Major Disaster Assistance Legislation

Cathy Ann Davis (062931)
Honors Thesis
Dr. W. Gruenewald, Sponsor
Political Science Department
Ball State University
May 21, 1971
## Major Disaster Assistance Legislation

### Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>I. The Federal Disaster Act of 1950. (Public Law 81-875)</td>
<td>4</td>
</tr>
<tr>
<td>II. The Disaster Relief Act of 1966. (Public Law 89-769)</td>
<td>4</td>
</tr>
<tr>
<td>III. The Disaster Relief Act of 1969. (Public Law 91-79)</td>
<td>9</td>
</tr>
<tr>
<td>IV. The Disaster Relief Act of 1970. (Public Law 91-606)</td>
<td>13</td>
</tr>
<tr>
<td>Concluding remarks: Discussion of the need for other disaster legislation</td>
<td>27</td>
</tr>
</tbody>
</table>

**Attachments:**
2. The Disaster Relief Act of 1966.
3. The Disaster Relief Act of 1969.
4. Senate bill number 3619, 91st Congress, 2nd Session.
5. The Disaster Relief Act of 1970.
6. Senate bill number 903, 92nd Congress, 1st Session.
7. Senate bill number 1237, 92nd Congress, 1st Session.
8. Senate bill number 1427, 92nd Congress, 1st Session.

The document "Federal Response to Hurricane Camille" is accompanying this paper. This five-volume work is a record of the hearings before the Special Subcommittee on Disaster Relief.
In the past twenty years, the United States has been the victim of more than 280 major disasters as declared by the President. This is an average of 14 each year. A definite trend has developed in these major disaster occurrences. While loss of life and limb has decreased, property losses have greatly increased. This is a fact despite the development of highly sophisticated weather forecasting and warning techniques. The Galveston flood which occurred at the beginning of the 20th century cost 6,000 lives and $30 million in property. The Office of Emergency Preparedness reports that 69 years later Hurricane Camille resulted in 2,48 deaths and $1.5 billion in property damages. Residential, commercial, and industrial losses are especially expensive. In "The Economics of Natural Disasters," D.C. Dacy and Howard Kunreuther tentatively judge that "the average damage to the United States from hurricanes, floods, tornadoes, and earthquakes has exceeded $600 million annually" in the
recent years.

Statistics like these have led the Congress of the United States to create legislation which would alleviate disaster situations. Although there has been much legislation in this area, there have been four major laws dealing with the problem. The Federal Disaster Act of 1950 (Public Law 81-875) dealt only with public properties damaged by major disasters. The Disaster Relief Act of 1966 (PL 89-769) and the Disaster Relief Act of 1969 (PL 91-79) made some provisions for both public and private sectors affected by major disasters. Although these bills were far more inclusive than the 1950 Act, they were greatly handicapped by the time length placed on their effectiveness. For example, a good portion of the 1969 Act was scheduled to lose its effect on December 31, 1970. These weaknesses led to the creation of Public Law 91-606, the Disaster Relief Act of 1970. This Act revised and expanded Federal programs for the relief from the effects of major disasters. It repealed the three earlier Acts and established permanent guidelines to be used
when a major disaster strikes.

This paper will attempt to give a general description of the 1950, the 1966, and the 1969 disaster legislation, and an in depth study of of the 1970 Disaster Relief Act which is now in effect. A final selection will point out the present issues which call for even more legislation in this area.
I. The Federal Disaster Act of 1950 (Public Law 81-815)

The Federal Disaster Act of 1950 authorized the Federal Government to give assistance to States and local governments in major disaster situations. Public facilities could be restored under this law, and organizations to cope with major disasters could be developed. A "major disaster" was defined as catastrophes "in any part of the United States which, in the determination of the President, are or threaten to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government." The Federal Government could utilize government equipment, supplies, and manpower for the purpose of alleviating the disaster situation. If the repair of facilities was urgent, the President could authorize extra funds for the needed reconstruction. An appropriation of $5 million was authorized for the purpose of the Act.

II. The Disaster Relief Act of 1966 (Public Law 89-769)

As time passed and as more disasters struck, private facilities felt a greater impact from the disasters. It became apparent that they
too needed Federal assistance in order to recuperate from the terrible
blows of Nature. On April 30, 1965, prodded by the Palm Sunday tornadoes
which tore at the midwest, Senator Birch Bayh, Democrat from Indiana and
a member of the Senate Public Works Committee, introduced S. 1861 which
would remove the "necessity for special authorizations following natural
disasters" as had been the case. (1) Bayh had recognized that disaster
legislation of any great significance always came after the disaster had
taken its toll. In his bill - which would lead to the Disaster Relief Act
of 1966 - Bayh asked that provisions, which were always made after-the-fact,
be given a permanent status. This would, he believed, create more efficiency
in administering assistance before iminent disasters, and during and after
the occurrence. All previous disaster legislation had granted Federal
loan adjustment assistance, grants for assistance to homeowners and businesses,
assistance for damaged or destroyed public facilities, and assistance for
the repair and restoration of primary and secondary educational facilities.

1. Committee on Public Works: Report No. 459 - The Disaster Relief Act
of 1965; 89th Congress, 1st Session.
Assistance was also granted for the repair of Federal-aid highways. This assistance was indeed helpful, but it was not authorized until after the results of a major disaster were analyzed. This did nothing to alleviate the problem in its initial stage.

In April, 1965, the Senate Committee on Public Works held two days of hearings on S. 1861 and received the testimony of 30 witnesses. The Committee was most concerned with the apparent inability of disaster-struck areas to recover without the substantial help from outside sources. The critical timelag between a disaster's occurrence and the availability of outside assistance to disaster victims was also of great concern. These facts in addition to the lack of a universal disaster program pointed to the necessity for such a program, as was advocated by S. 1861.

The bill defined "major disaster" as any "major disaster as determined by the President pursuant to the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes approved September 30, 1950, as amended.' In this instance,
the bill adhered to the old Federal Disaster Relief Act of 1950. The bill then provided for permanent rulings for Federal loan adjustments which granted "relief to individuals, groups, or businesses having loans made by the Rural Electrification Administration, the Housing and Home Finance Agency, and the Veterans' Administration." This provision sought to lessen the necessity for disaster victims to seek relief from private capital sources before applying for relief from these agencies. The bill called for grants to States for assistance to homeowners and businesses, and authorized the Federal Government to provide temporary shelter for disaster victims. Farmers would be granted funds for repairing property damaged by a major disaster.

