
Change No. 7

1. Material transmitted. This Change No. 7 to the CEFR consists of a revised table of contents, a revised CEFR document, a new CEFR document, and two new CEFR appendixes containing lists of standby emergency regulations and notices appearing in the Federal Register and Code of Federal Regulations. Agencies are requested to check these appendixes for any additions or deletions.

2. Filing instructions.

Remove

Table of contents page.
Pages i through iv.
Page 12-4-1.

Insert

Table of contents page.
New pages i through iv.
Page 12-4-1.
Pages 39-4-1 through 39-4-6.
Pages App. A-1 through App. A-4.
Page App. B-1.

March 1, 1971.

Table of Contents

<u>Chapter</u>	Explanation
1	The President
2	The Congress
3	Office of Emergency Preparedness
4	Office of Civil Defense
11	Department of State
12	Department of the Treasury
12A	Fiscal Service
12B	Internal Revenue Service
13	Department of Defense
14	Department of Justice
15	Post Office Department
16	Department of the Interior
17	Department of Agriculture
18	Department of Commerce
19	Department of Labor
20	Department of Health, Education, and Welfare
21	Department of Housing and Urban Development
31	Civil Service Commission
32	Board of Governors of the Federal Reserve System
34	Interstate Commerce Commission
35	Federal Home Loan Bank Board
36	Railroad Retirement Board
38	Civil Aeronautics Board
39	General Services Administration
Appendix A	Standby Emergency Regulations published in the Code of Federal Regulations as of Jan. 1, 1970.
Appendix B	Standby Emergency Documents published as Notices in the Federal Register.

Explanation

I. Purpose and scope.

The Code of Emergency Federal Regulations (CEFR) is issued under section 2002(6), E.O. 11490, Oct. 28, 1969, 34 F.R. 17567. It is designed to provide continuity in the publication of Federal statutes and regulations during a condition of enemy attack or threatened attack. It provides a vehicle for the prepositioning of emergency regulations on a stand-by basis for implementation as described in paragraph III below. By centralizing stand-by emergency regulations in one publication, the CEFR makes available information that may be essential to coordinated action and planning by all agencies having emergency functions.

Emergency documents published in the CEFR do not supersede all existing law. Rather, when called into effect, these documents would amend and supplement existing law to the extent necessary to meet the emergency. The CEFR, therefore, would be used in conjunction with normal sources, such as the United States Code and the Code of Federal Regulations.

II. Distribution.

The CEFR is issued in loose-leaf format and is kept up-to-date by periodic transmittal of new material and changed pages. A limited number of copies are furnished to agencies through their mobilization officers. At least two sets of the CEFR should be maintained at each agency relocation site.

III. Implementation of the CEFR.

(a) Emergency Federal Register. Under 44 U.S.C. 1505 (c), the President may establish an alternate system for promulgating, filing, or publishing Presidential proclamations, Executive orders, and other legal documents during a period of attack or threatened attack. In such event, a serial publication designated the Emergency Federal Register (EFR) may be issued. Documents published in the EFR would then implement by reference, amend, or supplement the material carried in the CEFR.

(b) Original documents. The signed original of a document issued during an emergency shall be retained by the issuing agency. In lieu of a separate original, agencies may elect to use the CEFR pages containing the document. Affixation of an official signature to the CEFR document would create the original. Original documents and two duplicate originals or two certified copies shall be preserved for transmission to the Office of the Federal Register when requested after the emergency period.

(c) Effectiveness. A document published in the CEFR may automatically become effective as prescribed by its own terms (self-triggering) or may be made effective by separate announcement published in the EFR during an emergency. To the extent practicable, when a self-triggering document goes into effect during an emergency, notice of that effectiveness should also be published in the EFR.

IV. Submission instructions.

The CEFR is produced by means of a photographic printing process, based on the pages of the material as actually submitted. Its quality is therefore dependent on the quality of the submissions. The following considerations and requirements are involved:

(a) Security classification. All submissions must be unclassified.

(b) Number of copies. Two copies of each document (three if printed on both sides) shall be submitted.

(c) Size and quality. All submitted copies shall be single-spaced, in black ink on white paper, 8"x10 1/2", with 1-inch margins. All copies shall be amply clear for photographic reproduction. Printed or reproduced copies are acceptable if prepared in conformance with these standards.

