

be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

**Sec. 305.** Nonliability of Federal Government (42 U.S.C. 5148)

The Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this Act.

**Sec. 306.** Performance of Services (42 U.S.C. 5149)

- (a) UTILIZATION OF SERVICES OR FACILITIES OF STATE AND LOCAL GOVERNMENTS - In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government.
- (b) APPOINTMENT OF TEMPORARY PERSONNEL, EXPERTS, AND CONSULTANTS; ACQUISITION, RENTAL, OR HIRE OF EQUIPMENT, SERVICES, MATERIALS AND SUPPLIES - In performing any services under this Act, any Federal agency is authorized -
- (1) to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5 governing appointments in competitive service;
  - (2) to employ experts and consultants in accordance with the provisions of section 3109 of such title, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and
  - (3) to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communications, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

**Sec. 307.** Use of Local Firms and Individuals (42 U.S.C. 5150)

- (a) CONTRACTS OR AGREEMENTS WITH PRIVATE ENTITIES -
- (1) IN GENERAL - In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster or emergency.
  - (2) CONSTRUCTION - This section shall not be considered to restrict the use

of Department of Defense resources under this Act in the provision of assistance in a major disaster.

- (3) SPECIFIC GEOGRAPHIC AREA - In carrying out this section, a contract or agreement may be set aside for award based on a specific geographic area.
- (b) IMPLEMENTATION -
  - (1) CONTRACTS NOT TO ENTITIES IN AREA - Any expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, not awarded to an organization, firm, or individual residing or doing business primarily in the area affected by such major disaster shall be justified in writing in the contract file.
  - (2) TRANSITION - Following the declaration of an emergency or major disaster, an agency performing response, relief, and reconstruction activities shall transition work performed under contracts in effect on the date on which the President declares the emergency or major disaster to organizations, firms, and individuals residing or doing business primarily in any area affected by the major disaster or emergency, unless the head of such agency determines that it is not feasible or practicable to do so.
  - (3) FORMATION OF REQUIREMENTS - The head of a Federal agency, as feasible and practicable, shall formulate appropriate requirements to facilitate compliance with this section.
- (c) PRIOR CONTRACTS - Nothing in this section shall be construed to require any Federal agency to breach or renegotiate any contract in effect before the occurrence of a major disaster or emergency.

**Sec. 308. Nondiscrimination in Disaster Assistance (42 U.S.C. 5151)**

- (a) REGULATIONS FOR EQUITABLE AND IMPARTIAL RELIEF OPERATIONS - The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.
- (b) COMPLIANCE WITH REGULATIONS AS PREREQUISITE TO PARTICIPATION BY OTHER BODIES IN RELIEF OPERATIONS - As a condition of participation in the distribution of assistance or supplies under this Act or of receiving assistance under this Act, governmental bodies and other organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the President, and such other regulations applicable to activities within an area