It called for a broadening of the Federal Disaster Act by authorizing assistance to unincorporated communities which needed financial assistance as a result of a major disaster. Civil defense communications would be made available for warning of impending natural disasters. Assistance would be given to damaged or destroyed elementary and secondary schools.
The local public education agency would make provision for conducting educational programs under the "public auspices and administration" which would accommodate students enrolled both in public and private schools.

S. 1861 would provide assistance for the repair of highways in disaster areas and priority would be given to certain applications by disaster victims for public facility and public housing assistance. Authorization would also be made for the appropriation of funds necessary for the repair of nonfederally-aided roads. This would be in addition to any appropriated funds needed to repair projects which had been authorized by an act of Congress. According to Section 14 of the bill, Federal assistance in disaster situations was not to be duplicated.

The Senate passed the bill in April of 1965, and sent it to the House of Representatives. In the House, radical changes occurred in the momentum of the bill. The House greatly strengthened the section of the bill which gave assistance to education facilities, but deleted other very important sections. S. 1861 was unique in its advocation of grants—not only loans—to private sectors suffering from the effects of a major disaster.
After stripping the bill of this facet, the House passed the bill back to the Senate on October 17, 1966, more than a year after its initial Senate passage. This was also two days before adjournment. According to Clark Norton, professor of political science and legislative assistant to Senator Bayh at the time, there was no time to go to conference in an effort to salvage the bill. On October 18, 1966, the Senate concurred in the House amendment. The Disaster Relief Act of 1966 was approved on November 6, 1966, and was listed as PL 89-769.

III. The Disaster Relief Act of 1969 (Public Law 91-79)

The Senate Committee on Public Works reported conclusively the need for Federal aid to private sectors, as well as public sectors. One might wonder why the House so drastically disagreed with this rather expert group of researchers. Dr. Norton, now a member of the Publics Works Committee, offered a tenable explanation on April 28, 1971. He stated that it is highly advantageous politically for the two-year-term Representative to introduce private bills after a disaster occurs for the specific relief
of victims. This after-the-fact legislation can be seen in the "Betsy Bill," the Washington floods legislation, and the Congressional action concerning the earthquakes in Alaska.

Regardless of the reasons for the House rejection of S. 1861's main strength, it was soon evident that the Disaster Relief Act of 1966 was inadequate. In 1969, an unprecedented number of natural disasters befell the United States. There were 29 major disasters during 1969, which resulted in the largest allocation from the President's Disaster Fund since the enactment of PL 81-875. This was a total of $14,970,000. The California floods made the introduction of private bills (S. 993 and H.R. 6508) necessary. Senator Bayh introduced another measure, S. 1685, which proposed extensive changes in the basic 1950 Act. The private bills dealt only with the needs of California. Bayh's S. 1685 was more universal, and would "provide relief to private citizens whose homes, businesses, or other property have been lost or seriously damaged by a major disaster." The bill also


2. Norton, Clark; Professor of Political Science, former Legislative Assistant to Senator Birch Bayh, and Presently a staff member of the Senate Committee on Public Works. (April 28, 1971).

recognized the need for Federal loans and grants to States to assist in
the suppression of forest or grassland fires which threaten to become a
major disaster. Bayh considered provision of Federal aid to private
sectors victimized by major disasters as the main facet of his bill, and
he made this clear to his colleagues when he took his bill to the Senate
floor.

Again, "major disaster" was defined according to the definition found
in the Disaster Act of 1950. The Small Business Act and the Consolidated
Farmers Home Administration Act of 1961 were expanded to grant loans for
homeowners and farm owners who were in a financial crisis because of a
major disaster. This section forbade the denial of loans by Federal agencies
on the basis that private financing was available. Grants would be
authorized to States for assistance to homeowners and businesses. States
participating in this program were required to develop a comprehensive
disaster relief plan and to designate a State agency to administer assistance
to disaster victims. Special assistance would be provided for farmers who
received extensive losses in major disaster areas. The Secretary of Agriculture could grant two-thirds of the costs of restoring lands or replenishing herds, with the maximum grant being $10,000. The President would be authorized to provide necessary shelter for persons forced from their homes by a major disaster. Section 8 of the bill would permit the Office of Emergency Preparedness to make grants and loans to any State to assist in suppressing fires, whether on public or private lands, that threaten to become major disasters. The bill would apply to any major disaster occurring after January 1, 1965.\(^{(1)}\)

The Senate passed S. 1685, in amended form, on July 8, 1969, shortly after the House passed the private bill, H.R. 6805, on behalf of California. While these two bills were under conference consideration, Hurricane Camille struck in August, causing extensive damage to communities in Mississippi, Louisiana, Alabama, Virginia, and West Virginia. This most probably spurred Congress to pass S. 1685, in its amended form. On September 18, both

Houses agreed to a conference report which resulted in the President's signing PL 91-79 on October 1, 1969. (1)

Camille's impact did not stop with PL 91-79. Her destruction urged the creation of a Special Committee on Disaster Relief. Senator Jennings Randolph's Public Works Committee established the Special Committee and named Senator Bayh as chairman of the new Committee. It was already recognized by several Congressmen that PL 91-79 would be greatly hampered by the time limit placed on it; only sections 5, 8, 9, and 13, which made no permanent provisions for disaster situations, were to be effective after December 31, 1970. (2)

Therefore, work on further legislation began immediately.

IV. The Disaster Relief Act of 1970 (Public Law 91-606)

Staff members of the Senate's newly created Committee were sent in December of 1969 to conduct on-the-spot evaluations of government and private response to the disaster caused by Camille. Subsequently, Senator

1. Clark Norton

Bayh conducted hearings in January at Biloxi, Mississippi and in February at Roanoke, Virginia. State and local officials and persons victimized by the disaster testified at these hearings. In April of 1970, the Special Committee held hearings in Washington. Representative of the Federal Government, spokesmen for the insurance industry, and members of organizations such as the Red Cross testified at the Washington hearings.

