

housing and facilities [sections 1501-1564 of Title 42]; the Act of June 7, 1939, relating to the acquisition of strategic and critical materials (53 Stat. 811) [sections 98-98f of Title 50]; the Trading With the Enemy Act, as amended [sections 1-30 of this Appendix]; section 43 of the Bankhead-Jones Farm Tenant Act, as amended [section 1617 of Title 7]; Acts supplemental to any of the foregoing; any law regulating the exportation of property from the United States; the internal-revenue laws; the statutes relating to the public lands; or any criminal law of the United States.

(c) Nothing in this Act [such sections] shall be deemed to impair or modify any contract, or any term or provision of any contract, without the consent of the contractor, if the contract or the term or provision thereof is otherwise valid. (Oct. 3, 1944, ch. 479, § 34, 58 Stat. 783.)

§ 1644. Temporary applicability of existing procedures.

All policies and procedures relating to surplus property prescribed by the Surplus War Property Administration, created by Executive Order Numbered 9425, dated February 19, 1944, or any other Government agency, in effect upon the effective date of this Act [October 3, 1944], and not inconsistent with this Act [sections 1611-1646 of this Appendix], shall remain in full force and effect unless and until superseded by regulations prescribed under this Act [such sections]. (Oct. 3, 1944, ch. 479, § 35, 58 Stat. 783.)

REFERENCES IN TEXT

Executive Order Numbered 9425, dated February 19, 1944, referred to in the text, is set out as a note under section 601 of this Appendix.

§ 1645. Disposition and removal of termination inventories; duties of contracting agencies and Board; cooperation between Board and Director of Contract Settlement; definitions.

(a) The Congress recognizes that upon termination of war contracts, the plants of war contractors will be filled with vast termination inventories which until removed or disposed of will prevent or interfere with the resumption of civilian production and reemployment, and that so far as possible decisions should be made in advance of termination for the disposition and removal of such termination inventories without delay when termination occurs. Measures should be taken to realize the greatest possible value from termination inventories.

(b) In advance of termination, to the maximum extent practicable—

(1) each contracting agency shall advise its war contractors of the classes of termination inventory the contracting agency will wish to retain for military purposes; and

(2) the Board shall establish procedures for advising war contractors as to the care and handling and disposition of termination inventory not required for military purposes, in order to effectuate the policies stated in subsection (a) of this section and the policies of section 11 (a) (3) of the Contract Settlement Act of 1944 [section 111 (a) (3) of Title 41].

(c) To the extent that it is impracticable so to advise war contractors in advance of termination, the contracting agencies and the Board shall be prepared to give such advice as soon as practicable after termination of the war contract.

(d) The Board and the Director of Contract Settlement shall cooperate in carrying out the provisions of this section.

(e) For the purposes of this section, the terms "contracting agency", "termination inventory", and "war contractor" shall have the meanings assigned to such terms by section 3 of the Contract Settlement Act of 1944 [section 103 of Title 41]. (Oct. 3, 1944, ch. 479, § 36, 58 Stat. 783.)

§ 1646. Amendment of section 968 of this Appendix; effective date.

(a) Section 8 (a) (1) of the Stabilization Act of 1942, as amended [section 968 (a) (1) of this Appendix] (relating to loans upon certain agricultural commodities) is amended by striking out "at the rate in the case of cotton of 92½ per centum" and inserting in lieu thereof "at the rate in the case of cotton of 95 per centum".

(b) The amendment made by this section shall be applicable only with respect to crops harvested after December 31, 1943, but shall not apply to crops planted after 1944. In the case of loans made under such section 8 [section 968 of this Appendix] upon any of the 1944 crop of cotton before the amendment made by this section takes effect, the Commodity Credit Corporation is authorized and directed to increase or provide for increasing the amount of such loans to the amount of the loans which would have been made if the loan rate specified in the amendment made by this section had been in effect at the time the loans were made. (Oct. 3, 1944, ch. 479, § 37, 58 Stat. 784.)

WAR MOBILIZATION AND RECONVERSION ACT OF 1944 (New)

ACT OCT. 3, 1944, CH. 480, 58 STAT. 785

TITLE I.—OFFICE OF WAR MOBILIZATION AND RECONVERSION

Sec.

1651. Establishment of Office.

- (a) Appointment, compensation, and tenure of Director.
- (b) Consolidation of agencies.
- (c) Powers and duties of Director.
- (d) Employment of Deputy Director and other officers and employees; expenditures for supplies, facilities, and services.

1652. Advisory board; composition; functions; compensation of members.

TITLE II.—DEMOBILIZATION AND RECONVERSION POLICIES

1656. Indefinite military service.

1657. Termination of prime war contracts.

1658. Integration of termination of war contracts with resumption of civilian production.

- (a) Survey by contracting agencies.
- (b) Resumption of civilian production.
- (c) Establishment of policies.

1659. Small plant participation in civilian production; percentage of allocated materials; establishment of standards, quotas, etc.

1660. Surveys by Attorney General; report to Congress.

TITLE III. RETRAINING AND REEMPLOYMENT

Sec.

1661. Establishment of Administration; appointment and compensation of Administrator.
1662. Functions of Administration; cooperation with State and local agencies.
1663. Employment of Assistant Administrators, and officers and employees; expenditures for supplies, facilities, and services.

TITLE IV.—ADVANCES TO STATE UNEMPLOYMENT FUNDS

1666. Amendment of section 1104 of Title 42.
1667. Addition of Subchapter XII to Title 42.

TITLE V.—PUBLIC WORKS

1671. Advance provisions by States for public works.
- (a) Loans by Federal Works Agency.
- (b) Allocation of loans.
- (c) Repayment of loans.
- (d) Rules and regulations.
- (e) Definition of State.

TITLE VI.—GENERAL PROVISIONS

1676. Definitions.
1677. Disbandment and transfer of functions of certain offices, boards, etc.
1678. Saving clause.

TITLE I.—OFFICE OF WAR MOBILIZATION AND RECONVERSION

- § 1651. Establishment of Office—(a) Appointment, compensation, and tenure of Director.

