

a period of three years from submission of final billing and shall be available to the Director, FEMA, and the Comptroller General of the United States, all as prescribed in FEMA guidance material and in accordance with OMB Circular A-102 (42 FR 45828-45891).

PART 305 [RESERVED]

PART 306—OFFICIAL CIVIL DEFENSE INSIGNE

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AUTHORITY: 50 U.S.C. app. 2251 *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12148.

SOURCE: 43 FR 26568, June 21, 1978. Redesignated at 44 FR 56173, Sept. 28, 1979, unless otherwise noted.

§ 306.1 Purpose.

(a) The purpose of the regulations in this part is to prescribe an insigne which may be used by any State or local civil defense organization and by persons engaged in civil defense activities approved by such organizations and to establish requirements for the reproduction, manufacture, display, sale, possession, and wearing thereof.

(b) This does not mean that a State or local civil defense, civil preparedness, or emergency services organization may not, under its own authority, establish and use its own insigne, seal, or similar device. There is no attempt to preempt the field.

§ 306.2 Definitions.

Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) *Director, FEMA* means the Director, Federal Emergency Management Agency.

(b) *Civil Defense Agency* means a unit of a State or of a political subdivision

established pursuant to law and responsible for the development of those activities and measures which are authorized for civil defense organizations either under Federal or State or local law.

(c) *Civil Defense Director* means the person or body having authority over a civil defense agency and any duly authorized designee of such person or body. Such term may refer either to a State Director or to the civil defense director of a political subdivision.

(d) *Official articles* means articles designated as such by the Director, FEMA and embodying the prescribed insigne.

(e) *Organizational equipment* means equipment (other than personal equipment) which the Director, FEMA determines is necessary to a civil defense organization for civil defense purposes and which is of such a nature as to require the contribution of Federal funds, but not including items of equipment which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of civil defense plans.

(f) *State* means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

§ 306.3 Prescribed insigne.

(a) The prescribed insigne shall be the design covered under Letters Patent 129797, October 7, 1941, consisting of the "CD" symbol in bright red, centered within a white equilateral triangle superimposed upon a dark blue circle.

(b) The prescribed insigne may be reproduced in the above colors, in black and white, or in the color of the surface upon which reproduced and one other color: *Provided*, That if the color of the surface or the ground is orange, the triangle shall not be blue. The intent of this restriction is that this insigne shall not be confused with the international civil defense sign established in the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) and Annexes.

(c) Where appropriate, the name of a particular civil defense service, the

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State, or a political subdivision, may be spelled out in block letters on, in, or immediately surrounding the prescribed insignie.

(d) The dimensions of the components of the prescribed insignie when the blue circle is three inches in diameter will approximate the following: The triangle will be equilateral two and one-quarter inches on a side, each of the letters in the "CD" symbol will be three-sixteenth inches in thickness and will occupy a circle one and one-eighth inches in diameter centered in the triangle. Other sizes of the prescribed insignie will be established by diameter of the blue circle only; to the extent that the diameter of the blue circle is greater or less than three inches, the dimensions of the other components shall be proportionately increased or decreased.

(e) The following alteration or modification of the prescribed insignie is authorized pursuant to § 306.5(d):

Radio Amateur Civil Emergency Service. Superimposed on the official civil defense insignie a white jagged arrow edged in blue resembling a flash of lightning, symbolic of space radiation, containing the inscription "Radio" in blue letters, and extending from the upper right circumference of the blue circle and through the lower left-hand angle of the triangle. Below the triangle and within the blue circle is the inscription "RACES" in white letters.

§ 306.4 Official articles.

(a) Official articles shall consist of the following articles embodying the insignie:

- (1) Arm bands.
- (2) Badges.
- (3) Hat bands.
- (4) Helmets.
- (5) Pennants, placards, plates, or stickers for aircraft, vehicles, or vessels.
- (6) Membership cards.

(b) No person shall possess, display, wear, or use an official article unless such person is authorized to do so by the Director, FEMA or by a Civil Defense Director: *Provided*, That this prohibition shall not apply to the possession or display of official articles by a manufacturer, wholesaler, or retailer in the normal course of business, or to display of pennants, placards, plates, or stickers on aircraft, vehicles, or vessels

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designated for operational use by a Civil Defense Director.

§ 306.5 Manufacture, reproduction and display of the prescribed insignie.