As a result of these hearings and because of his previous efforts on behalf of disaster legislation, Senator Bayh introduced S. 3619, which would "revise and expand Federal programs for relief from the effects of minor disasters." The bill was considered and passed the Senate on September 9. The House returned the bill, amended, on October 5. Both Houses agreed to a joint conference. On December 15, 1970, the Senate/House conference committee submitted its report. Title IV of the bill was

1. "Federal Response to Hurricane Camille," Parts 1-5; Hearings before the Special Subcommittee on Disaster Relief of the Committee on Public Works, United States Senate, 91st Congress, 2nd Session; Held January 7, 8, & 9, February 2&3, April 27, 28, & 29, and May 21 & 22, 1970.

2. S. 3619, Calendar No. 1175; 91st Congress, 2nd Session.


completely deleted. (1) The deletion of this section, which will be
touched upon again in a later unit, created much concern for Congressmen
the next year (1971). Although this valuable section was deleted, the
bill still retained much of its impact favoring assistance to private
sectors, as well as public sectors.

The Act

Section 101 of the Disaster Relief Act of 1970 declares that special
measures created to assist States that are victims of major disasters are
necessary "because loss of life, human suffering, loss of income, and property
loss and damage result from major disasters," and because these "disasters
disrupt the normal functioning of government and the community and adversely
affect individual persons and families with great severity." The 1970
Act attempts to provide a continuing assistance program by the Federal
Government to State and local governments by "revising and broadening the
scope of existing major disaster relief programs." The Act also encourages

1. S. 3916, as reported on August 31, 1970; 91st Congress, 2nd Session.
development of comprehensive State disaster relief programs, organizations, and plans and attempts to create greater responsiveness on the part of Federal major disaster relief programs.

The Act (Section 102) defines a major disaster as "any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, draught, fire, or other catastrophe in any part of the United States, which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, the loss, hardship, or suffering caused thereby." The Governor of the affected State must certify the need for such assistance and give his assurance that the allotted funds will be used for their intended purpose. The Act covers the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

Immediately after designating a major disaster area, the President
appoints a Federal coordinating officer to operate under the Office of Emergency Preparedness (OEP) in the victimized area (Section 201). This coordinator will decide what types of relief are most urgently needed and establish the field offices which he believes to be necessary and which are authorized by the Director of the OEP. He will enlist the aid of the American National Red Cross, the Salvation Army, the Mennonite Disaster Services, and any other such assistance organizations which agree to operate under his direction (Section 207). This provision does not restrict the activities of the American National Red Cross under the Act of January 5, 1905, as amended.

The Director is authorized by Section 202 to form emergency support teams of Federal personnel to be used in major disaster areas. These teams shall assist the Federal coordinating officer. The Director may request personnel from any Federal department or agency which he deems necessary.

Section 203 calls for cooperation of Federal agencies in rendering emergency assistance. Medicine, food, and other consumable supplies are donated by the Federal Government through Red Cross and other such organizations. Food stamps or coupons (Section 238) shall be distributed through the
Secretary of Agriculture to low-income households who cannot purchase required foods. This provision does not amend or change the Food Stamp Act of 1964, except as it relates to food stamp distribution in a major disaster area.

The Director of OEP is also authorized to provide temporary housing for those who need it as a result of a major disaster (Section 226). This housing shall be provided rent-free for the first 12 months. Afterward, rentals will be placed on the basis of fair market value of the accommodations being used. The occupant's financial situation will be considered as rentals are being assigned. The President is authorized to provide assistance in the form of mortgage or rental payments on temporary basis to individuals who, as a result of a major disaster, have received notices of dispossession, eviction, or foreclosure. This assistance may be provided for the duration of the hardship or for one year, whichever is the lesser.

In major disasters as declared by the President or disasters as determined by the Administrator, the Small Business Administration may cancel the principal of a loan in excess of $500, but which does not exceed $2,500 (Section 231). This provision does not cover those losses covered by other insurance. The Administration may grant loans for repair,
rehabilitation, or replacement of non-insured property which is damaged or destroyed by a major disaster. These loans are granted without regard to financial assistance available from private sources. Mortgages may also be refinanced by the Administration if disaster damages call for this action. The refinanced amount may not exceed the amount of the physical loss sustained.

The Farmers Home Administration also has a $2,500 "forgiveness" clause (Section 232). The cancellation applies only to loans covering losses and damages resulting from a major disaster. Both principal payments and interest payments may be deferred in whole or in part during the first three years-term of the loan. The Secretary of the Treasury will determine an interest rate on any deferred payments. In setting this rate, consideration will be given to the current average market yield on outstanding marketable obligations of the United States. In no event shall any loan made under this section bear an interest rate of more than 6 per centum per annum (Section 234).

When loss, destruction, or damage to residential property occurs
as a result of a major disaster, the Administrator of the Veterans' Administration shall provide counseling and other such assistance to the owners of such property having a VA loan (Section 233). He shall inform the owner of other Federal disaster assistance and shall make the necessary acts of indulgence to the owner as he finds warranted by the situation.

No consideration will be given to the age of an adult applicant for the loan under Sections 231, 232, or 233 of this Act (Section 235).

Federal loan adjustments are authorized by Section 236 of this Act. The Secretary of Agriculture may "adjust or readjust" schedules for payment of principal and interest to borrowers under Rural Electrification Administration programs. If the Secretary feels disaster damages call for an extension of the maturity date on such loans, he may extend it, but not beyond forty years from the date of the loan. Under this section, the Secretary of Housing and Urban Development may refinance any note or other obligation which is held by him when property or facilities which secured these obligations are damaged or destroyed by a major disaster.

If a person, business concern, or other entity receives assistance
from another source for the same loss which the Federal Government has provided financial assistance, the Director of OEP shall direct that the excessive amount of funds be repaid the Treasury of the Federal Government (Section 208).

Sections 237 and 240 deal with unemployment which is a result of a major disaster. The Small Business Administration and the Farmers Home Administration are authorized to provide loans to any "industrial, commercial, agricultural, or other enterprise, which has constituted a major source of employment in an area suffering a major disaster" and which is so hampered by the disaster that it can no longer operate in a substantial manner. These loans will be of the necessary amounts to enable the enterprise to resume operations and thus, aid in restoring the economy of the disaster area. These loans are in addition to other Federal disaster assistance and carry the same interest requirements (Section 234) as do other disaster loans. The individual who is unemployed because of a major disaster is eligible for compensation
under Section 40 of this Act. The individual may receive assistance as authorized by the President, but this assistance may not exceed the maximum amount and the maximum duration of the compensation program of the State in which the disaster occurred. Naturally, the amount of unemployment compensation under this section is reduced by any other amount of compensation. This section is presently providing assistance to the migrant workers who are unemployed as a result of the frosts which struck Florida at the beginning of this year (1971).