There is hereby established the Office of War Mobilization and Reconversion, which shall be headed by the Director of War Mobilization and Reconversion (hereinafter called the "Director"). The Director shall be appointed by the President, by and with the advice and consent of the Senate, shall receive compensation at the rate of \$15,000 per year, and shall serve for a term of two years.

(b) Consolidation of agencies.

The following agencies shall be placed within the Office of War Mobilization and Reconversion and shall exercise their functions subject to the general supervision of the Director:

(1) Office of Contract Settlement, created by the Contract Settlement Act of 1944 [sections 101–125 of Title 41].

(2) Surplus War Property Administration, created by Executive Order Numbered 9425 [section 601 note of this Appendix] (if such Administration is in existence after the Office of War Mobilization ceases to exist), and the Surplus Property Board created by the Surplus Property Act of 1944 [sections 1611–1646 of this Appendix].

(3) Retraining and Reemployment Administration, created by Executive Order Numbered 9427 [section 601 note of this Appendix] (if such Administration is in existence after the Office of War Mobilization ceases to exist), and the Retraining and Reemployment Administration created by title III of this Act [sections 1661–1663 of this Appendix].

Nothing in this subsection shall imply any derogation of the powers of the Director under subsection (c) with respect to the agencies placed within his office or with respect to other agencies not specifically placed within his office.

(c) Powers and duties of Director.

In addition to any powers which the President is authorized to and does delegate to the Director for the purpose of more effectively coordinating the mobilization of the Nation for war, the Director shall, subject to the direction of the President—

(1) formulate or have formulated such plans as are necessary to meet the problems arising out of the transition from war to peace;

(2) issue such orders and regulations to executive agencies as may be necessary to provide for the exercise of their powers in a manner consistent with the plans formulated under this section or to coordinate the activities of executive agencies with respect to the problems arising out of the transition from war to peace. Each executive agency shall carry out the orders and regulations of the Director expeditiously and, to the extent necessary to carry out such orders and regulations, shall modify its operations and procedures and issue regulations with respect thereto. Nothing contained in this section shall be construed as authorizing any activities to carry out any plans formulated under this section which are not within the scope of the powers possessed by the President or the executive agencies under provisions of law other than this section;

(3) recommend to the Congress appropriate legislation providing authority to carry out plans developed under this section but not authorized under existing law;

(4) promote and assist in the development of demobilization and reconversion plans by executive agencies; develop procedures whereby each executive agency is kept informed of proposed demobilization and reconversion plans and proposals which relate to its work and which are being developed or carried out by other executive agencies; and settle controversies between executive agencies in the development and administration of such plans;

(5) cause studies and reports to be made for him by the various executive agencies which will enable him to determine the need for the simplification, consolidation, or elimination of such executive agencies as have been established for the purposes of the war emergency, for the termination, or establishment by statute, of executive agencies which exist under Executive order only, and for the relaxation or removal of emergency war controls;

(6) institute a specific study, for submission to the President and the Congress, of the present functions of the various executive agencies in the field of manpower, and develop a program for reorganizing and consolidating such agencies to the fullest extent practicable;

(7) consult and cooperate with State and local governments, industry, labor, agriculture, and other groups, both national and local, concerning the problems arising out of the transition from war to peace; and

(8) submit reports to the President, the Senate, and the House of Representatives on the 1st days of January, April, July, and October, on the activities undertaken or contemplated by him under this Act [sections 1651–1678 of this Appendix]. Such reports

shall summarize and appraise the activities of the various executive agencies in the field of demobilization and post-war adjustment, and may include such legislative proposals as he may deem necessary or desirable.

(d) Employment of Deputy Director and other officers and employees; expenditures for supplies, facilities, and services.

The Director shall, within the limits of funds which may be made available, employ and fix the compensation of such Deputy Directors and other officers and employees, and may make such expenditures for supplies, facilities, and services, as may be necessary to carry out his functions. All such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended [sections 661-663, 664-673 and 674 of this Appendix], except that Deputy Directors and expert administrative, technical, and professional personnel may be employed and their compensation fixed without regard to such laws. To the fullest extent practicable, the Director shall perform the duties imposed upon him through the facilities and personnel of other executive agencies; and for that purpose only he is authorized to delegate to the appropriate agencies and provide for the redelegation of the powers and duties vested in him, except the power to issue orders and regulations to other executive agencies. The Director may require such reports and information from executive agencies as he deems necessary to enable him to carry out his functions under this Act [sections 1651-1678 of this Appendix], and each executive agency shall furnish any information and reports so required. (Oct. 3, 1944, ch. 480, title I, § 101, 58 Stat. 785.)

SHORT TITLE

Section 607 of act Oct. 3, 1944, cited to text, provided: "This Act [sections 1651-1678 of this Appendix] may be cited as the 'War Mobilization and Reconversion Act of 1944'."

APPROPRIATION

Section 602 of act Oct. 3, 1944, cited to text, provided: "There are authorized to be appropriated such sums as may be necessary or appropriate to carry out the purposes and provisions of this Act [sections 1651-1678 of this Appendix]."

SEPARABILITY CLAUSE

Section 604 of act Oct. 3, 1944, cited to text, provided: "If any provision of this Act [sections 1651-1678 of this Appendix], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act [such sections] or the application of such provision to persons or circumstances, other than those as to which it is held invalid, shall not be affected thereby."

TERMINATION DATE

Section 603 of act Oct. 3, 1944, cited to text, provided: "The provisions of this Act [sections 1651-1678 of this Appendix] shall terminate on June 30, 1947."

CROSS REFERENCES

Contract Settlement Act of 1944, see sections 101-125 of Title 41, Public Contracts.

Renegotiation Act, see section 1191 of this Appendix.

Repricing of war contracts, see section 1192 of this Appendix.

Surplus Property Act of 1944, see sections 1611-1646 of this Appendix.

