

of transportation touching at any port, place, or Territory of the United States and bound to or from any foreign country. Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States. (Dec. 18, 1941, ch. 593, title III, § 303, 55 Stat. 840.)

TITLE IV.—TIME LIMIT AND SHORT TITLE

§ 621. Termination of sections 601-605, and 611 of this appendix.

Titles I and II of this Act (sections 601-605, and 611 of this appendix) shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate. (Dec. 18, 1941, ch. 593, title IV, § 401, 55 Stat. 841.)

CROSS REFERENCES

Limitation of act, see section 775 of this appendix.

§ 622. Short title.

This Act may be cited as the "First War Powers Act, 1941." (Dec. 18, 1941, ch. 593, title IV, § 402, 55 Stat. 841.)

SECOND WAR POWERS ACT, 1942 (New)

ACT MAR. 27, 1942, 3 P. M., E. W. T., CH. 199, 56 STAT. 176

TITLE I.—EMERGENCY POWERS OF THE INTERSTATE COMMERCE COMMISSION OVER MOTOR AND WATER CARRIERS

Sec.

631. Interstate Commerce Act amendments; section 304 of Title 49.

631a. Same; section 310a of Title 49.

631b. Same; section 911 of Title 49.

TITLE II.—ACQUISITION AND DISPOSITION OF PROPERTY

632. Real property for war purposes.

TITLE III.—PRIORITIES POWERS

633. Amendment of Act June 28, 1940.

TITLE IV.—PURCHASE BY FEDERAL RESERVE BANKS OF GOVERNMENT OBLIGATIONS

634. Federal Reserve Act amendment.

TITLE V.—WAIVER OF NAVIGATION AND INSPECTION LAWS

635. Authorization of waiver by responsible department or agency head.

TITLE VI.—POWER TO REQUISITION

636. Amendment of section 721 of this appendix.

636a. Same; further amendment.

TITLE VII.—POLITICAL ACTIVITY

Sec.

637. Amendment of section 61h of Title 18.

TITLE VIII.—PROTECTION OF WAR INDUSTRIES AND PROTECTION OF RESOURCES SUBJECT TO HAZARDS OF FOREST FIRES

638. Utilization of Civilian Conservation Corps.

TITLE IX.—FREE POSTAGE FOR SOLDIERS, SAILORS, AND MARINES

639. First-class letter mail matter.

TITLE X.—NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING THE PRESENT WAR

640. Amendment of Nationality Act of 1940.

TITLE XI.—ACCEPTANCE OF CONDITIONAL GIFTS TO FURTHER THE WAR PROGRAM

641. Acceptance by Secretary of Treasury of gifts of money, property, or services for war purposes.

641a. Conversion of gift property into money.

641b. Deposit of moneys in War Contributions Fund.

641c. Allocation of deposits to pertinent appropriations.

641d. Reports to Congress.

641e. Penalties for wrongful solicitation or use of gifts.

TITLE XII.—COINAGE OF 5-CENT PIECES

642. Temporary coinage of silver and copper 5-cent pieces; change of metallic content; to be minor coins.

642a. Allocation of silver bullion to Director of Mint; accounting for allocations and gain from minor coinage.

642b. Standard of ingots; weight of coins.

642c. Silver-copper 5-cent pieces deemed copper for certain purposes.

642d. Redemption; melting and use for subsidiary silver coinage; accounting.

642e. Effective date of sections 642-642e.

TITLE XIII.—INSPECTION AND AUDIT OF WAR CONTRACTORS

643. Plant, books, and records of war contractors; definition of defense contract; agency designated to administer provisions.

643a. Oaths and affirmations; attendance and testimony of witnesses; production of records and other evidence; unlawful disclosure of information obtained.

643b. Refusal to give evidence, etc.; assistance of courts; penalties.

643c. Definition of person.

TITLE XIV.—UTILIZATION OF VITAL WAR INFORMATION

644. Special investigations and reports of census or statistical matters by Secretary of Commerce; discontinuance of regular census or statistical work; penalties for failure to testify, etc.

644a. Availability of Commerce Department's records, etc., to other agencies; regulations; penalties for unlawful disclosure of information.

644b. Definition of person.

TITLE XV.—TIME LIMIT AND SHORT TITLE

645. Termination of portions of Act.

645a. Short title of Act.

TITLE I.—EMERGENCY POWERS OF THE INTERSTATE COMMERCE COMMISSION OVER MOTOR AND WATER CARRIERS

§ 631. Interstate Commerce Act amendments; section 304 of Title 49.

Section 204 of the Interstate Commerce Act, as amended (U. S. C., 1940 ed., Title 49, sec. 304), is

hereby amended by adding after subsection (d) thereof the following:

“(e) The Commission shall have authority with respect to motor carriers, to be exercised under similar circumstances and procedure, equivalent to the authority it has with respect to other carriers under section 1 (15) of part I (Title 49, § 1 (15)), and shall have authority, to the extent necessary to facilitate the prosecution of the war and not in contravention of State laws and regulations with respect to sizes and weights of motor vehicles, to make reasonable directions with respect to equipment, service, and facilities of motor carriers, and to require the joint use of equipment, terminals, warehouses, garages, and other facilities; and motor carriers shall be subject to the same penalties for failure to comply with action taken by the Commission under this paragraph as other carriers for failure to comply with action taken by the Commission under section 1 (15) of part I (Title 49, § 1 (15)).

“(f) Notwithstanding any other applicable provision of this Act (Title 49, chapters 1, 8, 12), to the extent that it may be in the public interest, the Commission may modify, change, suspend or waive any order, certificate, permit, license, rule, or regulation issued under this part (Title 49, § 301 et seq.)” (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title I, § 101, 56 Stat. 176.)

§ 631a. Same; section 310a of Title 49.

Subsection (a) of section 210a of said Act, as amended (U. S. C., 1940 ed., Title 49, sec. 911 (a)) is hereby amended by striking out the words “but for not more than an aggregate of one hundred and eighty days”. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title I, § 102, 56 Stat. 177.)

§ 631b. Same; section 911 of Title 49.