(d) Numbering system and pagination. Agencies normally are assigned chapter numbers by the CEFR editor when they first submit material. Documents are assigned numbers keyed to the agency's chapter. Thus, the third document issued within Chapter 8 would be numbered "EFR Doc. 8-3". Each document carries an independent pagination based on its EFR Document number: e. g., page 8-3-4 is page 4 of EFR Doc. 8-3. There is no prescribed internal numbering system.

(e) Headings. Each document shall include the following headings: Name of issuing department or agency and a brief descriptive subject heading. If needed, agency numerical document designations, such as "Regulation 64", may be carried preceding the subject heading.

(f) Amendments. Amendments to previously submitted material shall be prepared in the form of completely revised paragraph units that facilitate cutting and pasting for new camera copy.

(g) Address. Submissions shall be addressed as follows:

Emergency Federal Register
Office of the Federal Register
National Archives and Records Service
General Services Administration,
Washington, D. C. 20408 STOP 220

(h) Inquiries. Telephone inquiries may be directed to the Office of the Federal Register 962-8626 (Code 13, extension 28626).

[EFR Doc. 12-4]

DELEGATION TO THE ADMINISTRATOR OF THE NATIONAL
CREDIT UNION ADMINISTRATION OF EMERGENCY AUTHORITY

Pursuant to the authority vested in me as Secretary of the Treasury, including the authority vested in me by Executive Order 9193, I hereby delegate to the Administrator of the National Credit Union Administration the authority and power to take such action, consistent with regulations issued by the Secretary of the Treasury relating to the maintenance of the operations and functions of banking institutions, as may be necessary to maintain, regulate, limit, or suspend the operation and functioning of any credit union.

As used in this Order the term "credit union" includes every credit union authorized under the laws of the United States or of any State to transact business in the United States or any place subject to its jurisdiction, or any receiver or conservator for any of the foregoing.

The Administrator of the National Credit Union Administration may make provision for the exercise by any person, agency, or instrumentality of any of the authority or power delegated by this Order.

This Order shall be effective immediately after an attack upon the United States.

Treasury Delegation Order dated May 10, 1963, "Delegation To The Secretary of Health, Education and Welfare" is rescinded, effective this date.

Secretary of the Treasury

[EFR Doc. 39-4]

This Emergency Requisitioning Regulation is a standby regulation intended for use in requisitioning private real and personal property when appropriate authority takes necessary action to bring the regulation into effect.

REQUISITIONING REGULATION

When appropriate authority exists, the following regulation shall apply to requisitions of private property by the Government, except as otherwise specifically provided herein.

1. Definitions. As used in this regulation, the following terms have the meanings set forth below.

a. "Requisition" means (i) the taking by the Government of real property for temporary use and (ii) the taking by the Government of personal property for temporary use or the acquisition of title thereto in the name of the United States of America, as may be appropriate.

b. "Requisitioning authority" means the Director, Office of Defense Resources (hereafter referred to as "the Director"), and the heads of such of the various departments or agencies as may be designated by the Director.

c. "Ordering officer" means a person to whom a requisitioning authority has delegated the power to sign Orders of Taking.

2. A requisitioning authority may exercise any power, duty, or discretion vested in him by the Director and this regulation, through such person or persons as he may designate.

3. Except as provided in section 13 hereof, when any property is requisitioned, an Order of Taking (substantially in the format attached) shall be given by the ordering officer to the extent practicable to all persons known to have or to claim any interest in the property, and all of those persons shall be directed to file their claims with the requisitioning authority. In the case of real property, all feasible efforts shall be made by the ordering officer to file, in accordance with recording practices of the jurisdiction involved, the original or a true copy of such order at the appropriate courthouse or other building where real property records of the appropriate jurisdiction are maintained.

4. As promptly as practicable after property has been requisitioned, the requisitioning authority shall make a preliminary determination of just compensation to be paid for the property. To the extent practicable, the requisitioning authority shall give notice of this determination to each person known to have or to claim interest in the property requisitioned. A claimant may file written objections to the preliminary determination with the requisitioning authority, specifying in reasonable detail the grounds for his objection, not later than 180 calendar days after receipt of this notice.