EX. ORD. No. 9488. TRANSFER OF RECORDS, PROPERTY, FUNDS, AND PERSONNEL OF THE OFFICE OF WAR MOBILIZATION AND ITS CONSTITUENT AGENCIES

Ex. Ord. No. 9488, Oct. 3, 1944, 9 F.R. 12145, provided: "By virtue of the power and authority vested in me by the Constitution and the laws of the United States, including the War Mobilization and Reconversion Act of 1944 (sections 1651-1667 of this Appendix), it is hereby ordered as follows:

"1. All records and property of the Office of War Mobilization established by Executive Order No. 9347, dated May 27, 1943 (set out as a note under section 601 of this Appendix), and such unexpended balances of appropriations and other funds as are determined by the Director of the Bureau of the Budget to be available for the use of the said Office, and all personnel of the said Office shall be transferred to the Office of War Mobilization and Reconversion established by the War Mobilization and Reconversion Act of 1944 (this section).

"2. All records and office equipment of the Surplus War Property Administration established by Executive Order No. 9425, dated February 19, 1944 (set out as a note under section 601 of this Appendix), and such unexpended balances of appropriations and other funds as are determined by the Director of the Bureau of the Budget to be available for the use of the said Administration, and all personnel of the said Administration shall be transferred to the Surplus Property Board established by the Surplus Property Act of 1944 (sections 1611-1646 of this Appendix).

"3. All records and property of the Retraining and Reemployment Administration established by Executive Order No. 9427, dated February 24, 1944 (set out as a note under section 601 of this Appendix), and such unexpended balances of appropriations and other funds as are determined by the Director of the Bureau of the Budget to be available for the use of the said Administration, and all personnel of the said Administration shall be transferred to the Retraining and Reemployment Administration established by the War Mobilization and Reconversion Act of 1944 (section 1658 of this Appendix).

"4. Paragraphs 1, 2, and 3 of this order shall become effective as to each of the agencies heretofore created by Executive order and named in the said paragraphs upon the date when such agency ceases to exist as provided in section 605 of the War Mobilization and Reconversion Act of 1944 (section 1666 of this Appendix).

"5. When the Director of the Office of War Mobilization and Reconversion, first appointed under section 101 of the War Mobilization and Reconversion Act of 1944 (this section), takes office, all functions, powers, and duties heretofore conferred upon the Office of War Mobilization, including all functions, powers, and duties conferred upon the said office by Executive Order No. 9347 (set out as a note under section 601 of this Appendix), shall be transferred to, and thereafter shall be exercised by, the said Director of the Office of War Mobilization and Reconversion."

EX. ORD. No. 9563. PROVIDING FOR THE RELEASE OF SCIENTIFIC INFORMATION

Ex. Ord. No. 9563, June 9, 1945, 10 F. R. 6917, provided:

By virtue of the authority vested in me as President of the United States by the Constitution and Statutes, and as Commander in Chief of the Army and Navy, and in order to provide for the release for publication by individuals or groups, in so far as it may be done without prejudice to the public interest, of certain scientific and technical data now or hereafter withheld from public dissemination for the purpose of national military security, to the end that such information may be of maximum benefit to the public, it is hereby ordered as follows:

1. For the purpose of determining what portion thereof should be released for publication and making appropriate recommendations therefor to the War and Navy Departments, the Director of War Mobilization and Reconversion (hereinafter referred to as the Director) is hereby authorized to review all scientific and technical information, which (1) has been, or may hereafter be developed by,

or for, or with funds of any department or agency of the Government, and (2) is now, or may hereafter be classified as secret, confidential, restricted, or by other comparable designation, or otherwise withheld from the public for purposes of the national military security. This information is hereinafter referred to as scientific information.

2. All departments and agencies shall furnish the Director all information that he may request as essential to the performance of his duties under this order. Any provision of this order notwithstanding, there shall be excluded from the scope of this order any scientific information which the President shall declare to be in a closed field of information, except as the President shall subsequently remove any such information from the closed field.

3. In determining what scientific information may be released, and generally in the performance of his duties under this order, the Director shall proceed in the manner hereinafter outlined and in accordance with such procedures as may be adopted by him, utilizing such governmental and private agencies and personnel as he shall deem appropriate:

(a) Should the Director desire to recommend the release for publication of any scientific information, he shall discuss such a proposed release with the department or agency which has classified it or otherwise withheld it from the public, and with other interested agencies.

(b) Notwithstanding objection on the part of the agency which has classified or otherwise withheld information, the Director may recommend release of such information for publication to the Secretary of War or the Secretary of the Navy, whichever shall have primary interest in such information, or to both the Secretary of War and the Secretary of the Navy when they shall both have a substantial interest in such information. The decision of the Secretary of War or the Secretary of the Navy shall be final as to whether the national military security permits that the scientific information in question be released.

(c) The procedure for removing security classifications in order to effectuate the release for publication of scientific information in pursuance hereof shall be determined by the Director.

(d) When it shall be determined that any scientific information may properly be released for publication, the Director shall take such measures as may be appropriate to effectuate the release and publication of such scientific information. In connection with such release and publication, the Director may, in so far as practicable, give, without creating substantive rights, appropriate recognition to the relative professional contribution to such information of those persons or groups of persons who perform for, or at the request of the Government, or with Government funds the research involved in the discovery or development of such information.

4. The Director is authorized, in consultation with the Department of State, to deal with duly accredited representatives of those foreign governments with which exchange of classified information has taken place, in order that similar policies and procedure will be observed so far as practicable by such Governments in dealing with the subject of the declassification and publication of scientific information.

5. To assist the Director in the performance of his duties hereunder, there is hereby established an interdepartmental board to be known as the Publication Board, which shall consist of the Director as Chairman, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor, each of whom may designate an alternate to act in his stead. The Director may from time to time designate a member of the Board as Vice Chairman of the Board. The Secretary of War, the Secretary of the Navy, the Director of the Office of War Information, the Director of the Office of Scientific Research and Development, and the Chairman of the National Advisory Committee for Aeronautics may designate one liaison officer each, who may attend the meetings and participate in the discussions of the Board. The function of the Board shall be

to bring to the attention of the Director any information within the scope of this order and to advise with him concerning its release for publication.

6. To assist the Board or the Director in carrying out their respective duties, the Director may establish committees composed of civilian employees of the Government or of officers of the Army and Navy, or of both such civilians and officers.