Subsection (a) of section 311 of said Act, as amended (U. S. C., 1940 ed., Title 49 sec. 911 (a)) is hereby amended by striking out the words “but not for more than an aggregate of one hundred and eighty days”. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title I, § 103, 56 Stat. 177.)

TITLE II.—ACQUISITION AND DISPOSITION OF PROPERTY

§ 632. Real property for war purposes.

The Act of July 2, 1917 (40 Stat. 241) (Title 50, § 171), entitled “An Act to authorize condemnation proceedings of lands for military purposes”, as amended, is hereby amended by adding at the end thereof the following section:

“Sec. 2. The Secretary of War, the Secretary of the Navy, or any other officer, board, commission, or governmental corporation authorized by the President, may acquire by purchase, donation, or other means of transfer, or may cause proceedings to be instituted in any court having jurisdiction of such proceedings, to acquire by condemnation, any real property, temporary use thereof, or other interest therein, together with any personal property located thereon or used therewith, that shall be deemed necessary, for military, naval, or other war

purposes, such proceedings to be in accordance with the Act of August 1, 1888 (25 Stat. 357) (Title 40, §§ 257, 258), or any other applicable Federal statute, and may dispose of such property or interest therein by sale, lease, or otherwise, in accordance with section 1 (b) of the Act of July 2, 1940 (54 Stat. 712) (section 1171 of this appendix). Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this Act (this section and section 171 of Title 50), notwithstanding any other law. Property acquired by purchase, donation, or other means of transfer may be occupied, used, and improved, for the purposes of this section prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended (Title 33, § 733; Title 34, § 520; Title 40, § 255; Title 50, § 175).” (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title II, § 201, 56 Stat. 177.)

POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 514 of Title 5, Executive Departments and Government Officers and Employees.

EXECUTIVE ORDERS AUTHORIZING ACQUISITION AND DISPOSITION OF PROPERTY

Ex. Ord.

Nos.

- 9129. Maritime Commission, Acquisition and Disposition of Property.
- 9150. Public Housing Commissioner, Acquisition and Disposition of Property.
- 9186. Federal Works Administrator Authorized to Acquire and Dispose of Property.
- 9194. Bureau of Yards and Docks, Acquisition and Disposition of Property.
- 9211. Division of Central Administrative Services in the Office for Emergency Management, Executive Office of the President, Acquisition and Disposition of Property.
- 9217. Reconstruction Finance Corporation, Acquisition and Disposition of Property.
- 9218. Office of Scientific Research and Development, Acquisition and Disposition of Property.
- 9249. Secretary of Agriculture, Acquisition and Disposition of Property.

EX. ORD. NO. 9129. MARITIME COMMISSION, ACQUISITION AND DISPOSITION OF PROPERTY

Ex. Ord. No. 9129, Apr. 13, 1942, 7 F. R. 2810, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the United States Maritime Commission is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that the Commission shall deem necessary for military, naval or other war purposes.

EX. ORD. NO. 9150. PUBLIC HOUSING COMMISSIONER, ACQUISITION AND DISPOSITION OF PROPERTY

Ex. Ord. No. 9150, Apr. 28, 1942, 7 F. R. 3217, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Federal Public Housing Commissioner of the National Housing Agency, or any officer of the Federal Public Housing Authority acting in the absence or disability of the Commissioner, is hereby authorized to ex-

ercise the authority contained in the said Title II of the Second War Powers Act, 1942 (this section), to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for war purposes; *Provided, however*, that the provisions of this order shall be applicable only to property in connection with defense housing and temporary shelter.

EX. ORD. NO. 9186. FEDERAL WORKS ADMINISTRATOR AUTHORIZED TO ACQUIRE AND DISPOSE OF PROPERTY

Ex. Ord. No. 9186, June 5, 1942, 7 F. R. 4317, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Federal Works Administrator, or any officer of the Federal Works Agency acting in the absence or disability of the Administrator, is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for military, naval, or other war purposes.

Executive Order No. 9179 of June 5, 1942, entitled "Authorizing the Commissioner of Public Roads, Federal Works Agency, to Acquire and Dispose of Property" is hereby revoked.

EX. ORD. NO. 9194. BUREAU OF YARDS AND DOCKS, ACQUISITION AND DISPOSITION OF PROPERTY

Ex. Ord. No. 9194, July 7, 1942, 7 F. R. 5257, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) (sections 601-605 of this appendix), I do hereby direct and order, as follows:

1. The duties and functions exercised by the Office of the Judge Advocate General of the Navy with respect to the acquisition and disposition for the Navy Department of real estate, including all interests therein and temporary uses thereof, and of all property acquired under the provisions of Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), or any amendments thereof, are hereby transferred to the cognizance and jurisdiction of the Chief of the Bureau of Yards and Docks under the direction of the Secretary of the Navy, together with such appropriated funds as are necessary to carry out the purposes and intent of this order.

2. The Secretary of the Navy shall take all steps necessary and desirable to carry out this order.

EX. ORD. NO. 9211. DIVISION OF CENTRAL ADMINISTRATIVE SERVICES IN THE OFFICE FOR EMERGENCY MANAGEMENT, EXECUTIVE OFFICE OF THE PRESIDENT, ACQUISITION AND DISPOSITION OF PROPERTY

Ex. Ord. No. 9211, Aug. 1, 1942, 7 F. R. 6030, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Division of Central Administrative Services in the Office for Emergency Management, Executive Office of the President, is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, or dispose of any leasehold in real property, together with any personal property located thereon, or used therewith, that the Division of Central Administrative Services, with the approval of the Liaison Officer for Emergency Management, shall deem necessary for war purposes.

FUNCTIONS OF LIAISON OFFICER FOR EMERGENCY MANAGEMENT

President's letter of July 31, 1943, 8 F. R. 10702, provided:

MY DEAR MR. BYRNES: In order to relieve you, in accordance with your desire, of your functions and duties as Liaison Officer for Emergency Management which relate

to the supervision and direction of the Division of Central Administrative Services of the Office for Emergency Management (including your functions and duties under Executive Order No. 9211, dated August 1, 1942), (note following section 632 of this Appendix), I hereby transfer such functions and duties to the Director of the Division of Central Administrative Services.