5. Whenever an objection is filed, the requisitioning authority shall designate a time and a place for all persons known to have or to claim an interest in the property requisitioned to appear in support of their claims. This appearance shall be before a board or an official formally designated by the requisitioning authority for this purpose. No member of any board or official so designated shall have participated in any way in the preliminary determination. The board or official shall hear the claimants who appear and shall receive any evidence relevant to the inquiry. A transcript or recording of the proceeding before the board or official and copies of all written evidence submitted shall be preserved. Following the inquiry, the board or official shall make a recommendation to the requisitioning authority with respect to the amount of compensation to be paid.

6. At any time after property has been requisitioned, the requisitioning authority may enter into a settlement agreement with the claimants as to the amount of compensation and the persons entitled thereto, provided that at the time of making any settlement, the requisitioning authority shall determine that the amount of the settlement constitutes just compensation for the property requisitioned.

7. No payment shall be made to any claimant until (i) he has presented such proof of his entitlement as the requisitioning authority may require and (ii) the requisitioning authority has determined that compensation or any part thereof may properly be paid to him. If the requisitioning authority determines that compensation can properly be paid to any claimant, he shall make an award of compensation and shall pay to the person or persons entitled thereto the amount of that award, or, if that person or persons are unwilling to accept the award, he shall pay 75 percent of the amount awarded and the owner or owners shall be left to their remedy in a court of competent jurisdiction. If the requisitioning authority determines that the compensation cannot properly be paid to any claimant, he shall make an award of compensation, and the amount of the award shall be set aside and retained or the proper appropriation charged therefor, until the person or persons entitled to receive the award shall be established.

8. A requisitioning authority may administer oaths and affirmations and may require by subpoena or otherwise the attendance and testimony of a witness and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. The attendance and testimony of witnesses and the production of books, records, or other documentary or physical evidence may be required at any designated place in any State, or at any other place subject to the jurisdiction of the United States of America.

9. When the head of a department or agency who is not a requisitioning authority wishes to requisition any property, he shall send a written proposal to the Director setting forth in reasonable detail all pertinent facts with respect to the property and its proposed use.

10. Upon the receipt of such a proposal, the Director shall determine whether it is consistent with the priorities and allocation program and the general production and supply plan. The Director may consider and act upon the proposed requisition separately from the proposed use. The determination of the Director shall be furnished in writing to the head of the department or agency submitting the proposal.

11. When a requisitioning authority who has been designated by the Director determines that property requisitioned by him is no longer needed for the defense of the United States, the requisitioning authority shall submit a proposal for its disposition to the Director for a determination as to whether the proposal is consistent with the priorities and allocations program and the general production and supply plan of the Office of Defense Resources, advising the Director of payments made, if any. No submission is necessary for property valued at \$2,500 or less. The determination of the Director shall be furnished in writing to the requisitioning authority.

12. a. The Director shall keep a written record of each determination as to the necessity for requisitioning property made by him pursuant to the provisions of this regulation.

b. When the Director determines to requisition property through another department or agency pursuant to this regulation, he shall notify that department or agency and request it to requisition and dispose of the property. All action taken by the department or agency shall be in accordance with the determination of the Director.

13. Nothing in this regulation shall be deemed to limit in any way the authority of:

- a. A military commander in time of war or national emergency to requisition private property to aid in his military mission;
- b. The Secretary of Defense or his designee with respect to the requisitioning of private property in aid of civil defense; or
- c. The emergency authority of the head of a department or agency to requisition private property in a post-nuclear attack situation.

14. Each head of a department or agency designated by the Director as a requisitioning authority shall promulgate regulations within his department or agency, not inconsistent with this regulation. The regulations so promulgated shall include but not be limited to:

- a. The delegation within the department or agency of authority to requisition;
- b. The appointment and duties of ordering officers;
- c. The creation of a board or the designation of an official to hear objections against preliminary determinations of just compensation;
- d. The procedure to be followed in effecting requisition of property; and
- e. The procedure to be followed in emergencies such as a post-nuclear attack situation.

ADMINISTRATOR OF GENERAL SERVICES

Mar. 1, 1971

CODE OF EMERGENCY FEDERAL REGULATIONS

39-4-5

UNITED STATES OF AMERICA

ORDER OF TAKING

THE UNITED STATES OF AMERICA, HEREBY REQUISITIONS THE USE OF, OR TAKES TITLE TO, THE PROPERTY DESCRIBED BELOW, PURSUANT TO:

NAME AND ADDRESS OF OWNER

DESCRIPTION OF PROPERTY AND DATE AND MANNER OF TAKING

NOTICE TO OWNER: Payment of any amount due will be facilitated if, at your earliest convenience, you forward your claim for just compensation with a copy of this Order to:

TITLE OF REQUISITIONING AUTHORITY

DATE

TITLE OF ORDERING OFFICER

SIGNATURE

Receipt of this notice is acknowledged. I certify that the description set out above is correct and accurate.

