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87th Congress
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COMMITTEE PRINT

PROVISIONS OF FEDERAL LAW IN EFFECT IN TIME OF NATIONAL EMERGENCY

REPORT

TO THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

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JANUARY 25, 1962

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FOREWORD

On December 16, 1950, during the Korean conflict, the President declared the existence of a national emergency. This brought into effect a vast complex of legislation, the activation of which was predicated upon the proclamation of a national emergency.

In 1958, the Committee on the Judiciary became interested in knowing what provisions of law had been brought into effect by the declaration of a national emergency. The emergency proclaimed by the President in 1950 had not yet been terminated and the chronic state of international tensions made it clear that it would not be terminated in the foreseeable future. In view of the protracted period of the emergency, the committee thought it desirable to review the national emergency measures within its jurisdiction, in order to evaluate the continued need for those particular provisions. The committee was of the view that, to consider this problem meaningfully, there was a need to know not only those provisions which happened to fall within its jurisdiction, but all such provisions. Consequently, the Library of Congress was asked to prepare a synopsis of the provisions of Federal law which became effective upon the proclamation of a national emergency by the President. This synopsis was published in 1958 as a committee print.

The heightened international tensions which developed in the latter part of 1961 created a new interest in the legal consequences of the actions which might be taken in the cold war by Congress or the President. In particular, there was substantial concern with knowing exactly what legislation would become effective upon the declaration of a national emergency by the President or Congress, or both. To fill this need, I requested the Library of Congress to bring up to date the synopsis which was prepared and published in 1958. The committee's interest, at that time, required the compilation of only those provisions of law which came into effect by reason of a national emergency proclaimed *by the President*. Since some statutes become effective upon the proclamation of a national emergency *by Congress*, we have expanded the 1958 publication to include this category as well. In addition, the provisions of law included in the 1958 publication were reviewed and only changes which occurred subsequently have been reflected in this edition.

To facilitate use of this document for legislative purposes, we have retained a format in which statutes are grouped by committee jurisdiction.

Once again, I wish to express my appreciation to Margaret Fennell, of the American Law Division of the Library of Congress, for her most gracious assistance and for her diligent and meticulous work in preparing this study. Miss Fennell is responsible not only for the current edition but for the 1958 edition as well.

EMANUEL CELLER, *Chairman.*

FOREWORD

EXPLANATORY NOTES

There are a substantial number of provisions of Federal law which become effective "in time of war or national emergency," "in time of war," "during a national emergency declared by Congress," "during a national emergency proclaimed by the President," and during similarly designated periods.

The provisions of law contained in this synopsis are those that come into effect by reason of an emergency declared by the President or by the Congress.

The provisions are arranged in two groups, each in chronological order of enactment, under the names of the committees of the House of Representatives having jurisdiction of the legislation.

Group A contains laws which by their terms are clearly applicable to a national emergency.

Group B contains those laws which are temporary, the operation of which is not expressly dependent upon the existence of a national emergency, but which may have been enacted with such an event in mind.

The index, arranged by subject matter, refers to particular provisions of law both by page and item number.

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PROVISIONS OF FEDERAL LAW IN EFFECT IN TIME OF NATIONAL EMERGENCY

Arranged by committees of the House of Representatives

A. Laws definitely applicable to periods of national emergency
B. Temporary laws of doubtful application to a national emergency

I. Committee on Agriculture

A

(1) The President may suspend quota provisions of the Sugar Act of 1947 whenever he "*finds and proclaims that a national economic or other emergency exists*" with respect to sugar or liquid sugar. [Act of August 8, 1947; 61 Stat. 933 § 408; 7 U.S.C. § 1158.]

(2) Commodity set-asides, under the Agricultural Act of 1954, may be reduced by disposal for disaster relief purposes in the United States or to meet *any national emergency declared by the President.* [Act of August 28, 1954; 68 Stat. 897 § 103(6); 7 U.S.C. § 1743.]

(3) The Secretary of Agriculture may make an investigation to determine whether an increase or termination of marketing quotas in certain commodities is necessary because of a "*national emergency.*" [Act of August 28, 1954; 68 Stat. 904–905 § 312; 7 U.S.C. § 1371.]