You are requested to file this letter with the Division of the Federal Register, the National Archives, for publication in the FEDERAL REGISTER.

EX. ORD. NO. 9217. RECONSTRUCTION FINANCE CORPORATION, ACQUISITION AND DISPOSITION OF PROPERTY

Ex. Ord. No. 9217, Aug. 7, 1942, 7 F. R. 6177, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Reconstruction Finance Corporation is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that the Corporation shall deem necessary for military, naval or other war purposes.

EX. ORD. NO. 9218. OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT, ACQUISITION AND DISPOSITION OF PROPERTY

Ex. Ord. No. 9218, Aug. 11, 1942, 7 F. R. 6381, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Office of Scientific Research and Development in the Office for Emergency Management is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, which the Office of Scientific Research and Development shall deem necessary for military, naval, or other war purposes.

EX. ORD. NO. 9249. SECRETARY OF AGRICULTURE, ACQUISITION AND DISPOSITION OF PROPERTY

Ex. Ord. No. 9249, Oct. 1, 1942, 7 F. R. 7874, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Secretary of Agriculture is hereby authorized to exercise, through such officials of the Department of Agriculture and its agencies as he may designate, the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for war purposes in connection with the Emergency Rubber Project of the Department of Agriculture or in connection with the storing and warehousing of agricultural commodities and products by the said Department.

EX. ORD. NO. 9321. AUTHORIZING ATTORNEY GENERAL TO ACQUIRE AND DISPOSE OF PROPERTY

Ex. Ord. No. 9321, Mar. 25, 1943, 8 F. R. 3749, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (56 Stat. 177) (this section), the Attorney General is hereby authorized to exercise the authority contained in said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for military, naval or other war purposes.

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 514 of Title 5, Executive Departments and Government Officers and Employees.

TITLE III.—PRIORITIES POWERS

§ 633. Amendment of Act June 28, 1940.

Subsection (a) of section 2 of the Act of June 28, 1940 (54 Stat. 676) (section 1152 of this appendix), entitled "An Act to expedite national defense, and for other purposes", as amended by the Act of May 31, 1941 (Public Law Numbered 89, Seventy-seventh Congress), is hereby amended to read as follows:

"Sec. 2 (a) (1) That whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable. Deliveries of material under all orders placed pursuant to the authority of this paragraph and all other naval contracts or orders and deliveries of material under all Army contracts or orders shall, in the discretion of the President, take priority over all deliveries for private account or for export: *Provided*, That the Secretary of the Navy shall report every three months to the Congress the contracts entered into under the authority of this paragraph: *Provided further*, That contracts negotiated pursuant to the provisions of this paragraph shall not be deemed to be contracts for the purchase of such materials, supplies, articles, or equipment as may usually be bought in the open market within the meaning of section 9 of the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V, Title 41, secs. 35-45): *Provided further*, That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the Act of August 24, 1935 (49 Stat. 793; 40 U. S. C. § 270 (a) to (d)): *Provided further*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority granted by this paragraph to negotiate contracts; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of the Navy: *And provided further*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority of this paragraph, or any War Department contract entered into in the form of cost-plus-a-fixed-fee, shall not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of the Navy or the Secretary of War, as the case may be).

"(2) Deliveries of material to which priority may be assigned pursuant to paragraph (1) shall include,

in addition to deliveries of material under contracts or orders of the Army or Navy, deliveries of material under—

"(A) Contracts or orders for the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled 'An Act to promote the defense of the United States' (Title 22, § 411 et seq.);

"(B) Contracts or orders which the President shall deem necessary or appropriate to promote the defense of the United States;

"(C) Subcontracts or suborders which the President shall deem necessary or appropriate to the fulfillment of any contract or order as specified in this subsection (a).

Deliveries under any contract or order specified in this subsection (a) may be assigned priority over deliveries under any other contract or order; and the President may require acceptance of and performance under such contracts or orders in preference to other contracts or orders for the purpose of assuring such priority. Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material or of any facilities for defense or for private account or for export, the President may allocate such material or facilities in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense.

"(3) The President shall be entitled to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, any person (which, for the purpose of this subsection (a), shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not), and make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this subsection (a).

"(4) For the purpose of obtaining any information, verifying any report required, or making any investigation pursuant to paragraph (3), the President may administer oaths and affirmations, and may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpoena issued with respect thereto, such person furnishes the President with a true copy of such

books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the President as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpoena, or in any action or proceeding which may be instituted under this subsection (a), on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The President shall not publish or disclose any information obtained under this paragraph which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the President determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both.

“(5) Any person who willfully performs any act prohibited, or willfully fails to perform any act required by, any provision of this subsection (a) or any rule, regulation, or order thereunder, whether heretofore or hereafter issued, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

“(6) The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States and the courts of the Philippine Islands shall have jurisdiction of violations of this subsection (a) or any rule, regulation, or order or subpoena thereunder, whether heretofore or hereafter issued, and of all civil actions under this subsection (a) to enforce any liability or duty created by, or to enjoin any violation of, this subsection (a) or any rule, regulation, order, or subpoena thereunder whether heretofore or hereafter issued. Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the violation occurred. Any such civil action may be brought in any such district or in the district in which the defendant resides or transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business

or wherever the defendant may be found; and subpoena for witnesses who are required to attend a court in any district in any such case may run into any other district. No costs shall be assessed against the United States in any proceeding under this subsection (a).

“(7) No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this subsection (a) or any rule, regulation, or order issued thereunder, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid.

“(8) The President may exercise any power, authority, or discretion conferred on him by this subsection (a), through such department, agency, or officer of the Government as he may direct and in conformity with any rules or regulations which he may prescribe.” (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title III, § 301, 56 Stat. 177.)

PROFIT ON COST-PLUS CONTRACTS

Fixed fee limited to six per centum of cost, see section 768 of this appendix.

POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 514 of Title 5, Executive Departments and Government Officers and Employees.

TITLE IV.—PURCHASE BY FEDERAL RESERVE BANKS OF GOVERNMENT OBLIGATIONS

§ 634. Federal Reserve Act amendment.