The President is authorized to provide the facilities of the civil defense communications system to Federal, State, and local agencies (Section 210). These facilities provide needed warning to governmental authorities and civilians in areas endangered by imminent disaster. The President may also use any Federal Government resource to avert or lessen the effects of an imminent disaster before its actual occurrence (Section 221). Temporary communications (Section 222) and public transportation (Section 223) for meeting emergency needs in major disaster areas will be provided
by OEP if the Director deems them necessary.

Federal utilities may be used to remove debris or wreckage caused by major disasters from public and private property if the President believes this to be in the public interest (Section 224). The Federal Government is free from any claim arising from such removal.

Federal assistance is also provided to any State for the suppression of fire on public or private forests or grasslands if such fires threaten to become major disasters (Section 225). Federal contracts with local firms and individuals shall be made for the removal of debris, suppression of fires, and other such assistance activities in major disaster situations (Section 204).

Section 205 of the Act provides for a waiver of administrative procedures in Federal grant-in-aid programs if the State is unable to meet the conditions because of a major disaster. The President is authorized to provide assistance to any State in developing comprehensive plans and
programs as measures against major disasters, and for relief and assistance for individuals, businesses, and local governments following such disasters (Section 206). Included in these plans is long range recovery and reconstruction assistance plans for seriously damaged public and private facilities. The President may make grants of $250,000 to any State for the development of such plans and programs. Grants of 50 per centum of the cost of improving, maintaining, and updating these programs may also be allotted. However, these grants may not exceed $25,000 per annum to any State.

Grants may also be given to local governments which suffer substantial losses of property tax revenue due to a major disaster (Section 241). This grant is made for the tax year in which the disaster occurred and for the next two tax years. The grant shall not exceed the average property tax revenue of the three years prior to the year in which the disaster occurred.

Timber sale contracts may be adjusted by the Secretary of Agriculture or by the Secretary of the Interior if the timber is damaged or destroyed.
by a major disaster and not through negligence on the part of the purchaser (Section 242). The Director of OEP is authorized to have disaster damaged timber removed from privately owned lands. Citizens paying for such removal shall be reimbursed to the extent which the amount does not exceed the salvage value of the timber.

Any grant or loan made by any organization under the supervision of the Director of OEP carries the requirement that reconstruction of properties meet standards of "safety, decency, and sanitation and in conformity with applicable building codes and specifications" (Section 243).

Federal property damaged by major disasters is to be repaired by the agency having jurisdiction over the property (Section 251). The VA hospitals destroyed by the earthquake which struck California in the early months of 1971 are covered by this section.

Section 252 authorizes Federal funds to State and local governments for repair of public facilities belonging to State or local governments. These funds "shall not exceed 100 per centum of the cost." The term "public facility" includes "flood control, navigation, reclamation, public power,
sewage treatment and collection, water supply and distribution, watershed
development, or airport facility, any non-Federal-aid street, road, or
highway, and any other public building structure, or system, other than
the one used exclusively for recreation purposes."

Section 253 grants priority to public bodies located in major
disaster areas. Relocation assistance will be given to those unable to
reoccupy their property from which they were displaced by a major disaster
(Section 254).

Section 209 declares that distribution of supplies and other assistance
activities shall be completed without discrimination based on "race, color,
religion, nationality, sex, age, or economic status prior to a major disaster."
This section also requires that private organizations working under the
direction of OEP adhere to nondiscriminatory practices. Should an individual
find the need for legal services due to a major disaster, but is financially
unable to secure these services, the Director of OEP will assure that
assistance programs be conducted with the advice of Federal agencies, and
State and local bar associations (Section 239).

The Act repealed the Federal Disaster Act of 1950, the Disaster Relief
Act of 1966, except for Section 7 which deals with assistance to education facilities, and the Disaster Relief Act of 1969 (Section 302). Section 303 allowed that funds allocated under Federal/State Disaster Agreement (PL 81-875) could be used for reimbursing of expenses incurred by persons in the removal of debris from community areas.

The Act, as approved December 31, 1970, and took effect immediately, except that Sections 226 (b), 237, 241, 252 (a), and 254 took effect on August 1, 1970.

Concluding Remarks

Upon studying the Disaster Relief Act of 1970, one might believe that adequate provision had finally been made to cover major disaster situations. However, there are presently three pieces of major disaster legislation pending before the Senate. When the 1970 joint conference reported S. 3619 without its original Title IV (see page 14), it left the disaster relief legislation without a disaster insurance program. The 1971 earthquake, which struck California, immediately pointed out this fallacy in the 1970 legislation. Properties were not sufficiently insured
to withstand the financial blows of the earthquake. Senator Bayh

reintroduced Title IV as S. 903. This bill would provide for a national
program of disaster insurance. This Federal insurance program would be
available to the public if the insurance industry were unable to offer
the necessary coverage at reasonable rates. The Federal insurance would
cover property losses and damages resulting from major disasters. The bill
is now in the Committee on Banking, Housing, and urban Affairs, awaiting
action.

Senator John Tunney of California has introduced two bills during
this Congress, S. 1237 and S. 1427. S. 1237 would "provide Federal
assistance for the reconstruction or repair of private nonprofit medical
care facilities which are damaged or destroyed by a major disaster." S. 1427
would amend the Disaster Relief Act of 1970 to "provide additional authority
for the cancellation of disaster and emergency loans." Both bills are
now in the Committee on Public Works. The Committee hoped for early
hearings on these bills, but it has been impossible. Hearings are now
planned to take place during the first part of June in California. The
entire Public Works Committee plans to attend these hearings in the State

in which the costly earthquake took its toll.

Major disasters are apolitical. Neither the Democrat nor the Republican denies the necessity for dealing with the situation. It is agreed that at times Mother Nature is a common foe, requiring the attention of all.

Perhaps the June hearings will produce the disaster legislation. But then, perhaps Nature will illustrate another side of her power, and create again the need for more legislation in dealing with her.
Bibliography

Federal Documents:


"Federal Response to Hurricane Camille," Parts 1-5; Hearings held before the Special Subcommittee on Disaster Relief of the Committee on Public Works, United States Senate, 91st Congress, 2nd Session; Held January 7, 8, & 9, February 2 & 3, April 27, 28, & 29, and May 21 & 22, 1970.

