Federal Civil Defense Act of 1950: Summary and Legislative History

by Wilbur J. Cohen and Evelyn F. Boyer*

The Federal Civil Defense Act of 1950 raises many important problems relative to the administration of health and welfare services and the future development of such services in this country. Because of the responsibility that the Federal Security Agency has for health and welfare services in the United States, the following summary of the new law has been prepared for the information of Agency personnel and other persons connected with the administration of health and welfare services. A brief legislative history of the new law is also given.

On January 12, 1951, President Truman approved H. R. 9798, the Federal Civil Defense Act of 1950 (Public Law 920, 81st Congress). The new law, according to President Truman, "affords the basic framework for preparations to minimize the effects of an attack on our civilian population, and to deal with the immediate emergency conditions which such an attack would create."

The basic reason for the new law was summed up in the report of the House Committee on Armed Services.

Production capacity demands manpower, and factories in which that manpower can operate. But production capacity depends utterly upon the community in which it thrives. In the community sense, production capacity also demands houses within reach of the factories, and transportation facilities by which people can get to and from their work. It demands wives at home to cook dinner when the shift is over and food for them to cook. It demands families to be cared for, and places for those families to live in, and enough light and heat and water to make their homes habitable. It demands schools for the children, and medical care for the old and infirm.

All these human needs are prime concerns of the local, State, and National civil-defense authorities. They cannot be supplied in a workable pattern that will allow the people to go about their business, if those same people are needlessly uprooted from their homes, separated from one another, and moved to strange surroundings. Moreover, while it might be possible to evacuate thousands of people, it would be clearly impossible to evacuate the factories where they earn their living. If the plants stay, the people must also stay. If the people stay, then they and their homes and our factories must be ready to fight back through a sound civil-defense program.

Summary

The Federal Civil Defense Act of 1950 consists of four titles. Sections 1, 2, and 3 of the Act precede title I and give the short title, declaration of policy, and definitions. The titles are: I, Organization; II, Powers and Duties; III, Emergency Authority; and IV, General Provisions.

The declaration of public policy in section 2 of the law sets forth the general principles on which the administration of the Act is to be based; it reads as follows:

It is the policy and intent of Congress to provide a plan of civil defense for the protection of life and property in the United States from attack. It is further declared to be the policy and intent of Congress that this responsibility for civil defense shall be vested primarily in the several States and their political subdivisions. The Federal Government shall provide necessary coordination and guidance; shall be responsible for the operations of the Federal Civil Defense Administration as set forth in this Act; and shall provide necessary assistance as hereinafter authorized.

Section 3 defines seven terms used in the new law. The two most essential definitions are those for the terms "attack" and "civil defense." "Civil defense" is broadly defined and specifically includes "measures to be taken following attack including . . . rescue, emergency medical, health and sanitation services; monitoring for specific hazards of special weapons . . . (and) emergency welfare measures. . . ."

Title I establishes a Federal Civil Defense Administration to be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate. A Civil Defense Advisory Council is created to advise and consult with the Administrator on general or basic policy matters relating to civil defense. The Council is to consist of the Administrator, as chairman, and 12 additional members to be appointed by the President. Three members of the Council must be representative of State Governments, three must be representative of the localities, and six are to be citizens of the United States (other than Federal employees) of broad and varied experience in matters affecting the public interest. A novel provision in the law is the requirement that the six members representing the States and localities shall be selected by the President from panels of names established by the Council of State Governments, the Governors' Conference, the American Municipal Association, and the United States Conference of Mayors. The Council must meet at least once a year and at such other times as the Administrator may request. The Administrator is authorized to appoint

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Emergency Welfare Service

Under wartime disaster conditions, many self-sustaining families and individuals may suddenly find that they have to depend temporarily on others for even the simplest essentials of life. After a disaster, a family may be left on the street without housing or adequate clothing, with no place to eat, wash, or sleep, with no means of transportation and perhaps without money or the ability to care for immediate needs.

An emergency welfare service will be necessary in the civil defense program to help reestablish families, provide emergency housing, food and clothing, locate missing persons, and care for infants, children, the aged, and the sick.