EX. ORD. NO. 9599. ASSISTANCE TO PRODUCTION AND CONTINUED STABILIZATION DURING TRANSITION FROM WAR TO PEACETIME ECONOMY

Ex. Ord. No. 9599, Aug. 20, 1945, 10 F. R. 10155, as amended by Ex. Ord. 9651, Oct. 31, 1945, 10 F. R. 13487, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, and particularly the War Mobilization and Reconversion Act of 1944 [sections 1651-1678 of this Appendix], the First War Powers Act of 1941 [sections 601-622 of this Appendix], the Second War Powers Act of 1942, as amended [sections 631-645a of this Appendix], and the Stabilization Act of 1942, as amended [sections 961-971 of this Appendix], and for the purpose of fully mobilizing the resources of the Government in this final stage of the war emergency, in order to promote a swift and orderly transition to a peacetime economy of free independent private enterprise with full employment and maximum production in industry and agriculture and to assure the general stability of prices and costs and the maintenance of purchasing power which are indispensable to the shift of business enterprises from wartime to peacetime production and of individuals from wartime to peacetime employment, it is hereby order as follows:

I

1. The guiding policies of all departments and agencies of the Government concerned with the problems arising out of the transition from war to peace shall be:

A. To assist in the maximum production of goods and services required to meet domestic and foreign needs, (1) by assuring assistance in making available materials and supplies required for the production of such goods and services; (2) by providing assistance to the conversion and utilization of war plants and facilities, both privately and publicly owned; and (3) by providing effective job placement assistance to war workers and returning service men and women.

B. To continue the stabilization of the economy as authorized and directed by the Emergency Price Control Act of 1942, as amended [sections 901-946 of this Appendix], and the Stabilization Act of 1942, as amended [sections 961-971 of this Appendix], (1) by using all powers conferred therein and all other lawful means to prevent either inflation or deflation; and (2) while so doing, by making whatever modifications in controls over prices, wages, materials and facilities are necessary for an orderly transition from war to peace; and

C. To move as rapidly as possible without endangering the stability of the economy toward the removal of price, wage, production and other controls and toward the restoration of collective bargaining and the free market.

2. The departments and agencies of the Government shall take vigorous, concerted and uniform action toward these ends and pursuant to this Order, under the guidance and direction of the Director of War Mobilization and Reconversion.

II

During the transition to a free economy, the Secretary of Agriculture, the Federal Loan Administrator, and the Director of Economic Stabilization shall not only take all measures required by law to support prices but shall take such further measures authorized by law as may be necessary to prevent any collapse of values or discouragement of the full and effective use of productive resources.

III

The Price Administrator, and in the exercise of his price responsibilities under the law the Secretary of Agriculture, shall, subject to such directives provided for by law

as may be issued by the Economic Stabilization Director, take all necessary steps to assure that the cost of living and the general level of prices shall not rise. Subject to such authority, the Price Administrator and, in the exercise of his price responsibilities under the law, the Secretary of Agriculture, are authorized to make such adjustments in existing price controls as are necessary to remove gross inequities or to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy. In order that any price increases found necessary for these purposes will not result in an increase in the cost of living or in the general level of prices, the Price Administrator and the Secretary of Agriculture respectively shall (1) so far as is reasonable, practicable and necessary for this purpose, see that such price increases do not cause price increases at later levels of production or distribution, and (2) improve and tighten price controls in those fields which are important in relation to production costs or the cost of living in which in their judgment the controls have heretofore been insufficiently effective.

IV

1. The National War Labor Board, and such other agencies as may be designated by the Director of Economic Stabilization with the approval of the Director of War Mobilization and Reconversion, are authorized to provide that employers may, through collective bargaining with duly certified or recognized representatives of the employees involved or, if there is no such representative, by voluntary action, make wage or salary increases without the necessity of obtaining approval therefor, upon the condition that such increases will not be used in whole or in part as the basis for seeking an increase in price ceilings, or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a federal procurement agency, will not increase the costs to the United States.

2. In addition to the authority to approve increases to correct gross inequities and for other specified purposes, conferred by Section 2 of Title II of Executive Order 9250 [set out as a note under section 901 of this Appendix], the National War Labor Board or other designated agency is hereby authorized to approve, without regard to the limitations contained in any other orders or directives, such increases as may be necessary to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy; *Provided, however*, That in dispute cases this additional authority shall not be used to direct increases to be effective as of a date prior to the date of this order.

Where the National War Labor Board or other designated agency, or the Price Administrator, shall have reason to believe that a proposed wage or salary increase will require a change in the price ceiling of the commodity or services involved, such proposed increase, if approved by the National War Labor Board or such other designated agency under the authority of this section shall become effective only if also approved by the Director of Economic Stabilization.

3. Officials charged with the settlement of labor disputes in accordance with the terms of Executive Order 9017 and Section 7 of the War Labor Disputes Act shall consider that labor disputes which would interrupt work contributing to the production of military supplies or interfere with effective transition to a peacetime economy are disputes which interrupt work contributing to the effective prosecution of the war.

V

The War Production Board shall move as rapidly as feasible without endangering orderly reconversion and the stabilization of the economy to free business from its controls. During the transition it shall use all of its authorized powers to expand the production of materials which are in short supply; limit the manufacture of products for which materials or facilities are insufficient; control the accumulation of inventories so as to avoid speculative hoarding and unbalanced distribution which would curtail total production; grant priority assistance to break bottlenecks which would impede the reconver-

sion process; facilitate the fulfillment of relief and other essential export programs; and allocate scarce materials or facilities necessary for the production of low-priced items essential to the continued success of the stabilization program.