Interviews:

Dr. Clark Norton, Professor of Political Science and former Legislative Assistant to Senator Birch Bayh. Dr. Norton is now a member of the Senate Committee on Public Works. The interview took place on April 28, 1971.

Acts:

1. Federal Disaster Act of 1950; Public Law 81-875.

2. The Disaster Relief Act of 1966; Public Law 89-769.

3. The Disaster Relief Act of 1969; Public Law 91-79.

4. The Disaster Relief Act of 1970; Public Law 91-606.
Bills:

1. S. 3619, Calendar 1175, 91st Congress, 2nd Session.
2. S. 3619, as reported on August 31, 1970, 91st Congress, 2nd Session.
5. S. 1427, 92nd Congress, 1st Session; March 30, 1971.


* This paper was compiled while I worked as an intern in Senator Birch Bayh's office in Washington, D.C.

C. Davis
FEDERAL DISASTER ACT
(AS AMENDED) *

(Public Law 875-81st Congress)
(42 U. S. C. 1855-1855g); 64 Stat. 1109

AN ACT.

To authorize Federal assistance to States and local governments in major disasters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the intent of Congress to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters, to repair essential public facilities in major disasters, and to foster the development of such State and local organizations and plans to cope with major disasters as may be necessary.

Sec. 2. As used in this Act, the following terms shall be construed as follows unless a contrary intent appears from the context:

(a) "Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster assistance under this Act, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe;

(b) "United States" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; 1/

(c) "State" means any State in the United States, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; 1/


(d) "Governor" means the chief executive of any State;

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia, and include any rural community or unincorporated town or village for which an application for assistance is made by a State or local government or governmental agency. 2/

(f) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, excepting, however, the American National Red Cross.

Sec. 3. In any major disaster, Federal agencies are hereby authorized when directed by the President to provide assistance (a) by utilizing or lending, with or without compensation therefor, to States and local governments their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act; (b) by distributing, through the American National Red Cross or otherwise, medicine, food, and other consumable supplies; (c) by donating or lending equipment and supplies, determined to be surplus to the needs and responsibilities of the Federal Government, to States for use or distribution by them for the purposes of the Act including the restoration of public facilities damaged or destroyed in such major disaster and essential rehabilitation of individuals in need as the result of such major disaster; 3/ and (d) by performing on public or private lands protective and other work essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of States and local governments damaged or destroyed in such major disaster, providing temporary housing or other emergency shelter for families who, as a result of such major disaster, require temporary housing or other emergency shelter, 4/ and making contributions to States and local governments for purposes stated in subsection (d). The authority conferred by this Act, and any funds provided hereunder shall be supplementary to, and not in substitution for, nor in limitation of, any other authority conferred or funds provided under any other law. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies. The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government in carrying out the provisions of this section.

2/ 80 Stat. 1317, PL 89-769, 11-6-66)
5/ 65 Stat. 173, PL 82-107, 8-3-51)
Sec. 4. In providing such assistance hereunder, Federal agencies shall cooperate to the fullest extent possible with each other and with States and local governments, relief agencies, and the American National Red Cross, but nothing contained in this Act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the Act approved January 5, 1905 (33 Stat. 599), as amended.

Sec. 5. (a) In the interest of providing maximum mobilization of Federal assistance under this Act, the President is authorized to coordinate in such manner as he may determine the activities of Federal agencies in providing disaster assistance. The President may direct any Federal agency to utilize its available personnel, equipment, supplies, facilities, and other resources, in accordance with the authority herein contained.

(b) The President may, from time to time, prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency as he may designate.

Sec. 6. If facilities owned by the United States are damaged or destroyed in any major disaster and the Federal agency having jurisdiction thereof lacks the authority or an appropriation to repair, reconstruct, or restore such facilities, such Federal agency is hereby authorized to repair, reconstruct, or restore such facilities to the extent necessary to place them in a reasonably usable condition and to use therefor any available funds not otherwise immediately required.

Provided, however, That the President shall first determine that the repair, reconstruction, or restoration is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation therefor. If sufficient funds are not available to such Federal agency for use in repairing, reconstructing, or restoring such facilities as above provided, the President is authorized to transfer to such Federal agency funds made available under this Act in such amount as he may determine to be warranted in the circumstances. If said funds are insufficient for this purpose, there is hereby authorized to be appropriated to any Federal agency repairing, reconstructing, or restoring facilities under authority of this section such sum or sums as may be necessary to reimburse appropriated funds to the amount expended therefrom.

Sec. 7. In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize with the consent of any State or local government, the services and facilities of such State or local government, or of any agencies, officers, or employees thereof. Any Federal agency, in performing any activities under section 3 of this Act, is authorized to
employ temporarily additional personnel without regard to the
civil-service laws and the Classification Act of 1949 6/, as amended,
and to incur obligations on behalf of the United States by contract or other-
wise for the acquisition, rental, or hire of equipment, services,
materials, and supplies for shipping, drayage, travel and communication,
and for the supervision and administration of such activities. Such
obligations, including obligations arising out of the temporary employ-
ment of additional personnel, may be incurred by any agency in such
amount as may be made available to it by the President out of the funds
specified in section 8. The President may, also, out of such funds,
reimburse any Federal agency for any of its expenditures under section 3
in connection with a major disaster, such reimbursement to be in such
amounts as the President may deem appropriate.

Sec. 8. There is hereby authorized to be appropriated to the President
a sum or sums, not exceeding $5,000,000 in the aggregate, to carry out
the purposes of this Act. The President shall transmit to the Congress
at the beginning of each regular session a full report covering the expendi-
ture of the amounts so appropriated with the amounts of the allocations
to each State under this Act. The President may from time to time
transmit to the Congress supplemental reports in his discretion, all of
which reports shall be referred to the Committees on Appropriations and
the Committees on Public Works of the Senate and the House of Representa-
tives.

Sec. 9. The Act of July 25, 1947 (Public Law 233, Eightieth Congress),
entitled "An Act to make surplus property available for the alleviation
of damage caused by flood or other catastrophe", is hereby repealed.

6/ 63 Stat. 972, and Sec. 7(b), 80 Stat. 631, PL 89-554, 9-6-66
To provide additional assistance for areas suffering a major disaster.