Subsection (b) of section 14 of the Act of December 23, 1913 (38 Stat. 265) (Title 12, § 355), otherwise known as the Federal Reserve Act, as amended, is hereby amended by striking out the proviso therein and inserting in lieu thereof the following: “*Provided*, That any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest may be bought and sold without regard to maturities either in the open market or directly from or to the United States; but all such purchases and sales shall be made in accordance with the provisions of section 12A of this Act (Title 12, § 263) and the aggregate amount of such obligations acquired directly from the United States which is held at any one time by the twelve Federal Reserve banks shall not exceed \$5,000,000,-000.” (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title IV, § 401, 56 Stat. 180.)

TITLE V.—WAIVER OF NAVIGATION AND INSPECTION LAWS

§ 635. Authorization of waiver by responsible department or agency head.

The head of each department or agency responsible for the administration of the navigation and vessel inspection laws is directed to waive compliance with such laws upon the request of the Secretary of the Navy or the Secretary of War to the extent deemed necessary in the conduct of the

war by the officer making the request. The head of such department or agency is authorized to waive compliance with such laws to such extent and in such manner and upon such terms as he may prescribe either upon his own initiative or upon the written recommendation of the head of any other Government agency whenever he deems that such action is necessary in the conduct of the war. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title V, § 501, 56 Stat. 180.)

WAR SHIPPING ADMINISTRATION VESSELS

Treasury Decision No. 50756, Oct. 30, 1942, 7 F. R. 9005, provided in part as follows:

"Upon the written recommendation of the Administrator of the War Shipping Administration and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress) (this section), I hereby waive compliance with the provisions of section 8 of the act of June 19, 1886, as amended (section 289 of Title 46), section 27 of the Merchant Marine Act, 1920, as amended (section 883 of Title 46), R. S. § 4132, as amended (section 11 of Title 46), and R. S. § 4370, as amended (section 316 of Title 46), to the extent necessary to permit:

"1. The transportation of passengers or cargo, or both, in the coastwise trade (a) by any vessel of the United States which is under limited or restricted registry while such vessel is owned by or under any form of charter to the War Shipping Administration and has on board a 'Certificate of Ownership and Operation' issued by the War Shipping Administration certifying that it is owned or chartered; or (b) by any foreign vessel while it is under any form of charter to the War Shipping Administration and has on board a 'Certificate of Ownership and Operation' issued by the War Shipping Administration, certifying that it is so chartered; or

"2. The towing of any vessel between any points or places embraced within the coastwise laws or between points within the harbor of any such place by any vessel of any of the classes mentioned in paragraph 1 of this order, or in T. D. 50592 or T. D. 50653."

VESSELS TRAVELING BETWEEN PUERTO RICO AND UNITED STATES

Treasury Decision No. 50811, Feb. 5, 1943, 8 F. R. 1757, provided in part as follows:

"Upon the written recommendation of the Administrator of the War Shipping Administration and by virtue of the authority vested in me by the provisions of section 501, of the Second War Powers Act, 1942 (Public Law 507, 77th Cong.) (this section), I hereby waive compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U. S. C. A. § 883), to the extent necessary to permit any foreign vessel of 50 gross tons or over to transport merchandise between points in Puerto Rico and points on the Atlantic or Gulf coasts of the United States on condition that:

"(a) None of the merchandise so transported shall be transhipped while en route between Puerto Rico and the continental United States; and

"(b) The collector of customs at the port of departure of the vessel has been notified by the representative of the War Shipping Administration whose district embraces that port that:

"(1) The vessel is in possession of a United States ship's warrant;

"(2) All cargo laden on board in the continental United States and destined for Puerto Rico has been approved by a representative of the War Shipping Administration and by the Department of the Interior, or that all cargo laden on board in Puerto Rico and destined for the continental United States has been approved by the representative of the War Shipping Administration at San Juan, Puerto Rico, as the case may be; and

"(3) The requirements for filing rates pursuant to the applicable statute and regulations of the United States Maritime Commission have been complied with."

TITLE VI.—POWER TO REQUISITION

§ 636. Amendment of section 721 of this appendix.

The last paragraph of section 1 of the Act of October 16, 1941 (55 Stat. 742) (section 721 of this appendix), entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", is amended by deleting subdivision (3) thereof, so that the paragraph will read as follows:

"Nothing contained in this Act (section 721 et seq. of this appendix) shall be construed—

"(1) to authorize the requisitioning or require the registration of any firearms possessed by an individual for his personal protection or sport (and the possession of which is not prohibited or the registration of which is not required by existing law),

"(2) to impair or infringe in any manner the right of any individual to keep and bear arms." (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VI, § 601, 56 Stat. 181.)

§ 636a. Same; further amendment.

The second sentence of the first paragraph of section 1 of the Act of October 16, 1941 (55 Stat. 742) (section 721 of this appendix), entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", is amended by striking out the words "on the basis of the fair market value of the property at" and inserting in lieu thereof the words "as of"; and at the end of such sentence, before the period, inserting the words ", in accordance with the provision for just compensation in the fifth amendment to the Constitution of the United States", so that such sentence will read as follows: "The President shall determine the amount of the fair and just compensation to be paid for any property requisitioned and taken over pursuant to this Act (section 721 et seq. of this appendix) and the fair value of any property returned under section 2 of this Act (section 722 of this appendix), but each such determination shall be made as of the time it is requisitioned or returned, as the case may be, in accordance with the provision for just compensation in the fifth amendment to the Constitution of the United States." (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VI, § 602, 56 Stat. 181.)

TITLE VII.—POLITICAL ACTIVITY

§ 637. Amendment of section 61h of Title 18.

Subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148) (Title 18, § 61h (a)), entitled "An Act to prevent pernicious political activities", as amended, is hereby amended by adding in the second sentence after the word "thereof" the words "except a part-time officer or part-time employee without compensation or with nominal compensation serving in connection with the existing war effort, other than in any capacity relating to the procurement or manufacture of war material". (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VII, § 701, 56 Stat. 181.)