SIGNATURE OF (Check applicable box)

DATE

☐

OWNER: OR

☐

OTHER PERSON IN POSSESSION: OR

☐

WITNESS

INSTRUCTIONS:

This form shall be completed as accurately and in as much detail (particularly the description of the property taken) as circumstances will permit.

If known or readily ascertainable, the name and address of the owner or other person in possession shall be inserted where indicated. If not ascertainable, the address of the property or its location (or other appropriate identification) will suffice.

The description of the property MUST be as accurate and complete as possible, although it need not be a legal description. It is sufficient if the description is detailed enough to inform the appropriate authorities (as well as the owner or person in possession, if any) as to the exact property covered by the Order. If the taking includes personal property, and an inventory of the property is available or can be taken, a copy of the inventory should be attached to the original and each copy of the Order of Taking.

The date the taking is effected, the title of the Ordering Officer, and his signature should be inserted in the spaces provided.

A receipt and certification should be obtained from the owner or other person in possession, if any, by having that person sign the Order in the space provided. If such an individual is not available, or refuses to sign the receipt and certification, the Ordering Officer shall obtain the signature of a witness who can verify the accuracy of the description of the property covered by the Order of Taking.

Duplicate originals are to be signed by the owner. An original and one copy of the Order of Taking are to be given to the owner or other person in possession and, where appropriate, to other persons known to have an interest in the property. If no such person is available, an original and a copy should be secured in a conspicuous place on or near the property covered by the Order (if real property), and an original copy should be filed, if feasible, at the appropriate location where real property records of the jurisdiction in question are maintained. If personal property, an original and a copy should be posted in a conspicuous place or delivered to a responsible local inhabitant who will endeavor to deliver them to the owner or person otherwise entitled to the possession of the personal property. A copy of the Order of Taking is to be retained by the Ordering Officer and an additional copy shall be mailed to _____

(insert appropriate addressee).

APPENDIX A - STANDBY EMERGENCY REGULATIONS
PUBLISHED IN THE CODE OF FEDERAL REGULATIONS
AS OF JAN. 1, 1970

Office of Emergency Preparedness:

- DMO 8500.1A - Guidance on priority use of resources in immediate postattack period, 32A CFR Ch. I.
- DMO 8540.1 - List of Health Manpower Occupations, 32A CFR Ch. I.
- DMO 8540.2 - Policy guidance for a National Emergency Blood Program, 32A CFR Ch. I.

Department of State:

- Travel control of citizens of the United States in time of war or national emergency, 32 CFR Part 53.

Department of Defense:

- Negotiation of purchases and contracts for property or services during a national emergency, 32 CFR 3.201.
- Emergency purchases of war materials abroad, 32 CFR 6.603.
- Department of Defense policy and guidance concerning emergency requirements, allocations, priorities, and permits for Department of Defense use of domestic civil transportation, 32 CFR Part 177.
- Military support of civil defense under a national emergency involving a nuclear attack or condition preceding a nuclear attack upon the United States, 32 CFR Part 185.
- Air Force Department:
 - Use of military forces in civil defense, 32 CFR Part 809a, Subpart B.
 - Use of Civil Air Patrol in civil defense emergency, 32 CFR 832.4.
- Army Department:
 - Employment of troops in aid of civil authorities, 32 CFR 501.2.

Department of the Interior:

- Bureau of Land Management:
 - Withdrawals or reservations of public lands for Department of Defense use, 43 CFR 2331.1.
 - Suspension of exploration and operations of outer Continental Shelf lands under lease during a war or national emergency, 43 CFR 3387.4-2.

Bureau of Mines:

Control of explosives and their ingredients in time of war or national emergency, 32 CFR Part 1301.

Department of Commerce:Bureau of International Commerce:

Export control authority to be exercised by Department of Commerce field office directors in event of an enemy attack on the United States, 15 CFR 390.3.

Maritime Commission:

MA-TPM-1 - Restrictions upon the transfer, change in use, or terms governing utilization of port facilities, 32A CFR Ch. XIX.