By the authority vested in me as President by the Constitution and the laws of the United States, it is hereby enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act of 1966".

DEFINITION

SEC. 2. As used in this Act, the term "major disaster" means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855-1855g).

FEDERAL LOAN ADJUSTMENTS

SEC. 3. (a) Where such action is found to be necessary because of loss, destruction, or damage of the property, or impairment of the economic feasibility of the system, of borrowers under programs administered by the Rural Electrification Administration, resulting from a major disaster, the Secretary of Agriculture is authorized to adjust and to readjust the schedules for payment of principal and interest on loans to such borrowers, and to extend the maturity dates of such loans to a period not beyond forty years from the dates of such loans. The authority herein conferred is in addition to the loan extension authority provided in section 12 of the Rural Electrification Act.

(b) The Secretary of Housing and Urban Development is authorized to refinance any note or other obligation which is held by him in connection with any loan made by the Department of Housing and Urban Development or its predecessor in interest, or which is included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, where he finds such refinancing necessary because of the loss, destruction, or damage to property or facilities securing such obligations as a result of a major disaster. The interest rate on any note or other obligation refinanced under this subsection may be reduced to a rate not less than (i) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such note or other obligation, adjusted to the nearest one-eighth of 1 per centum, less (ii) not to exceed 2 per centum per annum, and the term thereof may be extended for such period as will provide a maturity of not to exceed forty years. The Secretary may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

(c) Section 1820 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The Administrator is authorized to refinance any loan made or acquired by the Veterans' Administration when he finds such refinancing necessary because of the loss, destruction, or damage to property securing such loan as the result of a major disaster as determined by the President pursuant to the Act entitled "An Act to
(b) Section 306 of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), is amended by adding at the end thereof the following new subsection:

"(c) In areas which have suffered major disasters the Secretary is authorized, without regard to the annual grant limitation in subsection (a) (2), to make or insure loans to associations, including corporations not operated for profit and public and quasi-public agencies, for the acquisition, construction, improvement, replacement, or extension of waste disposal systems and other public facilities damaged or destroyed as a result of a major disaster providing for community services in rural areas, when the Secretary determines that such action is necessary for the rebuilding of a community or a portion thereof damaged by a disaster, and to make grants not to exceed 50 per centum of the cost of repair, reconstruction, or replacement of waste disposal systems, water systems, and other public facilities damaged or destroyed as a result of a major disaster providing for community services in these areas in any case in which repayment of a loan for such purposes from income would require a charge for such service which the Secretary determines to be beyond the ability of a majority of the users who might be served thereby to pay such charges and if such charge would exceed cost of such services in comparable communities in the State."

HIGHER EDUCATION FACILITIES ASSISTANCE IN DISASTER AREAS

Sec. 7. (a) The Higher Education Facilities Act of 1963 (20 U.S.C. 701-757) is amended by inserting immediately after the last section of such Act the following new section:

"HIGHER EDUCATION FACILITIES CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

"Sec. 408. (a) If the Director of the Office of Emergency Planning determines that a public institution of higher education is located in whole or in part within an area which, before July 1, 1967, has suffered a disaster which is a ‘major disaster’ as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), and if the Commissioner determines with respect to such public institution of higher education that—

"(1) the academic facilities of the institution have been destroyed or seriously damaged as a result of the disaster;

"(2) the institution is exercising due diligence in availing itself of State and other financial assistance available for the restoration or replacement of the facilities; and

"(3) the institution does not have sufficient funds available to it from other sources, including the proceeds of insurance on the facilities, to provide for the restoration or replacement of the academic facilities so destroyed or seriously damaged,

the Commissioner may provide the additional assistance necessary to enable the institution to carry out construction necessary to restore or replace the facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which he determines to be available to the institution from other sources, including the proceeds of insurance on the facilities, may not exceed the cost of construction incident to the restoration or
(b) Section 306 of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), is amended by adding at the end thereof the following new subsection:

"(c) In areas which have suffered major disasters the Secretary is authorized, without regard to the annual grant limitation in subsection (a) (2), to make or insure loans to associations, including corporations not operated for profit and public and quasi-public agencies, for the acquisition, construction, improvement, replacement, or extension of waste disposal systems and other public facilities damaged or destroyed as a result of a major disaster providing for community services in rural areas, when the Secretary determines that such action is necessary for the rebuilding of a community or a portion thereof damaged by a disaster, and to make grants not to exceed 50 per centum of the cost of repair, reconstruction, or replacement of waste disposal systems, water systems, and other public facilities damaged or destroyed as a result of a major disaster providing for community services in these areas in any case in which repayment of a loan for such purposes from income would require a charge for such service which the Secretary determines to be beyond the ability of a majority of the users who might be served thereby to pay such charges and if such charge would exceed cost of such services in comparable communities in the State."

HIGHER EDUCATION FACILITIES ASSISTANCE IN DISASTER AREAS

Sec. 7. (a) The Higher Education Facilities Act of 1963 (20 U.S.C. 701-757) is amended by inserting immediately after the last section of such Act the following new section:

"HIGHER EDUCATION FACILITIES CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

"Sec. 408. (a) If the Director of the Office of Emergency Planning determines that a public institution of higher education is located in whole or in part within an area which, before July 1, 1967, has suffered a disaster which is a 'major disaster' as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), and if the Commissioner determines with respect to such public institution of higher education that—

"(1) the academic facilities of the institution have been destroyed or seriously damaged as a result of the disaster;

"(2) the institution is exercising due diligence in availing itself of State and other financial assistance available for the restoration or replacement of the facilities; and

"(3) the institution does not have sufficient funds available to it from other sources, including the proceeds of insurance on the facilities, to provide for the restoration or replacement of the academic facilities so destroyed or seriously damaged,

the Commissioner may provide the additional assistance necessary to enable the institution to carry out construction necessary to restore or replace the facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which he determines to be available to the institution from other sources, including the proceeds of insurance on the facilities, may not exceed the cost of construction incident to the restoration or
replacement of the academic facilities destroyed or seriously damaged as a result of the disaster.