(4) *During the period of any national emergency declared by the President or the Congress,* the President, to the extent deemed by him to be necessary to meet the essential procurement needs during such emergency, may modify the limitations on the procurement of livestock products produced or processed by any slaughterer or processor who slaughters or handles livestock by methods other than methods designated and approved by the Secretary of Agriculture. [Act of August 27, 1958; 72 Stat. 862 § 3; 7 U.S.C. § 1903.]

II. Committee on Armed Services

A

(1) The President may transfer vessels, equipment, stations, and personnel of the Coast and Geodetic Survey to the jurisdiction of the Department of Defense, "*whenever in his judgment a sufficient national emergency exists.*" [Act of May 22, 1917; 40 Stat. 87 § 16; 33 U.S.C. § 855.]

(2) The transfer of the Hoboken Manufacturers' Railroad to the Port of New York Authority shall be on condition that the railroad facility may be used by the United States "*in the event of war or other national emergency.*" [Act of February 26, 1925; 43 Stat. 984.]

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(3) The Secretary of the Interior may in case of a *national emergency* close Fort McHenry military reservation and use it for such period of time thereafter as the public needs may require. [Act of March 3, 1925; 43 Stat. 1110; 16 U.S.C. § 440.]

(4) The conveyance of certain portion of the military reservation of the Presidio of San Francisco to the city and county of San Francisco shall provide that *"in the event of war or any other great national emergency,"* the United States shall have the right to take exclusive possession of the property. [Act of March 3, 1925; 43 Stat. 1129.]

(5) *"In case of national emergency declared by the President,"* the Secretary of the Navy may revoke the lease of the floating dry dock and waterfront accessories at the New Orleans Naval Station. [Act of May 14, 1930; 46 Stat. 332 § 10.]

(6) The lease of the United States naval destroyer and submarine base at Squantum, Mass., shall be revocable *"in case of national emergency declared by the President."* [Act of May 29, 1930; 46 Stat. 479.]

(7) *"In time of national emergency"* the property authorized to be conveyed to the city of Little Rock, Ark., shall, upon request of the Secretary of Defense, be turned over to the United States. [Act of May 15, 1936; 49 Stat. 1292.]

(8) *"In time of war or national emergency,"* and for 18 months thereafter, the time for examination of monthly accounts of disbursing officers of the Army, Navy, Marine Corps, and Coast Guard, is extended from 60 to 90 days. [Act of December 23, 1944; 58 Stat 923; 31 U.S.C. §§ 80a, 80b.]

(9) Fort Morgan military reservation is conveyed to the State of Alabama on condition that *at any time during any future national emergency*, the Department of Defense may reoccupy the property. [Act of June 28, 1946; 60 Stat. 332.]

(10) Stocks of strategic and critical materials acquired under the Stockpiling Act shall not be released for use, sale, etc., except *"in time of war or during a national emergency."* [Act of July 23, 1946; 60 Stat. 598, "sec. 5"; 50 U.S.C. § 98d.]

(11) The Secretary of the Navy may authorize the transportation and subsistence of certain persons on naval vessels at Government expense, *"in time of war or during a national emergency as declared by the President."* [Act of August 10, 1956; 70A Stat. 447; 10 U.S.C. § 7224.]

(12) Leases of real or personal property must be revocable *"during a national emergency declared by the President."* [Act of August 10, 1956; 70A Stat. 150; 10 U.S.C. § 2667.]

(13) The deed conveying certain property of Santa Rosa Island in Florida, to Okaloosa County, shall stipulate that *"in the event of a national emergency"* the United States shall have the right to use the property. [Act of July 2, 1948; 62 Stat. 1230 § 1(e).]

(14) Contracts for supplies and services, under the Central Intelligence Agency Act of 1949, may be negotiated without advertising if

determined to be necessary in the public interest "*during a national emergency declared by Congress or by the President.*" [Act of June 20, 1949; 63 Stat. 208 § 3(a); 50 U.S.C. § 403c; 10 U.S.C. § 2304.]

(15) "*In time of war or national emergency,*" commissioned officers and warrant officers on the retired list of the Coast Guard may be ordered to active duty. [Act of August 4, 1949; 63 Stat. 517, "sec. 240," 519, "sec. 310"; 14 U.S.C. §§ 240, 310.]

(16) The Commandant of the Coast Guard may "*in times of war or national emergency,*" order enlisted men on the retired list to active duty. [Act of August 4, 1949; 63 Stat. 522, "sec. 359"; 14 U.S.C. § 359.]