(a) Any individual, association or business entity may manufacture the prescribed insignie and official articles in compliance with these regulations.

(b) The prescribed insignie may be manufactured, reproduced, and displayed only:

- (1) On official articles.
- (2) On organizational equipment.
- (3) On items of identification issued by a Civil Defense Director to permit necessary movement of persons, vehicles and equipment during a period of emergency operations.
- (4) On facilities and equipment designated for emergency operational use by a Civil Defense Director and on devices used for alerting the public in time of emergency.

(5) On official letterheads, publications, posters, signs, advertisements, lapel pins, pennants, placards, flags, banners, certificates of membership and certificates of award used, issued, or authorized by a Civil Defense Agency or Civil Defense Director.

(6) In connection with articles or advertisements in newspapers, magazines, or other publications, or in connection with television or other public information media: *Provided*, Such use is not intended to discredit the Federal Emergency Management Agency or a Civil Defense Agency, or to mislead, confuse, misrepresent, defraud, or does not erroneously confer the impression of endorsement, approval, or relationship to the Federal Emergency Management Agency or a Civil Defense Agency.

(7) On the merit badge for "Emergency Preparedness" designed for and as authorized and awarded by the Boy Scouts of America, together with the reproduction of such merit badge on any publication or certificate of award to be used or issued by said organization in connection therewith.

(8) On such other items, whether official articles or not, as may be designated or approved by the Director, FEMA in writing.

(c) Without limitation of the foregoing, the reproduction of the prescribed insignia in connection with any publication or article used for political purposes is prohibited.

(d) No alteration or modification of the prescribed insignia may be made except as the Director may from time to time authorize.

§306.6 Distribution, issuance, and retail sale of the prescribed insignia.

No distribution, issuance, or retail sale of the prescribed insignia or official articles shall be made except upon the authorization of a Civil Defense Director; the Director, FEMA; or in accordance with the regulations in this chapter.

§306.7 Prohibited use of the prescribed insignia.

No person shall possess or wear the prescribed insignia or any other device in colorable imitation thereof with intent to deceive or mislead or for the purpose of inducing the false impression that such person is engaged in the performance of an authorized civil defense service or activity.

§306.8 Violations.

The manufacture, possession, or wearing by any person of the prescribed insignia or any device in colorable imitation thereof otherwise than in accordance with these regulations shall be unlawful and shall subject such person to a fine of not more than \$1,000 or imprisonment of not more than one year, or both.

PART 307 [RESERVED]

PART 308—LABOR STANDARDS FOR FEDERALLY ASSISTED CONTRACTS

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- 308.1 Purpose and scope.
- 308.2 Definitions.
- 308.3 Contract award requirements.
- 308.4 Contract provisions.
- 308.5 Examination of payrolls.
- 308.6 Compliance.
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AUTHORITY: 50 U.S.C. app. 2251 *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12148.

§308.1 Purpose and scope.

The regulations in this part are supplemental to those contained in 29 CFR part 5 and together they prescribe the labor standards applicable to construction work financed with the assistance of a contribution of Federal funds made under the provisions of section 201(i) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281) to any State (and political subdivision thereof, where applicable). The regulations in this part, to the extent that they vary from those published in 29 CFR part 5, have been approved by the Secretary of Labor under 29 CFR part 5 to meet the particular needs of the Federal Emergency Management Agency. To assure full labor standards compliance reference should be made to the regulations contained in 29 CFR part 5 as well as those published herein.

[29 FR 12366, Aug. 28, 1964, as amended at 37 FR 2673, Feb. 4, 1972; 40 FR 42736, Sept. 16, 1975. Redesignated at 44 FR 56173, Sept. 28, 1979]

§308.2 Definitions.

Except where otherwise clearly required by the context, each of the following terms shall have the meaning defined in this section when used in the regulations in this part:

(a) *Building or work.* Construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work; including without limitation, buildings, structures, and improvements of all types such as shelters, ramps, roadways, parking lots, tunnels, mains, power lines, pumping and generator stations, terminals, plants, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, clearing, and landscaping. The manufacture or furnishing of materials, articles, supplies, or equipment is not a "building" or "work" within the meaning of the regulations in this part unless conducted in connection with and at the site of such building or work as defined hereunder.

(b) *Construction.* All types of work done on a particular building or work at the site thereof, including without limitation, altering, repairing, remodeling, painting and decorating, the transporting of materials and supplies