In atomic disasters, thousands of families may be affected. Welfare services are essential in order to restore civilian morale as quickly as possible.

Families or parts of families may have to be evacuated and helped in adjusting to strange households and communities. The community which receives evacuees will need to assess its social services and expand them to support the morale of the evacuees and the receiving households. Continuing enemy attack may necessitate extensive mass feeding, clothing, and shelter, but every effort should be made to move as rapidly as possible to individualized treatment of personal or family needs. To do this, every community should prepare, in advance, its family welfare-service program for civil defense.

Services for individuals and families.—The term “welfare service” is used to cover the essential activities involved in providing material assistance and other help on a temporary basis to individuals or families until they can reestablish themselves and take up their normal activities in home and industrial life.

Material assistance in civil defense is a temporary, emergency program designed to provide civilians with food, clothing, shelter, fuel, cash, household equipment and supplies, transportation, medical care, and other items required to enable people to return promptly to productive activity.

Other welfare services include:
(a) Providing for rehousing or settlement for individuals and families uprooted from their homes.
(b) Furnishing information to individuals on help that is available to them, and where it may be obtained.
(c) Assisting persons to take advantage of insurance or other benefits to which they are entitled.
(d) Referring persons to available employment, retraining, vocational rehabilitation, medical services, and specialized child welfare services.
(e) If necessary, providing for children to be separated from their parents on the best basis possible and with the least shock.

Source: National Security Resources Board, United States Civil Defense, chapter 17, pp. 69 and 74.

Social Security
assistance for the temporary relief or aid of any civilian injured or in want as the result of any attack." The emergency provisions of title III terminate on June 30, 1954, or on such earlier date as may be prescribed by concurrent resolution of the Congress.

Title IV contains various general provisions, including provisions relating to administrative authority, security regulations, and utilization of existing facilities. Section 409 authorizes the Reconstruction Finance Corporation to purchase securities or make loans for the purpose of aiding in financing civil defense projects. The total amount of loans outstanding at any one time can never exceed $250 million.

Significant Provisions

There are a number of significant provisions of the new law that differ from those that governed civil defense activities during World War II. Some of these provisions are of special interest to persons concerned with health and welfare.

A most important difference is that during World War II the entire civil defense program, including civilian, war assistance, benefits, and medical care, was established by Executive orders. The new legislation is the first law dealing with civil defense matters that Congress has ever passed.

Federal Grants to States

The new law clearly places major responsibility on the States for sharing the cost of civil defense. It is estimated that the cost for the whole program will be approximately $3.0 billion over a period of 3 years, of which about $1.7 billion or 54 percent will be borne by the Federal Government.

James J. Wadsworth, then Acting Deputy Administrator of the Civil Defense Administration, pointed out at the Senate hearings that the paramount consideration in planning and financing civil defense was that "adequate preparation against the loss of life and property is of primary concern to the affected community" and that the plan for civil defense requires substantial financial outlays by State and local governments. The plan for financing that was finally developed and included in the law, with minor changes, provides:

Health Services

Maintenance of usual health services during wartime is the responsibility of existing health agencies and individual professional and technical health experts. The relief of suffering immediately after a civilian wartime disaster, the provision of emergency lifesaving measures, the preservation or restoration of health services normally existing in peacetime, are the responsibilities of civil defense.

In view of technical and professional requirements, the civil defense health and medical measures and services must continue to remain a responsibility of existing health agencies and individuals. These agencies and individuals will perform their wartime functions under civil defense rules and regulations.

Close liaison between civil defense organizations and peace time health services is therefore imperative. Existing health agencies should, in wartime, be responsible for civil defense health requirements so that creation of new duplicating agencies will be avoided.

This principle has been followed in the planning of Federal civil defense health services. The United States Public Health Service has agreed to provide medical and other officers to staff Federal civil defense central and regional offices.

Initially this function may be carried out through the health personnel assigned to existing Federal Security Agency regional offices. Later the function will be moved to wherever the Federal regional civil defense offices are established.

In each State, the State health officer should be placed in charge of all State civil defense health and medical services; and cities should appoint local health officers in the same manner.