TITLE VIII.—PROTECTION OF WAR INDUSTRIES AND PROTECTION OF RESOURCES SUBJECT TO HAZARDS OF FOREST FIRES

§ 638. Utilization of Civilian Conservation Corps.

The President is empowered to direct the Administrator of the Federal Security Agency to assign the manpower of the Civilian Conservation Corps to the extent necessary to protect the munitions, aircraft, and other war industries, municipal water supply, power and other utilities, and to protect resources subject to the hazards of forest fires. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VIII, § 801, 56 Stat. 181.)

TITLE IX.—FREE POSTAGE FOR SOLDIERS, SAILORS, AND MARINES

§ 639. First-class letter mail matter.

Any first-class letter mail matter admissible to the mails as ordinary mail matter which is sent by a member of the military or naval forces of the United States (including the United States Coast Guard), while on active duty or in the active military or naval service of the United States, to any person in the United States, including the Territories and possessions thereof, shall be transmitted in the mails free of postage, subject to such rules and regulations as the Postmaster General shall prescribe. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title IX, § 901, 56 Stat. 181.)

TITLE X.—NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING THE PRESENT WAR

§ 640. Amendment of Nationality Act of 1940.

The Act of October 14, 1940 (54 Stat. 1137; U. S. C., 1940 ed., Title 8, secs. 501-907), entitled "An Act to revise and codify the nationality laws of the United States into a comprehensive nationality code", is hereby amended by adding thereto a new title as follows:

"TITLE III

"Sec. 701. Notwithstanding the provisions of sections 303 and 326 of this Act (Title 8, §§ 703, 726), any person not a citizen, regardless of age, who has served or hereafter serves honorably in the military or naval forces of the United States during the present war and who, having been lawfully admitted to the United States, including its Territories and possessions, shall have been at the time of his enlistment or induction a resident thereof, may be naturalized upon compliance with all the requirements of the naturalization laws except that (1) no declaration of intention and no period of residence within the United States or any State shall be required; (2) the petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner; (3) the petitioner shall not be required to speak the English language, sign his petition in his own handwriting, or meet any educational test; and (4) no fee shall be charged or collected for making, filing, or docketing the petition for naturalization, or for

the final hearing thereon, or for the certification of naturalization, if issued: *Provided, however,* That (1) there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each such witness personally knows the petitioner to be a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, (2) the service of the petitioner in the military or naval forces of the United States shall be proved by affidavits, forming part of the petition, of at least two citizens of the United States, members or former members during the present war of the military or naval forces of the noncommissioned or warrant officer grade or higher (who may be the witnesses described in clause (1) of this proviso), or by a duly authenticated copy of the record of the executive department having custody of the record of petitioner's service, showing that the petitioner is or was during the present war a member serving honorably in such armed forces, and (3) the petition shall be filed not later than one year after the termination of the effective period of those titles of the Second War Powers Act, 1942, for which the effective period is specified in the last title thereof. The petitioner may be naturalized immediately if prior to the filing of the petition the petitioner and the witnesses required by the foregoing proviso shall have appeared before and been examined by a representative of the Immigration and Naturalization Service.

"Sec. 702. During the present war, any person entitled to naturalization under section 701 of this Act (Title 8, § 1001), who while serving honorably in the military or naval forces of the United States is not within the jurisdiction of any court authorized to naturalize aliens, may be naturalized in accordance with all the applicable provisions of section 701 (Title 8, § 1001) without appearing before a naturalization court. The petition for naturalization of any petitioner under this section shall be made and sworn to before, and filed with, a representative of the Immigration and Naturalization Service designated by the Commissioner or a Deputy Commissioner, which designated representative is hereby authorized to receive such petition in behalf of the Service, to conduct hearings thereon, to take testimony concerning any matter touching or in any way affecting the admissibility of any such petitioner for naturalization, to call witnesses, to administer oaths, including the oath of the petitioner and his witnesses to the petition for naturalization and the oath of renunciation and allegiance prescribed by section 335 of this Act (Title 8, § 735), and to grant naturalization, and to issue certificates of citizenship: *Provided,* That the record of any proceedings hereunder together with a copy of the certificate of citizenship shall be forwarded to and filed by the clerk of a naturalization court in the district in which the petitioner is a resident and be made a part of the record of the court.

"Sec. 703. The ninety days' notice required by subsection (b) of section 326 of this Act (Title 8,

§ 726 (b) to be given by the clerk of the naturalization court to the Commissioner may be waived by the Commissioner in his discretion. In any petition in which such notice is waived the Commissioner shall cause the clerk of court to be notified to that effect.

"Sec. 704. The provisions of this title (Title 8, § 1001-et seq.) shall not apply to (1) any person who during the present war is dishonorably discharged from the military or naval forces or is discharged therefrom on account of his alienage, or (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform: *Provided*, That citizenship granted pursuant to this title (Title 8, § 1001 et seq.) may be revoked as to any person subsequently dishonorably discharged from the military or naval forces in accordance with Section 338 of this Act (Title 8, § 738); and such ground for revocation shall be in addition to any other provided by law.

"Sec. 705. The Commissioner, with the approval of the Attorney General, shall prescribe and furnish such forms, and shall make such rules and regulations, as may be necessary to carry into effect the provisions of this Act (Title 8, § 501 et seq.).¹ (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title X, § 1001, 56 Stat. 182.)

¹ So in original. Quotation marks closing the quoted matter were probably intended here.

CODIFICATION

Section is also set out as sections 1001-1005 of Title 8, Aliens and Nationality.

TITLE XI.—ACCEPTANCE OF CONDITIONAL GIFTS TO FURTHER THE WAR PROGRAM

§ 641. Acceptance by Secretary of Treasury of gifts of money, property, or services for war purposes.

To further the war program of the United States, the Secretary of the Treasury is authorized to accept or reject on behalf of the United States any gift of money or other property, real or personal, or services, made on condition that it be used for a particular war purpose. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1101, 56 Stat. 183.)

§ 641a. Conversion of gift property into money.

The Secretary of the Treasury may convert into money, at the best terms available, any such gift of property other than money. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1102, 56 Stat. 183.)

§ 641b. Deposit of moneys in War Contributions Fund.

