an emergency, including investigation, compliance, and appeals procedures; statistical studies of wages, salaries, and prices for policy decisions and to assist operating stabilization agencies to carry out their functions.

(3) *Worker incentives and protection.* Develop plans and procedures for wage and salary compensation and death and disability compensation for authorized civil defense workers and, as appropriate, measures for unemployment payments, re-employment rights, and occupational safety, and other protection and incentives for the civilian labor force during an emergency.

(4) *Skill development and training.* Initiate current action programs to overcome or offset present or anticipated manpower deficiencies, including those identified as a result of resource and requirements studies.

(5) *Labor-management relations.* Develop, after consultation with the Department of Commerce, the Department of Transportation, the Department of Defense, the National Labor Relations Board, the Federal Mediation and Conciliation Service, the National Mediation Board, and other appropriate agencies and groups, including representatives of labor and management, plans and procedures, including organization plans for the maintenance of effective labor-management relations during a national emergency.

PART 11—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE¹

SEC. 1101. *Resume of Responsibilities.* The Secretary of Health, Education, and Welfare shall prepare national emergency plans and develop preparedness programs, covering health services, civilian health manpower, health resources, welfare services, social security benefits, and educational programs as defined below.

[Sec. 1101 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124]

¹ EDITORIAL NOTE: Redesignated as the Department of Health and Human Services by Public Law 96-88 (93 Stat. 695, 20 U.S.C. 3508).

SEC. 1102. *Definitions.* As used in this part:

(1) "Emergency health services" means medical and dental care for the civilian population in all of the specialties and adjunct therapeutic fields, and the planning, provision, and operation of first aid stations, hospitals, and clinics; preventive health services, including detection, identification, and control of communicable diseases, their vectors, and other public health hazards, inspection and control of purity and safety of food, drugs, and biologicals; vital statistics services, rehabilitation and related services for disabled survivors; preventive and curative care related to human exposure to hazardous agents (nuclear, biological and chemical); sanitary aspects of disposal of the dead; and food and milk sanitation. It shall be understood that health services for the purposes of this order do not encompass the following areas for which the Department of Agriculture has responsibility: plant and animal diseases and pest prevention, control, and eradication; wholesomeness of meat and meat products, and poultry and poultry products, in establishments under continuous inspection service by the Department of Agriculture; veterinary biologicals, agricultural commodities and products owned by the Commodity Credit Corporation or the Department of Agriculture; livestock; agricultural commodities stored or harvestable on farms and ranches; agricultural lands and water.

(2) "Health manpower" means physicians (including osteopaths); dentists, sanitary engineers; registered professional nurses; and such other occupations as may be included in the List of Health Manpower Occupations issued for the purposes of this part by the Director of the Federal Emergency Management Agency after agreement by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(3) "Health resources" means manpower, material, and facilities required to prevent the impairment of, improve, and restore the physical and mental health conditions of the civilian population.

(4) "Emergency welfare services" means feeding; clothing; lodging in private and congregate facilities; registration; locating and reuniting families; care of unaccompanied children, the aged, the handicapped, and other groups needing specialized care or services; necessary financial or other assistance; counseling and referral services to families and individuals; aid to welfare institutions under national emergency or post-attack conditions; and all other feasible welfare aid and services to people in need during a civil defense emergency. Such measures include organization, direction, and provision of services to be instituted before attack, in the event of strategic or tactical evacuation, and after attack in the event of evacuation or of refuge in shelters.

(5) "Social security benefits" means the determination of entitlement and the payment of monthly insurance benefits to those eligible, such as workers who have retired because of age or disability and to their dependent wives and children, and to the eligible survivors of deceased workers. It also includes determinations of eligibility and payments made on behalf of eligible individuals to hospitals, home health agencies, extended care facilities, physicians, and other providers of medical services.

(6) "Education" or "training" means the organized process of learning by study and instruction primarily through public and private systems.

[Sec. 1102 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 1103. *Health Functions.* With respect to emergency health services, as defined above, and in consonance with national civil defense plans, programs, and operation of the Director of the Federal Emergency Management Agency under Executive Order No. 12148, the Secretary of Health, Education, and Welfare shall:

(1) *Professional training.* Develop and direct a nationwide program to train health manpower both in professional and technical occupational content and in civil defense knowledge and skills. Develop and distribute health education material for inclusion in the curricula of schools, colleges, professional schools, government schools, and other educational facilities throughout the United States. Develop and distribute civil defense information relative to health services to States, voluntary agencies, and professional groups.