These officers should be integrated into the State and State area civil defense organizations. In addition, the State civil defense advisory council, if created, should include representatives of each of the major State organizations of professional health experts. The members of these organizations would contribute personal services extensively in time of a disaster, and their advice and assistance during the planning stage will be invaluable.

An enemy attack on American cities using new technological weapons might introduce some new medical and health problems from such effects as radiation and chemical and bacteriological contamination. In the majority of cases however, such an attack would only multiply many times the recurrence of familiar problems.

Training for professional, technical, and auxiliary lay personnel will be necessary to prepare for the new problems. Thorough organization will be necessary to provide adequate professional and technical personnel; and also the supplies, hospitals, and related facilities for the care of the many thousands of casualties which could occur among the civilian inhabitants of a large city.

This increase in casualties will require many auxiliary volunteer workers to be recruited and trained, in order to supplement the services of available professional and technical personnel.

1. That the cost of local personnel and administration, together with the cost of supplies and of personal equipment needed by volunteer workers, be the financial responsibility of the States and local communities.

2. That the Federal Government share with the States and local communities the cost of procuring such heavy equipment as may be necessary for augmented fire services, engineering services, transportation services, communications services, and rescue services.

3. That the Federal Government match equally the expenditures of the States and cities for the construction of communal-type shelters.

4. That the Federal Government provide regional stockpiles of critically needed materials, particularly of those types that would not otherwise be available in the event of an emergency. (Such materials would include engineering supplies, blood plasma, medical supplies, and evacuee supplies.)

5. That the communications and communication control centers necessary to distribute timely and adequate warning of an enemy attack be provided by the Federal Government.

Section 201 (1) of the law lists the conditions on which the Federal Government will make financial contributions to the States for civil defense programs and projects. A significant feature is that none of the Federal Government's contribution "shall be made for State or local personnel and administrative expenses, or for items of personal equipment for State or local workers" with the exception of "compensation paid to and the transportation, subsistence, and maintenance expenses of any employees while engaged in rendering civil defense aid outside the State" during the period of an emergency. The reason for this provision is that civil defense is regarded as primarily a responsibility of the State and local communities; it is felt that State and local governments should assume as much of the responsibility, including financing, as possible. It is further felt that State and local civil defense agencies should recruit and pay their own staffs to emphasize the fact that civil defense is their program and not one imposed upon them by the Federal Government.

In general, the law permits the Administrator to make Federal financial contributions to the States "on such terms or conditions as the Administrator shall prescribe," except that certain aspects—such as the method of sharing the cost of shelters and other protective facilities—are specifically written into the law. For such shelters and protective facilities, the Federal contribution must be equally matched by the State. Federal funds for this purpose are to be apportioned among the States in the ratio that the urban population of the critical target areas in each State bears to the total urban population of the critical target areas of all States. The critical target areas are to be determined by the Administrator after consultation with the Secretary of Defense.

Health and Welfare Aspects

It has already been noted that the definition of the term "civil defense" includes "emergency" health and welfare services and that the emergency powers of the Administrator authorize him to "provide financial assistance for the temporary relief or aid of any civilian injured or in want as the result of any attack." The Act also provides that during the period of an emergency the Administrator shall "coordinate and direct, for civil defense purposes, the relief activities of the various departments and agencies of the United States as provided in section 302."

The Act is silent with respect to work accident compensation for State employees or a long-run program of financial assistance, medical care, or rehabilitation for the relief or aid, after the termination of "temporary" aid, of civilians injured or still in want as a consequence of any enemy attack.

During World War II a program of financial assistance was established by Executive allocations providing for compensation to or on behalf of civilian defense workers and civilians disabled or killed as a result of enemy action. A single schedule of compensation was used for both groups of persons. Extensive hearings were held on proposals embodying such a program in legislative form, but the legislation was never enacted and the program continued throughout the duration of World War II under temporary Executive allocations or annual appropriations.

Section 304 of the new law provides that the Federal Government is not liable during the period of an emergency for death, injury, or property damage resulting from the actions of any Federal agency or employee in carrying out the provisions of title III. This provision does not, however, affect the right of any person to receive any benefit or compensation to which he might otherwise be entitled under the Federal Employees' Compensation Act or any other law providing for any pension or retirement.