"(b) In addition to and apart from the assistance provided to a public institution of higher education under subsection (a), the Commissioner may provide funds to such institution in an amount which he considers necessary to replace equipment, maintenance supplies, and instructional supplies (including books, and curricular and program materials) destroyed or seriously damaged as a result of the disaster, or to lease or otherwise provide (other than by acquisition of land or construction of academic facilities) such facilities needed to replace temporarily those academic facilities which have been made unavailable as a result of the disaster, or both.

"(c) In any case deemed appropriate by the Commissioner, disaster assistance provided under subsection (a) or (b) may be in the form of a repayable advance subject to such terms and conditions as he considers to be in the public interest.

"(d) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section.

"(e) No payment may be made to a public institution of higher education for academic facilities under subsection (a) or for assistance under subsection (b) unless an application therefor is submitted through the appropriate State commission and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the institutions which have submitted approvable applications. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State commission, that the project or projects with respect to which it is made are not inconsistent with overall State plans, submitted under section 105(a), for the construction of academic facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State commission.

"(f) Amounts paid by the Commissioner to a public institution of higher education under subsection (a) or (b) may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to an institution which are not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

"(g) For the purposes of this section an institution of higher education is deemed to be a "public institution of higher education" if the institution is under public supervision and control."

(b) Section 7 of the Small Business Act, as amended (15 U.S.C. 636), is amended by adding thereto the following new subsection:

"(e) In the administration of the disaster loan program under subsection (b) (1) of this section, in the case of property loss or damage as a result of a disaster which is a "major disaster" as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1535a(a)), the Small Business Administration, to the extent such loss or damage is not compensated for by insurance or otherwise, may lend to a privately owned college or university without regard to whether the required financial assistance is otherwise available from private sources, and may waive interest payments and defer principal payments on such a loan for the first three years of the term of the loan."
PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE

SEC. 8. In the processing of applications for assistance—

(1) under title II of the Housing Amendments of 1955, or any other Act providing assistance for the repair, construction, or extension of public facilities;

(2) under the United States Housing Act of 1937 for the provision of low-rent housing;

(3) under section 702 of the Housing Act of 1954 for assistance in public works planning;

(4) under section 702 of the Housing and Urban Development Act of 1965 providing for grants for public facilities; or

(5) under section 306 of the Consolidated Farmers Home Administration Act priority and immediate consideration shall be given, during such period as the President shall by proclamation prescribe, to applications from public bodies situated in major disaster areas.

RESTORATION OF PUBLIC FACILITIES

SEC. 9. There is hereby authorized to be appropriated such sums as may be necessary to reimburse not more than 50 per centum of eligible costs incurred to repair, restore, or reconstruct any project of a State, county, municipal, or other local government agency for flood control, navigation, irrigation, reclamation, public power, sewage treatment, water treatment, watershed development, or airport construction which was damaged or destroyed as a result of a major disaster, and of the resulting additional eligible costs incurred to complete any such facility which was in the process of construction when damaged or destroyed as a result of such major disaster. Eligible costs are defined to mean those costs determined by the Director of the Office of Emergency Planning as incurred or to be incurred in (1) restoring a public facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and (2) completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed conditions resulting from the major disaster. Reimbursement under this section shall be made to the State, county, municipal, or other local governmental agency which is constructing the public facility or for which it is being constructed, except that if the economic burden of the eligible costs of repair, restoration, reconstruction or completion is incurred by an individual, partnership, corporation, agency, or other entity (other than an organization engaged in the business of insurance), the State, county, municipality, or other local governmental agency shall reimburse such individual, partnership, corporation, agency, or other entity not to exceed 50 per centum of those costs. Eligible costs shall not include any costs for which reimbursement is received pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs.

DUPLICATION OF BENEFITS

SEC. 10. The head of each department or agency of the Federal government administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster shall administer such program in a manner

80 STAT. 1320
which will assure that no such person, concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other such program.

EXTENSIONS OF TIME IN PUBLIC LAND MATTERS

SEC. 11. The Secretary of the Interior, upon application therefor, is authorized to grant an extension of time to the holder of any lease, license, permit, contract or entry issued by him in connection with any lands administered by him through the Bureau of Land Management where the Secretary finds that a major disaster has impeded timely fulfillment of requirements and such relief will not prejudice the rights of another party.

COORDINATION OF EFFORT

SEC. 12. The President, acting through the Office of Emergency Planning, shall plan and coordinate all Federal programs providing assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, and shall conduct periodic reviews (at least annually) of the activities of State and Federal departments or agencies to assure maximum coordination of such programs, and to evaluate progress being made in the development of State and local organizations and plans to cope with major disasters. Nothing in this section shall be deemed to relieve the head of any department or agency of any function, duty, or responsibility vested in him by any provision of law.

DISASTER ASSISTANCE STUDY

SEC. 13. The Director of the Office of Emergency Planning is authorized and directed to make, in cooperation with the Secretary of Agriculture, the Secretary of the Interior, and other affected Federal and State agencies, a full and complete study and investigation for the purpose of determining what additional or improved air operation facilities are needed to provide immediate effective action to prevent or minimize loss of publicly or privately owned property and personal injury or death which could result from forest fires or grass fires which are or threaten to become major disasters. The study and investigation shall include but not be limited to:

1. the need for new or improved airports, heliports, or heli-spots at specific locations where present transportation facilities are inadequate to provide for immediate and effective action in case of forest fires or grass fires;
2. the need for additional or improved material, equipment (including aircraft) and personnel at specific locations to provide for immediate and effective action in case of forest fires or grass fires; and
3. the estimated cost of providing such new or improved air operation facilities (including additional or improved material, equipment, and personnel) at each specific location.

Not later than six months after the enactment of this Act the Director of the Office of Emergency Planning shall report the findings of the study and investigation to the Congress together with his recommendations for an action program, including an equitable plan for the sharing of the cost of the program by the Federal, State and local governments and private persons and organizations.
November 6, 1966 - 7 - Pub. Law 89-769

EFFECTIVE DATE

SEC. 14. This Act and the amendments made by this Act shall apply with respect to any major disaster occurring after October 3, 1964. Approved November 6, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 2141 (Comm. on Public Works).
SENATE REPORT No. 459 (Comm. on Public Works).
CONGRESSIONAL RECORD:
Vol. 111 (1965): July 22, considered and passed Senate.
Oct. 18, Senate concurred in House amendment.
Public Law 91-79
91st Congress, H. R. 6508
October 1, 1969

An Act

To provide additional assistance for the reconstruction of areas damaged by major disasters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress hereby recognizes that a number of States have experienced extensive property loss and damage as a result of recent major disasters including, but not limited to, hurricanes, storms, floods, and high waters and wind-driven waters and that there is a need for special measures designed to aid and accelerate the efforts of these affected States to reconstruct and rehabilitate the devastated areas.