(17) "*During a period of war or national emergency as proclaimed by the President,*" enlisted men of the Coast Guard may be detained beyond the term of their enlistments. [Act of August 4, 1949; 63 Stat. 524, "sec. 367"; 14 U.S.C. § 367.]

(18) The conveyance of part of Camp Joseph T. Robinson to the State of Arkansas shall be upon condition that the United States may use the property "*whenever the Congress of the United States shall declare a state of war or other national emergency, or the President declares a state of emergency to exist.*" [Act of June 30, 1950; 64 Stat. 311 § 3.]

(19) The Secretary of the Navy is authorized to convey certain lands comprising Castle Island Terminal Facility at South Boston to the State of Massachusetts on condition that "*in time of war or national emergency*" the United States shall have the right of the free and unlimited use of all of said property; but the United States shall be responsible for the entire cost of maintaining it during the period of such use. [Act of October 27, 1951; 65 Stat. 658, as amended by Act of August 28, 1957; 71 Stat. 473.]

(20) Certain real property at the former Naval Air Station, Kahului, Wailuku, Maui, is authorized to be conveyed to the Territory [State] of Hawaii on condition that "*in time of war or national emergency*" the United States shall have the right of free and unlimited use of the property. [Act of June 5, 1952; 66 Stat. 128 § 2.]

(21) The President is authorized to continue in effect, until released, the appointments of officers and warrant officers of the Army and the Air Force who are in a status of missing under the Missing Persons Act from June 25, 1950 and *before the termination of the national emergency proclaimed by the President on December 16, 1950,* whose appointments would normally terminate prior to such release. [Act of May 27, 1953; 67 Stat. 38.]

(22) The restriction on the making of photographs and sketches of properties of the military establishment (originally to be effective for the duration of World War II), is continued in effect "*until six months after the termination of the national emergency proclaimed by the President on December 16, 1950.*" [Act of June 4, 1953; 67 Stat. 41; 50 U.S.C. App. § 785).]

(23) Sections 1301–1304 of the Second War Powers Act, providing for the inspection and audit of books and records of defense con-

tractors, are continued in force and effect "*until six months after the termination of the national emergency proclaimed by the President on December 16, 1950,*" or until such earlier date as the Congress by concurrent resolution, or the President, shall designate. [Act of June 30, 1953; 67 Stat. 120.]

(24) The conveyance of a certain portion of Camp Butner Military Reservation to the State of North Carolina, shall be on condition that "*whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency to exist,*" and the Secretary of Defense deems it necessary for the national defense, the United States may use the property during such war emergency plus 6 months, after which it shall revert to the State. [Act of April 2, 1954; 68 Stat. 51.]

(25) "*In the event of the existence of any national emergency declared by proclamation of the President or by action of the Congress,*" the United States may use the land situated within Camp Blanding Military Reservation, authorized hereunder to be conveyed to the Armory Board of the State of Florida. [Act of July 14, 1954; 68 Stat. 475, § 2(1), 476 § 2(3).]

(26) Any lease authorized to be entered into between the Secretary of the Army and the Commonwealth of Massachusetts for certain properties within the Boston Army Base, shall provide "*that during any national emergency declared by the President, or in the event the Congress shall declare a state of war to exist,*" the United States shall have the right to use the property; and Massachusetts may thereupon terminate the lease or have it extended for the period of such use. [Act of July 27, 1954; 68 Stat. 538 § 103(c).]

(27) "*Whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,*" the United States may use the property within the Fort Bliss Military Reservation authorized under this act to be conveyed to the State of Texas, when it is deemed that the property is needed in the interest of national defense. [Act of August 30, 1954; 68 Stat. 975 § 5.]

(28) The United States may use the land located in proximity to San Antonio authorized to be conveyed to the State of Texas, "*whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,*" if the property is deemed to be necessary in the interest of national defense. [Act of August 30, 1954; 68 Stat. 977 § 5.]

(29) The deed of conveyance of certain land in the city of Houston to the State of Texas, shall provide that "*during any state of war or national emergency and for six months thereafter,*" the United States may use the land and upon termination of such use shall revert to the State. [Act of August 30, 1954; 68 Stat. 977 § 2.]

(30) The conveyance transferring certain property located in Austin (Travis County) to the State of Texas shall provide that "*whenever the Congress of the United States shall declare a state of war or other national emergency, or the President declares a state of emergency,*" the

United States may use the property for the duration of such war or emergency plus 6 months. [Act of June 1, 1955; 69 Stat. 70 § 5.]