There shall be established on the books of the Treasury a special deposit account to be designated as the "War Contributions Fund", into which shall be deposited all money received as a result of such gifts. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1103, 56 Stat. 183.)

§ 641c. Allocation of deposits to pertinent appropriations.

The Secretary of the Treasury, in order to effectuate the purposes for which gifts accepted under

this title are made, shall from time to time allocate the money in such special deposit account to such of the various appropriations available for the purchase of war material and the furtherance of the war program of the United States as in his judgment will best effectuate the intent of the donors, and such money is hereby appropriated and shall be available for expenditure for the purposes of the appropriations to which allocated. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1104, 56 Stat. 183.)

§ 641d. Reports to Congress.

The Secretary of the Treasury shall include in his Annual Report to the Congress a summary of the gifts made and accepted under this title. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1105, 56 Stat. 184.)

§ 641e. Penalties for wrongful solicitation or use of gifts.

Whoever shall solicit any gift of money or other property, and represent that such gift is being solicited for the use of the United States, with the intention of embezzling, stealing, or purloining such gift, or converting the same to any other use or purpose, or whoever, having come into possession of any money or property which has been donated by the owner thereof for the use of the United States, shall embezzle, steal, or purloin such money or property, or convert the same to any other use or purpose, shall be guilty of a felony and upon conviction thereof shall be fined not more than \$5,000 or imprisoned for not more than five years, or both. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1106, 56 Stat. 184.)

TITLE XII.—COINAGE OF 5-CENT PIECES

§ 642. Temporary coinage of silver and copper 5-cent pieces; change of metallic content; to be minor coins.

Notwithstanding any other provision of law, the Director of the Mint shall cause the metallic content of all 5-cent pieces coined after the effective date of this title and prior to December 31, 1946, to be one-half silver and one-half copper: *Provided*, That the Director of the Mint, with the approval of the Secretary of the Treasury and the Chairman of the War Production Board, is authorized to vary the proportions of silver and copper and to add other metals if such action would be in the public interest. Such 5-cent pieces shall be deemed to be minor coins or coinage and not silver coins, subsidiary silver coins, silver coinage, or subsidiary silver coinage within the meaning of the monetary laws of the United States. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1201, 56 Stat. 184.)

§ 642a. Allocation of silver bullion to Director of Mint; accounting for allocations and gain from minor coinage.

For the coinage of such 5-cent pieces the Secretary of the Treasury is hereby authorized to allocate to the Director of the Mint, at such times and in such amounts as the Secretary deems necessary, any silver bullion in the monetary stocks of the United

States not then held for redemption of any outstanding silver certificates. Silver so allocated shall be accounted for by entries in the fund established for the purchase of metal for minor coinage: *Provided*, That the value of any silver bullion accounted for in said fund shall not be considered for the purpose of determining the statutory limit of said fund: *Provided further*, That the gain from the minor coinage provided for by this title shall be accounted for by entries in the minor coinage profit fund. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1202, 56 Stat. 184.)

§ 642b. Standard of ingots; weight of coins.

No silver-copper ingots shall be used for the minor coinage provided for by this title which differ from the legal standard by more than ten-thousandths. In adjusting the weight of such minor coins there shall be no greater deviation allowed than four grains for each piece. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1203, 56 Stat. 184.)

§ 642c. Silver-copper 5-cent pieces deemed copper for certain purposes.

For the purpose of section 3529 of the Revised Statutes (U. S. C., Title 31, sec. 341), the 5-cent pieces provided for by this title shall be deemed to be copper. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1204, 56 Stat. 184.)

§ 642d. Redemption; melting and use for subsidiary silver coinage; accounting.

Upon redemption any 5-cent pieces coined in accordance with the provisions of this title shall after December 31, 1946, be allocated to the Director of the Mint for melting and for subsidiary silver coinage. Any 5-cent pieces coined in accordance with the provisions of this title but not issued by the Mint may after December 31, 1946, be allocated, in such amounts and at such times as the Secretary of the Treasury in his discretion may determine, to the Director of the Mint for melting and for subsidiary silver coinage. All 5-cent pieces allocated to the Director of the Mint in accordance with this section shall be accounted for by entries in the fund established for the purchase of silver bullion for subsidiary silver coinage. Upon coinage into subsidiary silver coins of the metal contained in the 5-cent pieces so allocated, the gain shall be accounted for by entries in the silver-profit fund. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1205, 56 Stat. 184.)

§ 642e. Effective date of sections 642-642e.

This title shall become effective sixty days after approval. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1206, 56 Stat. 185.)

TITLE XIII.—INSPECTION AND AUDIT OF WAR CONTRACTORS

POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 514 of Title 5, Executive Departments and Government Officers and Employees.

§ 643. Plant, books, and records of war contractors; definition of defense contract; agency designated to administer provisions.

The provisions of section 10 (l) of an Act approved July 2, 1926 (44 Stat. 787; 10 U. S. C. § 310 (l)) (giving the Government the right to inspect the plant and audit the books of certain Contractors), shall apply to the plant, books, and records of any contractor with whom a defense contract has been placed at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war: *Provided*, That, for the purpose of this title, the term "defense contract" shall mean any contract, subcontract, or order placed in furtherance of the defense or war effort: *And provided further*, That the inspection and audit authorized herein, and the determination whether a given contract is a "defense contract" as defined above, shall be made by a governmental agency or officer designated by the President, or by the Chairman of the War Production Board. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIII, § 1301, 56 Stat. 185.)

CROSS REFERENCES

War and defense contract acts generally, see section 1151 et seq. of this appendix.