MA-TPM-DEL-1 - Appointment of Federal Port Controllers, acting Federal Port Controllers and delegation of authority to perform the duties and exercise the powers of the Maritime Administrator during civil defense emergency, 32A CFR Ch. XIX.

Department of Health, Education and Welfare:

Temporary promotions of Public Health Service Officers in time of war or national emergency, 42 CFR 21.132.

Department of Transportation:Bureau of Public Roads:

THM-1 - Regulation of motor vehicle traffic on highways during a civil defense emergency, 32A CFR Ch. IX.

Federal Aviation Agency:

Emergency exemptions from procedural rules, 14 CFR 11.15.

United States Coast Guard:

Orders to Reservists to active duty in time of war or during any period of national emergency, 33 CFR 8.1505.

Release of Reservists from active duty in time of war or during any period of national emergency, 33 CFR 8.1506.

Atomic Energy Commission:

Application of standards of conduct of employees in a national emergency, 10 CFR 0.735-6.

Civil Aeronautics Board:

Organization and operation during emergency conditions, 14 CFR Part 387.

Civil Service Commission:

Standby regulations of Civil Service Commission for use in a national emergency disaster, 5 CFR Part 12.

Federal Communications Commission:

Defense Commissioner; defense and emergency preparedness functions, 47 CFR 0.181.

Emergency Relocation Board, 47 CFR 0.186, 0.383.

FCC representatives assigned to Regional Preparedness Committees in Office of Emergency Planning during a wartime emergency period, 47 CFR 0.385.

Construction permits and station licenses granted during national emergency, 47 CFR 1.511 (b).

Emergency authorization to licensees of radio stations, 47 CFR 2.407.

Emergency Action Notification System and Emergency Broadcast System, 47 CFR 73.901-73.962, 73.981.

Emergency provisions relating to aviation communications, 47 CFR 87.601-87.608.

Public safety radio services; civil defense, 47 CFR 89.17.

Industrial radio service emergency operation, 47 CFR 91.161.

Petroleum radio service emergency operation, 47 CFR 91.306.

Taxicab radio service; civil defense communications, 47 CFR 93.405.

Citizen's radio service; civil defense emergency, 47 CFR 95.121.

Radio Amateur Civil Emergency Services (RACES), 47 CFR Part 97, Subpart F.

Disaster Communication service, 47 CFR Part 99.

Federal Home Loan Bank Board:

Preparedness emergency amendments to bylaws, 12 CFR 544.6-1.

Federal Power Commission:

Commission organization and operation during emergency conditions, 18 CFR 3.7.

General Services Administration:

Emergency preparedness planning; policies and procedures relating to procurement and supply of personal property and nonpersonal services, 41 CFR Part 101-34.

Office of Telecommunications Policy:

Priority system for the use and restoration of leased intercity private line services during emergency conditions, 47 CFR Part 201.

Procedures for obtaining international telecommunication service for use during national emergency, 47 CFR Part 202.

Government and public correspondence telecommunications precedence system, 47 CFR Part 203.

Railroad Retirement Board:

Plan of operation in a national emergency, 20 CFR PART 395.

Security and Exchange Commission:

Plan of organization and operation effective during emergency conditions, 17 CFR Part 200, Subpart G.

APPENDIX B - STANDBY EMERGENCY DOCUMENTS
PUBLISHED AS NOTICES IN THE FEDERAL REGISTER

Department of the Treasury:

- Bureau of Accounts, commissioner, order of succession, 31 F.R. 5148.
- Bureau of Customs, commissioner, order of succession, 32 F.R. 13873.
- Bureau of Engraving and Printing, director, order of succession, 33 F.R. 10364.
- Bureau of the Mint, director, order of succession, 35 F.R. 2537.
- Bureau of the Public Debt. commissioner, order of succession, 32 F.R. 4028.
- Comptroller of the Currency, order of succession, 32 F.R. 6215.

Post Office Department:

- Postmaster General, order of succession, 32 F.R. 8912.

Department of the Interior:

- Bonneville Power Administration, order of succession, 33 F.R. 9784.
- Defense Electric Power Administration, delegations of authority in defense emergencies, 32 F.R. 8385.

Department of Agriculture:

- Standby Defense Food Orders Nos. 1 and 2, 33 F.R. 7862.

Department of Labor:

- Secretary of Labor, order of succession, 33 F.R. 38.