VI

1. The Stabilization Administrator, designated pursuant to Executive Order No. 9620 of September 20, 1945 [set out as a note under section 901 of this Appendix], shall approve, under section 2 of part IV of this order, a wage or salary increase falling into any of the following three classes in any case in which such increase has been found by the National War Labor Board or other designated agency to be necessary to correct a maladjustment or inequity which would interfere with the effective transition to a peacetime economy:

a. Increases where the percentage increase in average straight time hourly earnings in the appropriate unit since January 1941 has not equalled the percentage increase in the cost of living between January 1941 and September 1945.

b. Increases necessary to correct inequities in wage rates or salaries among plants in the same industry or locality, with due regard to normal competitive relationships.

c. Increases necessary to insure full production in an industry, designated by the Stabilization Administrator, which is essential to reconversion and in which existing wage rates or salaries are inadequate to the recruitment of needed manpower.

The Stabilization Administrator shall continue to approve wage or salary increases approved by the National War Labor Board or other designated agency in cases in which such increases satisfy standards in effect prior to August 18, 1945.

The Stabilization Administrator may define additional classes of wage or salary increases which the National War Labor Board or other designated agency is authorized to approve as necessary to correct a maladjustment or inequity under section 2 or part IV of this order.

Nothing in the foregoing shall be construed to require the National War Labor Board or other designated agency to approve any wage increase unless, in its judgment, the increase is necessary, on the facts of the particular case, to correct a maladjustment or inequity which would interfere with the effective transition to a peacetime economy.

In making findings under this section the National War Labor Board or other designated agency shall be subject to directives issued by the Stabilization Administrator under the authority conferred by Executive Orders 9250 and 9328 or other applicable Executive Orders.

2. Nothing in this order shall be construed to prevent an employer from putting a wage or salary increase into effect and thereafter applying for approval of such increase, under the standards of this order, so that it may be used as the basis for seeking an increase in price ceilings, or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a federal procurement agency, for increasing the costs to the United States.

3. Notwithstanding the fact that a wage or salary increase has not been approved in accordance with this order, the Price Administrator shall, after the expiration of a reasonable test period, which save in exceptional cases shall be six months after the wage or salary increase has been made, take such increase into account in determining whether an increase in price ceilings is then required under the established standards governing increases in price ceilings.

EX. ORD. NO. 9604. EXTENSION AND AMENDMENT OF EXECUTIVE ORDER NO. 9568

Ex. Ord. No. 9604, Aug. 27, 1945, 10 F. R. 10960, provided: By virtue of the authority vested in me by the Constitution and Statutes, as President of the United States and Commander in Chief of the Army and Navy, and in order to provide for the release and dissemination of certain scientific and industrial information heretofore or hereafter obtained from the enemy by any department or agency of this Government, to the end that such infor-

mation may be of maximum benefit to the public, it is hereby ordered as follows:

1. It is the policy of this Government, subject to the requirements of national military security, that there shall be prompt, public, free and general dissemination of enemy scientific and industrial information. The expression "enemy scientific and industrial information," as used herein, is defined to comprise all information concerning scientific, industrial and technological processes, inventions, methods, devices, improvements and advances heretofore or hereafter obtained by any department or agency of this Government in enemy countries regardless of its origin, or in liberated areas, if such information is of enemy origin or has been acquired or appropriated by the enemy.

2. The scope of the authority vested in the Director of War Mobilization and Reconversion as Chairman of the Publication Board and in the Publication Board by Executive Order No. 9568 of June 8, 1945 [set out as a note under this section], is extended to include enemy scientific and industrial information. The procedures outlined in Executive Order No. 9568, insofar as applicable, are extended to the declassification, release and publication of enemy scientific and industrial information.

3. Nothing in this order shall be construed to limit or modify the power of the Secretary of War or the Secretary of the Navy to determine finally whether the national military security permits the release in whole or in part of enemy scientific or industrial information.

§ 1652. Advisory board; composition; functions; compensation of members.

(a) There is hereby created an advisory board, which shall consist of twelve members who shall be appointed by the President by and with the advice and consent of the Senate. All of the members of the Board shall represent the general public and the public interest, but in order that the Board may have the benefit of experience in the matters with which it will deal under this Act [sections 1651-1678 of this Appendix], three members of the Board shall have had experience in business management, three members shall have had experience in matters relating to labor, and three members shall have had experience in agriculture. The President shall designate one of the remaining three members as chairman of the Board.

(b) It shall be the general function of the Board to advise with the Director with respect to war mobilization and reconversion and make to him such recommendations relating to legislation, policies, and procedures as it may deem necessary.

(c) Members of the Board shall receive a per diem allowance of \$25 for each day spent in actual meetings of the Board or at conferences held upon the call of the Director, plus necessary traveling and other expenses incurred while so engaged. (Oct. 3, 1944, ch. 480, title I, § 102, 58 Stat. 786.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

TITLE II.—DEMOBILIZATION AND RECONVERSION POLICIES

§ 1656. Indefinite military service.

The War and Navy Departments shall not retain persons in the armed forces for the purpose of preventing unemployment or awaiting opportunities for employment. (Oct. 3, 1944, ch. 480, title II, § 201, 58 Stat. 787.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1657. Termination of prime war contracts.

Any contracting agency shall terminate prime contracts for war production whenever in the opinion of the agency the performance under such contracts will not be needed for the prosecution of the war, and shall not continue performance under such contracts merely for the purpose of providing business and employment, or for any purposes other than the prosecution of the war, unless the Office of War Mobilization and Reconversion finds that the continuation of some or all of the work in process under any such contract will benefit the Government or is necessary to avoid substantial physical injury to a plant or property. (Oct. 3, 1944, ch. 480, title II, § 202, 58 Stat. 787.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1658. Integration of termination of war contracts with resumption of civilian production.

Curtailments of war production or terminations of war contracts shall be integrated and synchronized with the expansion, resumption, or initiation of production for other war purposes, and, to the greatest extent compatible with the effective prosecution of the war, of production for nonwar use. To effectuate this policy—

(a) Survey by contracting agencies.

The contracting agencies shall continuously survey their product and material requirements and report to the Director, in such form and detail as he may determine, on current and anticipated changes in requirements and on all anticipated curtailments of war production or terminations of war contracts;

(b) Resumption of civilian production.