(2) *Radiation.* Develop and coordinate programs of radiation measurement and assessment as may be necessary to carry out the responsibilities involved in the provision of emergency health services.

(3) *Biological and chemical warfare.* Develop and coordinate programs for the prevention, detection, and identification of human exposure to chemical and biological warfare agents as may be necessary to carry out the responsibilities involved in the provision of emergency health services, including the provision of guidance and consultation to Federal, State, and local authorities on measures for minimizing the effects of biological or chemical warfare.

(4) *Food, drugs, and biologicals.* Plan and direct national programs for the maintenance of purity and safety in the manufacture and distribution of food, drugs, and biologicals in an emergency.

(5) *Disabled survivors.* Prepare national plans for emergency operations of vocational rehabilitation and related agencies, and for measures and resources necessary to rehabilitate and make available for employment those disabled persons among the surviving population.

[Sec. 1103 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 1104. *Welfare Functions.* With respect to emergency welfare services as defined above, and in consonance with national civil defense plans, programs, and operations of the Director of the Federal Emergency Management Agency under Executive Order No. 12148, the Secretary of Health, Education, and Welfare shall:

(1) *Federal support.* Cooperate in the development of Federal support procedures, through joint planning with other departments and agencies, including but not limited to the Post Office Department, the Department of Labor, and the Selective Service System, the Department of Housing and Urban Development, and resource agencies, including the Department of Agriculture, the Department of the Interior, and the Department of Commerce, for logistic support of State and community welfare services in an emergency.

(2) *Emergency welfare training.* Develop and direct a nationwide program to train emergency welfare manpower for the execution of the functions set forth in this part, develop welfare educational materials, including self-help program materials for use with welfare organizations and professional schools, and develop and distribute civil defense infor-

mation relative to emergency welfare services to States, voluntary agencies, and professional groups.

(3) *Financial aid.* Develop plans and procedures for financial assistance to individuals injured or in want as a result of enemy attack and for welfare institutions in need of such assistance in an emergency.

(4) *Non-combatant evacuees to the Continental United States.* Develop plans and procedures for assistance, at ports of entry to U.S. personnel evacuated from overseas areas, their onward movement to final destination, and follow-up assistance after arrival at final destination.

[Sec. 1104 amended by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 1105. *Social Security Functions.* With respect to social security, the Secretary of Health, Education, and Welfare shall:

(1) *Social security benefits.* Develop plans for the continuation or restoration of benefit payments to those on the insurance rolls as soon as possible after a direct attack upon the United States, and prepare plans for the acceptance and disposition of current claims for social security benefits.

(2) *Health insurance.* Develop plans for the payment of health insurance claims for reimbursement for items or services provided by hospitals, physicians, and other providers of medical services submitted by or on behalf of individuals who are eligible under the Medicare program.

SEC. 1106. *Education Functions.* With respect to education, the Secretary of Health, Education, and Welfare shall:

(1) *Program guidance.* Develop plans and issue guidance for the continued function of educational systems under all conditions of national emergency. Although extraordinary circumstances may require the temporary suspension of education, plans should provide for its earliest possible resumption.

(2) *Educational adjustment.* Plan to assist civilian educational institutions, both public and private, to adjust to demands laid upon them by a large expansion of government activities during any type of emergency. This includes advice and assistance to schools, colleges, universities, and other educational institutions whose facilities may be temporarily needed for Federal, State, or local government programs in an emergency or whose faculties and student bodies may be affected by the demands of a sudden or long-standing emergency.

(3) *Post-attack recovery.* Develop plans for the rapid restoration and resumption of education at all levels after an attack. This includes assistance to educators and educational institutions to locate and use surviving facilities, equipment, supplies, books, and educational personnel. Particular emphasis shall be given to the role of educational institutions and educational leadership in reviving education and training in skills needed for post-attack recovery.

(4) *Civil defense education.* In consonance with national civil defense plans, programs, and operations of the Director of the Federal Emergency Management Agency, develop and issue instructional materials to assist schools, colleges, and other educational institutions to incorporate emergency protective measures and civil defense concepts into their programs. This includes assistance to various levels of education to develop an understanding of the role of the individual, family, and community for civil defense in the nuclear age.