(31) The State of Iowa shall agree that the United States may use the land located in Polk County, described as Camp Dodge and Polk County Target Range, authorized to be conveyed to the State, "*in the event that the Congress of the United States declares a state of war or other national emergency, or the President declares a state of national emergency.*" [Act of June 1, 1955; 69 Stat. 71 § 5.]

(32) The property comprising Jackson Barracks is conveyed to the State of Louisiana upon condition that it may be reentered and used by the United States "*during a national emergency.*" [Act of June 1, 1955; 69 Stat. 79.]

(33) The deed conveying a portion of Fort Devens Military Reservation to the Commonwealth of Massachusetts shall provide that "*whenever the Congress of the United States shall declare a state of war or other national emergency, or the President declares a state of emergency to exist,*" the United States may use the property for the duration of such war or emergency plus 6 months. [Act of July 11, 1955; 69 Stat. 294.]

(34) Conveyance of Port Newark Army base to the city of Newark, New Jersey, is made upon condition that the United States may reenter and use the property "*whenever the Congress of the United States declares a state of war or other national emergency to exist.*" [Act of February 18, 1956; 70 Stat. 21.]

(35) Members of the Reserve components of the Army, Navy, Air Force, and Marine Corps who are ordered to extended active duty in excess of 30 days "*in time of war or national emergency,*" may elect to receive either compensation and allowances for such duty or the pension, retirement pay, etc., to which they are entitled by reason of prior military service. [Act of July 12, 1955; 69 Stat. 300–301.]

(36) "*Whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,*" the tract of land situated in the vicinity of Houston (Harris County), Tex., and authorized to be conveyed to the State, may be used by the United States for the duration of such war or emergency, plus 6 months. [Act of February 15, 1956; 70 Stat. 18 § 5.]

(37) The conveyance of Camp Livingston and Camp Beauregard to the State of Louisiana is conditioned upon the right of reentry and use by the United States in the event of need therefor "*during a national emergency.*" [Act of May 14, 1956; 70 Stat. 156 as amended August 28, 1957; 71 Stat. 479 § 4.]

(38) The conveyance of certain property in Santa Fe, to the State of New Mexico, is conditioned upon the reentry and use by the United States in the event of need therefor "*during a national emergency declared by the President or the Congress.*" [Act of June 19, 1956; 70 Stat. 296.]

(39) The conveyance of certain land comprising part of the Ethan Allen Air Force Base to the State of Vermont is made subject to the

right of reentry and use by the United States in the event of need therefor *"during a national emergency declared by the President or the Congress."* [Act of July 14, 1956; 70 Stat. 537 § 2.]

(40) Certain land situated in the vicinity of Williamsburg authorized to be conveyed to the State of Virginia shall be upon condition that *"whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,"* the United States may use the land for the duration of such war or emergency plus 6 months. [Act of July 14, 1956; 70 Stat. 551 § 5.]

(41) Lands of the La Crosse National Guard Target Range located near La Crosse, Wis., may be conveyed to the State on condition that the United States may reenter and use the land in the event of need therefor *"during a national emergency declared by the Congress or the President of the United States."* [Act of July 18, 1956; 70 Stat. 577 § 1.]

[*Note.*—Under an act approved May 29, 1958 (Public Law 85–431) Congress authorized the release of the reservation contained in the 1956 Act upon payment by the State, and conveyance to it, of the land in question. However, on June 29, 1960, Congress repealed the 1958 Act by Public Law 86–551.]

(42) The interests of the United States in certain land conditionally granted to it by the city of Montgomery, W. Va., are released to the city provided that *"whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,"* the United States may use the land for the duration of the war plus 6 months. [Act of July 20, 1956; 70 Stat. 590.]

[*Note.*—In 1956 Congress revised and enacted into positive law, titles 10 and 32 of the United States Code. Title 10 which formerly covered the Army now includes the Army, Navy, Marine Corps, and Air Force. The pertinent emergency provisions contained in this revision are listed here by code citation, instead of by the act of 1956 (i.e. August 10, 1956, Public Law 1028, 84th Cong.; 70A Stat.).]

(43) *"In time of war, or of emergency declared by Congress,"* the President may suspend certain provisions of law relating to reserve commissioned officers of any armed force. [Act of September 2, 1958; 72 Stat. 1437; 10 U.S.C. § 123.]