The executive agencies exercising control over manpower, production, or materials shall permit the expansion, resumption, or initiation of production for nonwar use whenever such production does not require materials, components, facilities, or labor needed for war purposes, or will not otherwise adversely affect or interfere with the production for war purposes. Such production for nonwar use shall be permitted regardless of whether one or more competitors normally engaged in the same type of production are still engaged in the performance under any contract which is needed for the prosecution of the war, and shall not be made dependent upon the existence of a concern or the functioning of a concern in a given field of activity at a given time;

(c) Establishment of policies.

The Director shall—

(1) Establish policies to be followed by the contracting agencies in selecting individual contracts or classes of contracts for curtailment, nonrenewal, or termination;

(2) Establish policies providing for full and prompt consultation between the executive agencies, war

contractors, and the representatives of the employees of war contractors with regard to obtaining the most effective use in other war production or in production for nonwar use of facilities and manpower to be released through anticipated curtailments in war production or terminations of war contracts. (Oct. 3, 1944, ch. 480, title II, § 203, 58 Stat. 787.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1659. Small plant participation in civilian production; percentage of allocated materials; establishment of standards, quotas, etc.

(a) Whenever the expansion, resumption, or initiation of production for nonwar use is authorized, on a restricted basis, by any executive agency having control over manpower, production, or materials, the restrictions imposed shall not be such as to prevent any small plant capable and desirous of participating in such expansion, resumption, or initiation of production for nonwar use from so participating in such production.

(b) Whenever such executive agency allocates available materials for the production of any item or group of items for nonwar use, it shall make available a percentage of such materials for the exclusive use by small plants for the production of such item or group of items. Such percentage shall be determined by the head of such agency after giving full consideration to the claims presented by the chairman of the board of directors of the Smaller War Plants Corporation and shall be fair and equitable.

(c) In allocating the materials thus set aside among such small plants, such executive agency shall establish criteria, standards, quotas, schedules, or other conditioning factors after consultation with the chairman of the board of directors of the Smaller War Plants Corporation. Such executive agency shall allocate such materials directly to such small plants and shall, to the fullest extent practicable, provide for making such allocations through local offices easily accessible to such small plants. For the purposes of this title [sections 1656-1660 of this Appendix], a small plant means any small business concern engaged primarily in production or manufacturing either employing two hundred and fifty wage earners or less, or coming within such other categories as may be established by the head of such executive agency in consultation with the chairman of the board of directors of the Smaller War Plants Corporation. Such other categories shall be defined by taking into consideration the comparative sizes of establishments in a particular industry as reflected by sales volumes, quantities of materials consumed, capital investments, or by other criteria which are reasonably attributable to small plants rather than medium or large size plants. (Oct. 3, 1944, ch. 480, title II, § 204, 58 Stat. 788.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1660. Surveys by Attorney General; report to Congress.

The Attorney General is directed to make surveys for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, injure small business, or otherwise promote undue concentration of economic power in the course of war mobilization and during the period of transition from war to peace and thereafter. The Attorney General shall submit to the Congress within ninety days after the approval of this Act [October 3, 1944], and at such times thereafter as he deems desirable, reports setting forth the results of such surveys and including recommendations for such legislation as he may deem necessary or desirable. (Oct. 3, 1944, ch. 480, title II, § 205, 58 Stat. 788.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

TITLE III.—RETRAINING AND REEMPLOYMENT

§ 1661. Establishment of Administration; appointment and compensation of Administrator.

There is hereby established a Retraining and Reemployment Administration (hereinafter referred to as the "Administration"), the functions of which, subject to the general supervision of the Director of War Mobilization and Reconversion, shall be exercised by a Retraining and Reemployment Administrator (hereinafter in this title [sections 1661-1663 of this Appendix] referred to as the "Administrator"), to be appointed by the President, by and with the advice and consent of the Senate, and to receive a salary at the rate of \$12,000 per annum. The same person may serve as Administrator and as Administrator of Veterans' Affairs, but in such case he shall receive only the salary provided by this section. (Oct. 3, 1944, ch. 480, title III, § 301, 58 Stat. 788.)

TRANSFER OF FUNCTIONS

Section 3 of Ex. Ord. No. 9617, Sept. 19, 1945, 10 F. R. 11929, set out as a note under section 601 of this Appendix, provided for the transfer to the Department of Labor of all functions, officers, employees, records, property, and funds of the Retraining and Reemployment Administration. Said section also provided that all functions of the Director of War Mobilization and Reconversion relating to the Retraining and Reemployment Administration were transferred to the Department of Labor.

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1662. Functions of Administration; cooperation with State and local agencies.

It shall be the function of the Administration—

(a) to have general supervision and direction of the activities of all existing executive agencies (except the Veterans' Administration and the Administrator of Veterans' Affairs) authorized by law relating to retraining, reemployment, vocational education, and vocational rehabilitation for the purpose of coordinating such activities and eliminating overlapping functions of such agencies. To the extent necessary to achieve such purposes the Administrator shall have power to issue regulations in connec-

tion with the work of such executive agencies, but nothing in this title [sections 1661-1663 of this Appendix] shall be deemed to confer any power or authority upon any such agency or authorize any activities by any such agency not authorized by provisions of law other than this title [such sections], or to extend any existing power beyond the date upon which it would otherwise expire; and

(b) to confer with existing State and local agencies and officials in charge of existing programs relating to retraining, reemployment, vocational education, and vocational rehabilitation for the the¹ purpose of coordinating the activities of existing Federal agencies with the activities of such State and local agencies. (Oct. 3, 1944, ch. 480, title III, § 302, 58 Stat. 789.)

¹ So in the original. Probably should be deleted.

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1663. Employment of Assistant Administrators, and officers and employees; expenditures for supplies, facilities, and services.

The Administrator shall, within the limits of funds which may be made available, employ and fix the compensation of such Assistant Administrators and other officers and employees, and may make such expenditures for supplies, facilities, and services as may be necessary to carry out his functions and the functions of the Administration. All such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended [sections 661-663, 664-673, and 674 of Title 5], except that Assistant Administrators and expert administrative, technical, and professional personnel may be employed and their compensation fixed without regard to such laws. To the fullest extent practicable, the Administrator shall perform the duties imposed upon him through the facilities and personnel of other executive agencies. (Oct. 3, 1944, ch. 480, title III, § 303, 58 Stat. 789.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

TITLE IV.—ADVANCES TO STATE UNEMPLOYMENT FUNDS

§ 1666. Amendment of section 1104 of Title 42.