[Former sec. 1106 deleted and new sec. 1106 redesignated from sec. 1107 by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

PART 12—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 1201. *Resume of Responsibilities.* The Secretary of Housing and Urban Development shall prepare national emergency plans and develop preparedness programs covering all aspects of housing, community facilities related to housing, and urban development (except that housing assets under the jurisdiction and control of the Department of Defense, other than those leased for terms not in excess of one year, shall be and remain the responsibility of the Department of Defense).

SEC. 1202. *Definition.* As used in this part:

(1) "Emergency housing" means any and all types of accommodations used as dwellings in an emergency.

(2) "Community facilities related to housing" means installations necessary to furnish water, sewer, electric, and gas services between the housing unit or project and the nearest practical source or servicing point.

(3) "Urban development" means the building or restoration of urban community, suburban, and metropolitan areas (except transportation facilities).

SEC. 1203. *Housing and Community Facilities Functions.* The Secretary of Housing and Urban Development shall:

(1) *New housing.* Develop plans for the emergency construction and management of new housing and the community facilities related thereto to the extent that it is determined that it may be necessary to provide for such construction and management with public funds and through direct Federal action, and to the extent that such construction of new housing may have to be provided through Federal financial or credit assistance.

(2) *Community facilities.* Develop plans to restore community facilities related to housing affected by an emergency through the repair of damage, the construction of new facilities, and the use of alternate or back-up facilities.

SEC. 1204. *Urban Development Functions.* The Secretary of Housing and Urban Development shall:

(1) *Regional cooperation.* Encourage regional emergency planning and cooperation among State and local governments with respect to problems of housing and metropolitan development.

(2) *Vulnerability and redevelopment.* In cooperation with the Director, Federal Emergency Management Agency, develop criteria and provide guidance for the design and location of housing and community facilities related to housing to minimize the risk of loss under various emergency situations. Develop criteria for determining which areas should be redeveloped in the event of loss or severe damage resulting from emergencies.

[Sec. 1204 amended by EO 11921 of June 11, 1976, 41 FR 24294, 3 CFR, 1976 Comp., p. 124; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 1205. *Civil Defense Functions.* In consonance with national civil defense plans, programs, and operations of the Director of the Federal

Emergency Management Agency under Executive Order No. 12148, the Secretary of Housing and Urban Development shall:

(1) *Transitional activities.* Develop plans for the orderly transfer of people from fallout shelters and from billets to temporary or permanent housing, including advice and guidance for State and local government agencies in the administration thereof. These plans shall be coordinated with national plans and guidance for emergency welfare services of the Department of Health, Education, and Welfare.

(2) *Temporary housing.* Develop plans for the emergency repair and restoration for use of damaged housing, for the construction and management of emergency housing units and the community facilities related thereto, for the emergency use of tents and trailers, and for the emergency conversion for dwelling use of non-residential structures, such activities to be financed with public funds through direct Federal action or through financial or credit assistance.

(3) *Shelter.* In conformity with national shelter policy, assist in the development of plans to encourage the construction of shelters for both old and new housing, and develop administrative procedures to encourage the use of low-cost design and construction techniques to maximize protection in connection with national programs.

[Sec. 1205 amended by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

PART 13—DEPARTMENT OF TRANSPORTATION

SEC. 1301. *Resume of Responsibilities.* The Secretary of Transportation, in carrying out his responsibilities to exercise leadership on transportation matters affecting the national defense and those involving national or regional transportation emergencies, shall prepare emergency plans and develop preparedness programs covering:

(1) Preparation and promulgation of over-all national policies, plans, and procedures related to providing civil transportation of all forms—air, ground, water, and pipelines, including public storage and warehousing (except storage of petroleum and gas and agricultural food resources including cold storage): *Provided* that plans for the movement of petroleum and natural gas through pipelines shall be the responsibility of the Secretary of the Interior except to the extent that such plans are a part of functions vested in the Secretary of Transportation by law;

(2) Movement of passengers and materials of all types by all forms of civil transportation;

(3) Determination of the proper apportionment and allocation for control of the total civil transportation capacity (service, equipment and facilities), or any portion thereof, to meet overall essential civil and military needs;

(4) Determination and identification of the transportation resources available and required to meet all degrees of national emergencies and regional transportation emergencies;

(5) Assistance to the various States, the local political subdivisions thereof, and non-governmental organizations and systems engaged in transportation activities in the preparation of emergency plans;

(6) Rehabilitation and recovery of the Nation's transportation systems; and