EX. ORD. NO. 9127. INSPECTION OF PLANTS AND AUDIT OF BOOKS OF DEFENSE CONTRACTORS

Ex. Ord. No. 9127, Apr. 10, 1942, 7 F. R. 2753, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941 (sections 601-605 of this appendix), and Title XIII of the Second War Powers Act, 1942 (sections 643-643c of this appendix), as President of the United States and Commander in Chief of the Army and Navy of the United States, and in order to prevent the accumulation of unreasonable profits, to avoid waste of Government funds, and to implement other measures which have been undertaken to forestall price rises and inflation, it is hereby ordered as follows:

1. I hereby designate the War Production Board, the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation as the governmental agencies authorized to inspect the plant and to audit the books and records, as provided by Title XIII of the said Second War Powers Act, 1942 (sections 643-643c of this appendix). Such inspection and audit and the determination whether a given contract is a defense contract, as defined in Title XIII of the Second War Powers Act, 1942 (sections 643-643c of this appendix), may be made in the case of (a) any contractor with whom a defense contract has been placed by such agency, or, in the case of the Reconstruction Finance Corporation, by any corporation created or organized by it, at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war, and in the case of (b) any subcontractor performing work required by any such defense contract. The Chairman of the War Production Board is authorized to issue rules and regulations and to establish policies to coordinate and govern the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation in exercising the functions vested in them by this order.

2. The authority herein conferred may be exercised by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, and the Board of Directors of the Reconstruction Finance Corporation, respectively, or in their discretion and by

their direction, respectively, may be exercised also by and through any officer or officers or civilian officials of their respective departments and agencies designated by them for those purposes. The Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, or the Board of Directors of the Reconstruction Finance Corporation may authorize such officer or officers or civilian officials of their respective departments or agencies to make further delegations of such powers and authority within their respective departments and agencies.

3. In inspecting any plant engaged in producing, manufacturing, processing, constructing, altering, or repairing any defense article of a secret, confidential, or restricted nature, or which is produced, manufactured, processed, constructed, altered, or repaired in accordance with or under any secret process, formula, patent, or invention, and in auditing the books and records in connection with any such defense contract, such inspection shall be regarded as secret, confidential, or restricted, as the case may be, and all reports, records, papers, documents, and writings relating to such inspection or audit shall be marked or stamped as secret, confidential, or restricted, as the case may be, and shall be handled in accordance with regulations prescribed and in force in the department or agency concerned relating to the handling of secret, confidential, or restricted matters, reports, records, papers, documents, and writings.

4. The power to administer oaths or affirmations and to issue subpoenas for the attendance of witnesses or the production of books, records, or other documentary or physical evidence deemed relevant to the inquiry, conferred by section 1302, and, through the Department of Justice, the power to invoke the aid of any court of the United States, conferred by section 1303, Title XIII, of said Second War Powers Act (this section), may be exercised, performed, or carried out by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, any member of the United States Maritime Commission, or the Chairman of the Board of Directors of the Reconstruction Finance Corporation, as the case may be, or by such other officer or officers or civilian officials as may be authorized, empowered or directed by any of them so to do for his respective department or agency.

5. Nothing herein shall affect or limit the authority and power conferred upon or granted to the Chairman of the War Production Board by Title XIII of said Second War Powers Act, 1942 (sections 643-643c of this appendix).

§ 643a. Oaths and affirmations; attendance and testimony of witnesses; production of records and other evidence; unlawful disclosure of information obtained.

For the purpose of obtaining any information or making any inspection or audit pursuant to section 1301, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may administer oaths and affirmations and may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be deemed relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpoena issued with respect thereto, such per-

son furnishes such agency or the Chairman of the War Production Board, as the case may be, with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with such agency or the Chairman of the War Production Board, as the case may be, as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpoena, or in any action or proceeding which may be instituted under this section, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Such agency or the Chairman of the War Production Board shall not publish or disclose any information obtained under this title which such agency or the Chairman of the War Production Board deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless such agency or the Chairman of the War Production Board determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIII, § 1302, 56 Stat. 185.)

§ 643b. Refusal to give evidence, etc.; assistance of courts; penalties.

In case of contempt by, or refusal to obey a subpoena issued to, any person, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may invoke the aid of any court of the United States within the jurisdiction of which any investigation or proceeding under this title is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other documentary or physical evidence. And such court may issue an order requiring such person to give testimony or produce any books, records, or other documentary or physical evidence touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such

person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, records, or other documentary or physical evidence, if in his power to do so, in obedience to the subpoena of any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than \$5,000, or to imprisonment for a term of not more than one year, or both. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIII, § 1303, 56 Stat. 186.)

§ 643c. Definition of person.

For purposes of this title the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIII, § 1304, 56 Stat. 186.)

TITLE XIV.—UTILIZATION OF VITAL WAR INFORMATION

§ 644. Special investigations and reports of census or statistical matters by Secretary of Commerce; discontinuance of regular census or statistical work; penalties for failure to testify, etc.

The Secretary of Commerce shall, at the direction of the President, and subject to such regulations as the President may issue, make such special investigations and reports of census or statistical matters as may be needed in connection with the conduct of the war, and, in carrying out the purpose of this section, dispense with or curtail any regular census or statistical work of the Department of Commerce, or of any bureau or division thereof. Any person who shall refuse or willfully neglect to answer any questions in connection with any special investigations made under this section, or who shall willfully give answers that are false, shall upon conviction thereof be fined not exceeding \$500 or imprisoned for a period of not exceeding sixty days, or both. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIV, § 1401, 56 Stat. 186.)

§ 644a. Availability of Commerce Department's records, etc., to other agencies; regulations; penalties for unlawful disclosure of information.

That notwithstanding any other provision of law, any record, schedule, report, or return, or any information or data contained therein, now or hereafter in the possession of the Department of Commerce, or any bureau or division thereof, may be made available by the Secretary of Commerce to any branch or agency of the Government, the head of which shall have made written request therefor for use in connection with the conduct of the war. The President shall issue regulations with respect to the making available of any such record, schedule, report, return, information or data, and with respect to the use thereof after the same has been made available. No person shall disclose or make use of any individual record, schedule, report, or return, or any information or data contained therein con-

trary to the terms of such regulations; and any person knowingly and willfully violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIV, § 1402, 56 Stat. 186.)