(a) Section 904 (a) of the Social Security Act, as amended [section 1104 (a) of Title 42], is further amended by inserting, immediately before the period at the end of the second sentence of the subsection, a comma and the following: "or deposited pursuant to appropriations to the Federal unemployment account".

(b) Section 904 (e) of the Social Security Act, as amended [section 1104 (e) of Title 42], is further amended by inserting, after the words "a separate book account for each State agency" a comma and the following: "The Federal unemployment account,".

(c) Section 904 of the Social Security Act, as amended [section 1104 of Title 42], is further amended by adding, at the end of the section, the following new subsections:

"(g) The Secretary of the Treasury is authorized and directed, prior to audit or settlement by the General Accounting Office, to make transfers from the Federal unemployment account to the account of any State in the Unemployment Trust Fund in accordance with certification made by the Board pursuant to section 1201 [section 1321 of Title 42], not exceeding the amount on deposit in the Federal unemployment account at the time of such transfer.

"(h) There is hereby established in the Unemployment Trust Fund a Federal unemployment account. There is hereby authorized to be appropriated to such Federal unemployment account a sum equal to the excess of taxes collected prior to July 1, 1943, under title IX of this Act [sections 1101-1110 of Title 42] and under the Federal Unemployment Tax Act [sections 1600-1611 of Title 26], over the total unemployment administrative expenditures made prior to July 1, 1943; and there is hereby authorized to be appropriated to such account for the fiscal year 1945 and for each fiscal year thereafter (1) a sum equal to any excess of taxes collected in the preceding fiscal year under the Federal Unemployment Tax Act [sections 1600-1611 of Title 26] over the unemployment administrative expenditures made in such year, and (2) such further sums, if any, as may be necessary to carry out the purposes of title XII [section 1321 of Title 42]. Any amounts in the Federal unemployment account on October 1, 1947, and any amounts repaid to such account after such date, shall be covered into the general fund of the Treasury. As used in this subsection, the term 'unemployment administrative expenditures' means expenditures for grants under title III of this Act [sections 501-503 of Title 42], for the administration of that title [such sections] by the Board, and for the administration of title IX of this Act [sections 1101-1110 of Title 42] and of the Federal Unemployment Tax Act [sections 1600-1611 of Title 26] by the Department of the Treasury and the Board. For the purposes of this subsection there shall be deducted from the total amount of taxes collected prior to July 1, 1943, under title IX of this Act [sections 1101-1110 of Title 42], the sum of \$40,561,886.43 which was authorized to be appropriated by the Act of August 24, 1937 (50 Stat. 754)." (Oct. 3, 1944, ch. 480, title IV, § 401, 58 Stat. 789.)

REFERENCES IN TEXT

Act of August 24, 1937 (50 Stat. 754) which is referred to in subsec. (h) is act Aug. 24, 1937, ch. 755, 50 Stat. 754, and is set out as a note under section 1103 of title 42.

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1667. Addition of Subchapter XII to Title 42.

The Social Security Act, as amended [chapter 7 of Title 42], is further amended by adding at the end thereof the following new title [section 1321 of Title 42]:

"TITLE XII.—ADVANCES TO STATE UNEMPLOYMENT FUNDS

"SEC. 1201. (a) In the event that the balance in a State's account in the Unemployment Trust Fund on June 30, 1945, or on the last day in any ensuing calendar quarter which ends prior to July 1, 1947, does not exceed a sum equal to the total contributions deposited in the Unemployment Trust Fund under the unemployment compensation law of the State during that one of the two calendar years next preceding such day in which such deposits were higher, the State shall be entitled, subject to the provisions of subsections (b) and (c) hereof, to have transferred from the Federal unemployment account to its account in the Unemployment Trust Fund an amount equal to the amount by which the unemployment compensation paid out by it in the calendar quarter ending on such day exceeded 2.7 per centum of the total remuneration which was paid during such quarter and was subject to the State unemployment compensation law.

"(b) The Social Security Board is authorized and directed, on application of a State unemployment compensation agency, to make findings as to whether the conditions for the transfer of moneys provided for in subsection (a) hereof have been met; and if such conditions exist, the Board is directed to certify, to the Secretary of the Treasury, from time to time, the amounts for transfer in order to carry out the purposes of this title [section 1321 of Title 42], reduced or increased, as the case may be, by any sum by which the Board finds that the amounts transferred for any prior quarter were greater or less than the amounts to which the State was entitled for such quarter. The application of a State agency shall be made on such forms, and contain such information and data, fiscal and otherwise, concerning the operation and administration of the State law, as the Board deems necessary or relevant to the performance of its duties hereunder.

"(c) Any amount transferred to the account of any State under this section shall be treated as an advance, without interest, to the unemployment fund of such State and shall be repaid to the Federal unemployment account from the unemployment fund of that State to the extent that the balance in the State's account in the Unemployment Trust Fund, at the end of any calendar quarter, exceeds a sum equal to the total contributions deposited in the Unemployment Trust Fund under the unemployment compensation law of the State during that one of the two calendar years next preceding such day in which such deposits were higher. The Secretary of the Treasury shall, after the end of each calendar quarter, transfer from the unemployment account of each State in the Unemployment Trust Fund to the Federal unemployment account the amount required to be repaid from the unemployment fund of such State at the end of such quarter under this subsection." (Oct. 3, 1944, ch. 480, title IV, § 402, 58 Stat. 790.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

TITLE V.—PUBLIC WORKS

§ 1671. Advance provisions by States for public works—
(a) Loans by Federal Works Agency.

In order to encourage States and other non-Federal public agencies to make advance provision for the construction of public works (not including housing), the Federal Works Administrator is hereby authorized to make, from funds appropriated for that purpose, loans or advances to the States and their agencies and political subdivisions (hereinafter referred to as "public agencies") to aid in financing the cost of architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of such public works: *Provided*, That the making of loans or advances hereunder shall not in any way commit the Congress to appropriate funds to undertake any projects so planned.