The development and administration of the civil defense program involve dependence on existing agencies responsible for health, education, social security, welfare, and related programs. The Act recognizes the role of existing Federal, State, and other agencies by specifically providing in section 405 (2) that the Administrator shall "utilize to the maximum extent the existing facilities and

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2. Hearings Before a Subcommittee of the Senate Committee on Armed Services on S. 4217 and S. 4219 (81st Cong., 2d sess.), p. 60.
resources of the Federal Government, and, with their consent, the facilities and resources of the States and local political subdivisions thereof, and of other organizations and agencies." The law also specifically provides in section 405 (3) that the Administrator shall "refrain from engaging in any form of activity which would duplicate or parallel activity of any other Federal department or agency unless the Administrator, with the written approval of the President, shall determine that such duplication is necessary to accomplish the purposes of this Act."

Legislative History

It required nearly 4 months to enact the bill into law. The first version of the bill was introduced on September 18, 1950, and the final version was approved by President Truman on January 12, 1951.

On September 18, 1950, President Truman transmitted the national civil defense plan prepared by the National Security Resources Board. The President urged the Congress to pass this legislation in the near future.

The bill prepared by the National Security Resources Board was introduced on the same day into the House of Representatives (H. R. 9689) and on September 19, 1950, in the Senate (S. 4162). During October and November, detailed suggestions for revisions were received from many different groups. A revised bill was introduced on November 30, 1950, in the House (H. R. 9798) and on December 1, 1950, in the Senate (S. 4219).  

Action in the House of Representatives

H. R. 9798 was introduced by Representative Durham. Hearings were held by a subcommittee of six members of the Committee on Armed Services, three of whom were also members of the Joint Committee on Atomic Energy. A new bill, in the nature of a substitute, was reported out on December 19, 1950. The bill was considered and passed by the House of Representatives on December 20, 1950. Four amendments were proposed, two of which were adopted. An amendment offered by Representative Elston was adopted that provided for termination of the program on June 30, 1954, or on adoption at an earlier date by Congress of a concurrent resolution. Representative Judd proposed an amendment, which was adopted, requiring security clearance of employees by the Administrator "in writing." An amendment by Representative Javits was rejected; it would have stricken out the prohibition of Federal financial participation in the cost of self-liquidating projects. An amendment that would have provided for the establishment of a voluntary home-front army, proposed by Representative Edwin Arthur Hall, was rejected. The bill passed the House, 247 to 1.

Action in the Senate

S. 4218 was introduced December 19, 1950, by Senator Chapman (for Senator Kefauver) of the Senate Committee on Armed Services. The bill was the same as H.R. 9798 as reported out by the House Committee.

Eight amendments were considered in the Senate. Six were adopted—all by a voice vote—and two were withdrawn. The first amendment adopted was offered by Senators Ives and Flanders. It provided for certain procedures to be followed in compensating for private property acquired. The amendment added the substance of the provisions included in title II of the Defense Production Act of 1950.

The second amendment adopted was proposed by Senator McMahon, Chairman of the Joint Committee on Atomic Energy. His amendment provided that in the selection of critical target areas the Civil Defense Administrator should make his determinations after consultation with the Secretary of Defense. Senator McMahon justified his amendment on the grounds that "the Administrator might well find it easier to execute the decisions made if the decisions rested not only upon his judgment of the situation, but upon the considered advice of the Secretary of Defense, who, of course, will be in consultation with the Joint Chiefs of Staff."

An amendment offered by Senator Bridges was adopted; it provided for a check by the Civil Service Commission of the loyalty of civil defense personnel, to be followed by a full investigation by the Federal Bureau of Investigation if there should be any indication that the individual might be of questionable loyalty or reliability.

A fourth amendment was offered by Senator Taft with respect to the time that a state of civil emergency would begin and continue in effect. The Taft amendment was adopted as amended by Senator Holland so that declaration of a state of emergency shall apply only to any "exposed area or areas, as, for instance, in Alaska, Hawaii, or at the Canal Zone." The amendment would not require any public proclamation by the President but would require that the Armed Services Committees of Congress be advised of the determination.