Sec. 2. The President is authorized to allocate funds hereafter appropriated to carry out this section to those States affected by a major disaster for the permanent repair and reconstruction of those permanent street, road, and highway facilities not on any of the Federal-aid systems which were destroyed or damaged as a result of such a major disaster. No funds shall be allocated under this section for repair or reconstruction of such a street, road, or highway facility unless the affected State agrees to pay not less than 50 per centum of all costs of such repair or reconstruction.

Sec. 3. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or other specified development facility and, as a result of a major disaster in an affected State a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost as determined by the appropriate Secretary (1) of more than $1,000 for sales under one million board feet, or (2) of more than $1 per thousand board feet for sales of one to three million board feet, or (3) of more than $3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

(b) Where the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding provisions therein.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the reconstruction of any area of an affected State damaged by a major disaster; (2) the sale of such timber will assist in sustaining the economy of such affected area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof, for the purpose of removing from privately owned lands timber damaged as a result of a major disaster and such State or political subdivision is authorized, upon application, to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, but not to exceed the amount that such expenses exceed the salvage value of such timber.
Sec. 4. The Secretary of the Interior is authorized to give any public land entryman such additional time in which to comply with any requirement of law in connection with any public land entry for lands in any State affected by a major disaster as the Secretary finds appropriate because of interference with the entryman's ability to comply with such requirement as a result of such major disaster.

Sec. 5. The last paragraph under the center heading “Administrative Provisions” in title II of the Public Works Appropriation Act, 1967 (Public Law 80-689), is hereby repealed.

Sec. 6. In the administration of the disaster loan program under section 7(b) (1) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage in any affected State resulting from a major disaster the Small Business Administration—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of $500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments.

(2) may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of one per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

(3) may in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

Sec. 7. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), in the case of property loss or damage in any affected State resulting from a major disaster the Secretary of Agriculture—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of $500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments.

(2) may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available
from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of one per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

(3) may in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other lien outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

Sec. 8. (a) The President is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for assisting individuals suffering losses as the result of a major disaster. For the purposes of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(b) The President is authorized to make grants not to exceed $250,000 to any State, upon application therefor, in an amount not to exceed 50 per centum of the cost of developing the plans and programs referred to in subsection (a).

(c) Any State desiring assistance under this section shall designate or create an agency which is specially qualified to plan and administer such a disaster relief program, and shall, through such agency, submit a State plan to the President not later than December 31, 1970, which shall (1) set forth a comprehensive and detailed State program for assistance to individuals suffering losses as a result of a major disaster and (2) include provision for the appointment of a State coordinating officer to act in cooperation with the Federal coordinating officer required by section 9 of this Act.

(d) The President shall prescribe such rules and regulations as he deems necessary for the effective coordination and administration of this section.

(e) Upon the submission of such plans the President is authorized to report and recommend to the Congress, from time to time, programs for the Federal role in the implementation and funding of comprehensive disaster relief plans, and such other recommendations relating to the Federal role in disaster relief activities as he deems warranted.

Sec. 9. The President shall, immediately upon his designation of an area as a major disaster area, appoint a Federal coordinating officer to operate under the Office of Emergency Preparedness in such area. Such officer shall be responsible for the coordination of all Federal disaster relief and assistance, shall establish such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs, and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

Sec. 10. (a) The President is authorized to provide on a temporary basis, as prescribed in this section, dwelling accommodations for individuals and families displaced by a major disaster.
(b) The President is authorized to provide such accommodations by (1) using any unoccupied housing owned by the United States under any program of the Federal Government, (2) arranging with a local public housing agency for using unoccupied public housing units, (3) acquiring existing dwellings through leasing, or (4) acquiring mobile homes or other readily fabricated dwellings, through leasing, to be placed on sites furnished by the State or local government or by the owner-occupant displaced by the major disaster, with no site charge being made. Rentals shall be established for such accommodations, under such rules and regulations as the President may prescribe and shall take into consideration the financial ability of the occupant. In cases of financial hardship, rentals may be compromised, adjusted, or waived for a period not to exceed twelve months, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster) which is in excess of 25 per centum of the individual’s or family’s monthly income.

(c) Dwelling accommodations may be made available under this section only to an individual who, or family which, is certified by such authority as may be designated by the President, had occupied a dwelling, as owner or tenant, that had been destroyed, or damaged to such an extent as to make it uninhabitable, as a result of such major disaster.

Sec. 11. (a) Whenever, as the result of a major disaster, the President determines that low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of section 3 of Public Law 875 of the Eighty-first Congress.

(b) The President is authorized to continue through the Secretary of Agriculture to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as it relates to a Presidential determination regarding availability of food stamps in a major disaster.

Sec. 12. The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payments under the unemployment compensation program of the State in which the disaster occurred and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance available to such individual for such period of unemployment.

Sec. 13. The President is authorized to make grants and loans to any State to assist such State in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster.
October 1, 1969 - 5 - Pub. Law 91-79

SEC. 14. The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof for the purpose of removing debris deposited on privately owned lands and on or in privately owned waters as a result of a major disaster, and such State or political subdivision is authorized, upon application, to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of such debris, but not to exceed the amount that such expenses exceed the salvage value of such debris.

SEC. 15. (a) As used in this Act the term "major disaster" means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855-1855g), which disaster occurred after June 30, 1967, and on or before December 31, 1970. (b) This Act, other than sections 5, 8, 9, and 13, shall not be in effect after December 31, 1970, except as it applies to major disasters occurring before such date.

SEC. 16. This Act may be cited as the "Disaster Relief Act of 1969". Short title. Approved October 1, 1969.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 91-322 (Comm. on Public Works) and No. 91-495 (Comm. of Conference).

SENATE REPORT No. 91-280 accompanying S. 1685 (Comm. on Public Works).

CONGRESSIONAL RECORD, Vol. 115 (1969);

July 8, 9: Considered and passed House.
July 8: S. 1685 considered and passed Senate.
July 10: Considered and passed Senate, amended.
Sept. 18: House and Senate agreed to conference report.