EX. ORD. No. 9157. REGULATIONS FOR MAKING AVAILABLE RECORDS, SCHEDULES, REPORTS, RETURNS AND OTHER INFORMATION BY THE SECRETARY OF COMMERCE

Ex. Ord. No. 9157, May 9, 1942, 7 F. R. 3505, provided:

1. Whenever any executive department or independent agency desires to have made available to it, pursuant to said section 1402, any record, schedule, report, or return, or any information or data contained therein, in the possession of the Department of Commerce, for use in connection with the conduct of the war, the head of such department or agency shall make a written request of the Secretary of Commerce to have such document or information made available to it, which request shall include:

(a) The name of the official who, or the bureau, division or section which is to utilize the information;

(b) A description of the document or information desired to be made available;

(c) The manner in which it is desired that the document or information shall be made available; whether by inspection or by being furnished with copies thereof;

(d) The name of the representative of the official, bureau, division, or section who is to make the inspection, or to whom the information is to be furnished;

(e) A statement that the document or information is to be used in connection with the conduct of the war and of the manner in which it is to be so used.

If the information requested by the head of the department or agency is of a statistical character, a copy of the request shall be submitted to the Division of Statistical Standards of the Bureau of the Budget at the time the request is submitted to the Secretary of Commerce.

2. Upon the receipt of the request, the Secretary of Commerce may make available the document or information requested, either by furnishing the information, or by furnishing the original or a copy of the document, or by permitting personal inspection of the same, and the Secretary of Commerce may impose such conditions and restrictions on the use of such document or information as he may deem advisable so as to protect any confidential feature that may be imposed by law or regulation on such document or information, consistent with the purposes of said section 1402 of the Second War Powers Act, 1942, and these regulations.

The Secretary of Commerce shall inform the Division of Statistical Standards of his action upon each request made, under section 1 of this order, if the information is of a statistical character.

3. The document or information that may be made available shall not be used for purposes, or disclosed to any person or agency, not covered by the request, or contrary to the conditions and restrictions imposed by the Secretary of Commerce.

4. Additional expenses incurred by the Department of Commerce in making available the documents or information requested shall be borne by the requesting agency.

5. The term "person", as used in these regulations, shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

6. These regulations shall not be applicable to or restrict the furnishing by the Department of Commerce of information to other agencies of the Government or to the general public, which is not made confidential by statute or regulation.

§ 644b. Definition of person.

For purposes of this title the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group

of persons, whether incorporated or not. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIV, § 1403, 56 Stat. 186.)

TITLE XV.—TIME LIMIT AND SHORT TITLE

§ 645. Termination of portions of Act.

Titles I to IX, inclusive, and titles XI and XIV of this Act, and the amendments to existing law made by any such title, shall remain in force only until December 31, 1944, or until such earlier time as the Congress by concurrent resolution, or the President, may designate, and after such amendments cease to be in force any provision of law amended thereby shall be in full force and effect as though this Act had not been enacted; but no court proceedings brought under any such title shall abate by reason of the termination hereunder of such title. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XV, § 1501, 56 Stat. 187.)

CROSS REFERENCES

Limitation of act, see section 775 of this appendix.

§ 645a. Short title of Act.

This Act may be cited as the "Second War Powers Act, 1942". (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XV, § 1502, 56 Stat. 187.)

EXPORTATION RESTRICTIONS ON CERTAIN ARTICLES

Sec.
702. Application of section 701 to territories, dependencies, and possessions of the United States (New).

ACT OF JULY 2, 1940, CH. 508, 54 STAT. 714

§ 701. Prohibition or curtailment of exportation of articles, data, etc.; penalties.

(a) The President is hereby authorized to prohibit or curtail the exportation of any articles, technical data, materials, or supplies, except under such rules and regulations as he shall prescribe.

(b) Unless the President shall otherwise direct, the functions and duties of the President under this section shall be performed by the Board of Economic Warfare.

(c) In case of the violation of any provision of any proclamation, rule, or regulation issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment.

(d) The authority granted by this section shall terminate on June 30, 1944 or upon any prior date which the Congress by concurrent resolution, or the President, may designate; except that as to offenses committed, or rights or liabilities incurred prior to such date, the provisions of this section and such rules, regulations, and proclamations shall be treated as remaining in effect for the purpose of sustaining any suit, action, or prosecution with respect to such right, liability, or offense. (As amended June 30, 1942, ch. 461, 56 Stat. 463.)

AMENDMENTS

1942—Act June 30, 1942, cited to text, amended section generally.

§ 702. Application of section 701 to territories, dependencies, and possessions of the United States.

The provisions of section 701 of this title, shall be applicable to all territories, dependencies, and possessions of the United States, including the Philippine Islands, the Canal Zone, and the District of Columbia, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction of offenses committed in the Philippine Islands in violation of the provisions of that section or of any proclamation, or of any rule or regulation, issued thereunder. (May 28, 1941, ch. 134, 55 Stat. 206.)

REQUISITION OF MILITARY EQUIPMENT, MATERIALS AND SUPPLIES

ACT OF OCT. 16, 1941

Sec.
721. Requisition of military materials for United States; compensation (New).
722. Return of property to original owner (New).
723. Reports to Congress by President (New).
724. Administration of act (New).

ACT OCT. 10, 1940, CH. 836, 54 STAT. 1090

§ 711. Requisition for United States of export military materials.

Whenever the President determines that it is necessary in the interest of national defense or prosecution of war to requisition and take over for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been prohibited or curtailed in accordance with the provisions of section 6 of the Act approved July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress; 54 Stat. 714 (section 701 of this appendix)), as heretofore or hereafter amended, or any other law, he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials, and to sell or otherwise dispose of any such articles or materials, or any portion thereof, to a person or a corporation of the United States whenever he shall determine such action to be in the public interest. Any moneys received by the United States as the proceeds of any such sale or other disposition of any such articles or materials or any portion thereof shall be deposited to the credit of that appropriation out of which was paid the cost to the Government of the property thus sold or disposed of, and the same shall immediately become available for the purposes named in the original appropriation: *Provided, however*, That nothing in this section shall modify or repeal section 14 of Public Law Numbered 671, 76th Congress, approved June 28, 1940 (sections 1262a of Title 10, and 546e of Title 34). (As amended July 2, 1942, ch. 471, § 1, 56 Stat. 467.)

AMENDMENTS

1942—Act July 2, 1942, cited to text, amended first sentence.