(b) Allocation of loans.

Funds appropriated for the making of loans or advances hereunder shall be allotted by the Federal Works Administrator among the several States in the following proportion: 90 per centum in the proportion which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 10 per centum according to his discretion: *Provided*, That the allotments to any State shall aggregate not less than one-half of 1 per centum of the total funds available for allotment hereunder: *Provided further*, That no loans or advances shall be made with respect to any individual project unless it conforms to an over-all State, local, or regional plan approved by competent State, local, or regional authority.

(c) Repayment of loans.

Advances under this section to any public agency shall be repaid by such agency if and when the construction of the public works so planned is undertaken. Any sums so repaid shall be covered into the Treasury as miscellaneous receipts.

(d) Rules and regulations.

The Federal Works Administrator is authorized to prescribe rules and regulations to carry out the purposes of this section.

(e) Definition of State.

As used in this section, the term "State" shall include the District of Columbia, Alaska, Hawaii, and Puerto Rico. (Oct. 3, 1944, ch. 480, title V, § 501, 58 Stat. 791.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

TITLE VI.—GENERAL PROVISIONS

§ 1676. Definitions.

When used in this Act [sections 1651–1678 of this Appendix]—

(a) The term "executive agency" means any department, independent establishment, or agency in the executive branch of the Government, including any corporation wholly owned by the United States.

(b) The term "contracting agency" means any Government agency which has been or hereafter may be authorized to make contracts pursuant to section 201 of the First War Powers Act, 1941 [section 611 of this Appendix], and includes the Reconstruction Finance Corporation and any corporation organized pursuant to the Reconstruction Finance Corporation Act (47 Stat. 5), as amended [sections 601-617 of Title 15], and the Smaller War Plants Corporation. (Oct. 3, 1944, ch. 480, title VI, § 601, 58 Stat. 791.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1677. Disbandment and transfer of functions of certain offices, boards, etc.

(a) When the Director first appointed under section 101 [section 1651 of this Appendix] has taken office, the Office of War Mobilization established by Executive Order Numbered 9347, dated May 27, 1943 [section 601 note of this Appendix], not including the Surplus War Property Administration or the Retraining and Reemployment Administration, shall cease to exist; and such records and property of the Office of War Mobilization, and such unexpended balances of appropriations or other funds available for its use, as the President shall determine, shall be transferred to the Office of War Mobilization and Reconversion.

(b) When a majority of the members of the Surplus Property Board first appointed under the Surplus Property Act of 1944 [sections 1611-1646 of this Appendix] have taken office, the Surplus War Property Administration created by Executive Order Numbered 9425 [section 601 note of this Appendix] shall cease to exist; and such records and office equipment of the Surplus War Property Administration, and such unexpended balances of appropriations or other funds available for its use, as the President shall determine, shall be transferred to the Surplus Property Board.

(c) When the Retraining and Reemployment Administrator first appointed under section 301 [section 1661 of this Appendix] has taken office, the Retraining and Reemployment Administration created by Executive Order Numbered 9427 [section 601 note of this Appendix] shall cease to exist; and such records and property of the Administration created by such Executive order, and such unexpended balances of appropriations or other funds available for its use, as the President shall determine, shall be transferred to the Retraining and Reemployment Administration established by this Act [sections 1651-1678 of this Appendix]. (Oct. 3, 1944, ch. 480, title VI, § 605, 58 Stat. 792.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1678. Saving clause.

All orders, policies, procedures, or directives prescribed by the Director of War Mobilization, in effect upon the effective date of this Act [October 3, 1944], and not inconsistent with this Act [sections 1651-

1678 of this Appendix], shall remain in full force and effect unless and until superseded by the Director in accordance with this Act [such sections], or by operation of law. (Oct. 3, 1944, ch. 480, title VI, § 606, 58 Stat. 792.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

FLEET ADMIRAL OF THE NAVY AND GENERAL OF THE ARMY (New)

ACT DEC. 14, 1944, CH. 580, 58 STAT. 802

Sec.

- 1691. Fleet Admiral of the Navy; grade established; rank; appointment; number.
- 1692. General of the Army; grade established; rank; appointment; number.
- 1693. Appointment without examination; tenure; effect on permanent or temporary status; appointment and reversion of retired officers.
- 1694. Pay and allowances.
- 1695. Rank and pay on retirement.
- 1696. Rank and precedence according to date of appointment.
- 1697. General of the Armies as unaffected.

§ 1691. Fleet Admiral of the Navy; grade established; rank; appointment; number.

The grade of Fleet Admiral of the United States Navy is established on the active list of the line of the Regular Navy as the highest grade in the Navy. Appointments to said grade shall be made by the President, by and with the advice and consent of the Senate, from among line officers on the active list and retired line officers on active duty serving in the rank of admiral in the Navy at the time of such appointment. The number of officers of such grade on the active list at any one time shall not exceed four. (Dec. 14, 1944, ch. 580, § 1, 58 Stat. 802.)

TERMINATION DATE

Section 8 of act Dec. 14, 1944, cited to text, provided: "This Act [sections 1691-1697 of this Appendix] shall be effective only until six months after the termination of the wars in which the United States is now engaged as proclaimed by the President, or such earlier date as the Congress, by concurrent resolution, may fix."

§ 1692. General of the Army; grade established; rank; appointment; number.

The grade of General of the Army is established. Appointments to said grade shall be made by the President, by and with the advice and consent of the Senate, from officers of the Army who, at the time of such appointment, are serving in the grade of general officer in the Army. The number of officers holding the grade of General of the Army on active duty shall not exceed four. The officers appointed under the provisions of this section shall take rank above all other officers on the active list of or on active duty in the Army and shall be entitled to all rights, privileges, benefits, pay, and allowances provided by this Act [sections 1691-1697 of this Appendix], notwithstanding any provisions of the Act of February 23, 1929 (45 Stat. 1255) [section 22a of Title 10], or any other law. (Dec. 14, 1944, ch. 580, § 2, 58 Stat. 802.)