A fifth amendment was offered by Senator McCarran to strike out the section of the bill relating to immunity from suit because of death, in-
jury, or property damage resulting from civil defense during an emergency, and the section relating to the waiver of the Administrative Procedures Act. Senator Kefauver, in charge of the bill on the floor, first opposed the McCarran amendment but later agreed to take it to conference for further study.

The sixth amendment was offered by Senator Kefauver for Senator Gordon. It amended the provision of paragraph (f) of section 303 of S. 4268 to read "and to incur such obligations on behalf of the United States as may be required to meet the civil defense requirements of an attack or imminent attack."

Both amendments that were withdrawn had been offered by Senator Taft. The first related to a termination date for the program, while the second related to the section in the bill authorizing the Reconstruction Finance Corporation to make loans for self-liquidating projects. The terminal-date amendment was withdrawn so that the conference could work out a compromise solution. The other amendment was withdrawn in view of the explanation that existing law already provided that the Reconstruction Finance Corporation could make loans only to self-liquidating projects.

Upon completion of amendments to S. 4268, the Senate took up H. R. 9798, as passed by the House, and struck out all of the House bill and substituted the language of the Senate bill, as amended. The bill then passed the Senate on December 22, 1950, and went to conference.

**Action of the Conference Committee**

The Conference Report was adopted in the House on January 1, 1951, and in the Senate on January 2. There were no record votes in either chamber.

A number of important decisions were made by the Conference Committee in reconciling differences between the bills passed by the House and Senate. The Conference Report lists 16 instances in which the Senate bill differed in substance from the House bill. 16

Approved by the President

The President approved the bill on January 12, 1951. When he signed the bill, the President issued the following statement:

The Federal Civil Defense Act of 1950, which I have signed today, is designed to protect life and property in the United States in case of enemy assault . . .

The act will permit the Federal Government to provide matching grants of funds to the states for constructing air raid shelters. The act also allows certain measures to be taken by the Federal Government directly, such as the procurement and stockpiling of necessary medical and other materials and supplies and the provision of suitable warning systems . . .

The Federal Government can and will provide the necessary coordination and guidance for the civil defense program . . . It is the expressed policy and intent of Congress, however, that the responsibility for civil defense should be vested primarily in the states and their political subdivisions. I, therefore, call upon all citizens to lend their support to civil defense in their own communities . . .

**Notes and Brief Reports**

**Workers and Dependents in the Population, 1940–50**

The make-up of a country's population is an important frame of reference for its social insurance programs. When, as in the United States, insurance contributions are based on current earnings, and benefits on past earnings or on dependence upon an earner, it is useful to know the relative number of workers and dependents (as defined for social insurance purposes) in the population as well as the relative number who fall into neither group. Such data furnish a basis for estimates of the number of persons with potential social insurance protection under universal coverage, and in conjunction with other data they provide basic information for analysis of the relation of social insurance programs to the Nation's economy.

**Workers and primary dependents in the civilian population, 1940 and 1947–50**

<table>
<thead>
<tr>
<th>Population groups</th>
<th>Number (in millions)</th>
<th>Percentage distribution</th>
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<tbody>
<tr>
<td>Total civilian population</td>
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<td>Workers and primary dependents</td>
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<tr>
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<td>Primary dependents per 100 workers</td>
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1 Figures may not add to total because of rounding. Percentages are computed on basis of unrounded figures.
2 Data for 1940 include 0.3 million members of the Armed Forces stationed in the United States. Data for other years include the following number of persons in the Armed Forces living off post or with families on post: 1947, 0.3 million; 1948, 0.5 million; 1949, 0.4 million; 1950, 0.5 million.
3 Persons in the civilian labor force, excluding unpaid family workers.
4 Nonworkers, married to and living with workers.
5 Nonworkers, living with a worker parent.
6 Source: Estimated from published and unpublished data of the Bureau of the Census. Data are for the month of March for 1940 and 1950 and for the month of April for other years.