(44) The purpose of the reserve components is to provide trained units and qualified persons available for active duty in the armed forces *"in time of war or national emergency."* [10 U.S.C. § 262.]

(45) The provision that requires transfer to the Standby Reserves, of any member of a reserve component who is not on active duty, shall not be in effect *"in time of war or national emergency declared by Congress."* [10 U.S.C. § 269.]

(46) Enlistments in a reserve component *in effect at the beginning of a war or of a national emergency declared by Congress*, or entered into during such period, continues until six months after the end of that war or emergency. [10 U.S.C. § 511 (a), (b).]

(47) "*In time of war, or of emergency declared after May 29, 1954, by Congress or the President,*" the President may suspend operation of any provision of law relating to promotion, or mandatory retirement or separation, of permanent regular or reserve warrant officers of any armed force. [10 U.S.C. §§ 565, 599.]

(48) "*In time of war or of national emergency declared by Congress,*" any member or unit of a reserve component may be ordered to active duty, without his consent, for the duration of such war or emergency and six months. [10 U.S.C. § 672.]

(49) Units and members in the Standby Reserve may be ordered to active duty (other than for training) "*only in time of war, of national emergency declared by Congress, or when otherwise authorized by law.*" [10 U.S.C. § 674.]

(50) A member in the Retired Reserve may, if qualified, be ordered to active duty without his consent only "*in time of war or of national emergency declared by Congress,*" or when otherwise authorized by law. [10 U.S.C. §§ 675, 672(a).]

(51) If an active duty agreement of a reservist expires "*during a war or during a national emergency declared by Congress or the President after January 1, 1953,*" the reservist may be kept on active duty without his consent. [10 U.S.C. § 679(d).]

(52) "*In time of war or of national emergency declared by Congress or the President after January 1, 1953,*" a member of a reserve component may be released from active duty only upon certain conditions. [10 U.S.C. § 681.]

(53) "*During a war or a declared national emergency*" the President may detail officers and enlisted men of the Army, Navy, Air Force, and Marine Corps to the governments of such other countries as he deems it in the interest of national defense to assist. [10 U.S.C. § 712]

(54) "*In time of war or national emergency,*" the Secretary of the branch of the service concerned may commute a sentence of dismissal of officers to reduction to any enlisted grade. [10 U.S.C. § 871, art. 71.]

(55) The Secretary of Defense is authorized to acquire and expand facilities necessary for use of Reserve components *in time of war or national emergency.* [10 U.S.C. §§ 2231, 2233.]

(56) The Secretary of Defense may not permit any use or disposition of facilities acquired for certain national defense purposes, that would interfere with its use "*in time of war or national emergency*" by other units of the Armed Forces or by the United States for any other purpose. [10 U.S.C. § 2235.]

(57) States or Territories receiving contributions for expansion, etc., of facilities for Reserve components of the Armed Forces, may not permit any use or disposition of such facility as would interfere with its use "*in time of war or national emergency.*" [10 U.S.C. § 2236.]

(58) Contracts for supplies and services may be negotiated without advertising if determined to be necessary in the public interest "*during*

a national emergency declared by Congress or the President." [10 U.S.C. § 2304.]

(59) Transportation to and from place of employment may be furnished, at reasonable rates, to persons employed in a military department "*during a war or during a national emergency declared by Congress or the President.*" [10 U.S.C. § 2632.]

(60) Property leased to another by the Secretary of a military department, must be revocable by the Secretary "*during a national emergency declared by the President.*" [10 U.S.C. § 2667.]

(61) The organized peace establishment of the Army consists of all organizations and units necessary to form the basis for a complete and immediate mobilization for the national defense "*in the event of a national emergency.*" [10 U.S.C. § 3062(d).]

(62) The Secretary of the Army may discontinue or consolidate basic branches of the Army for the "*duration of any war, or of any national emergency declared by Congress.*" [10 U.S.C. § 3063(b).]

(63) "*In time of war, or of national emergency declared after May 5, 1954, by Congress or the President,*" the President may suspend the provisions of law relating to officers in certain commissioned grades in the Army. [10 U.S.C. § 3202(d).]

(64) Temporary enlistments in the Army entered into "*in time of war or of emergency declared by Congress,*" shall be for the duration of the war or emergency plus six months. [10 U.S.C. § 3254.]

(65) "*In time of war or of emergency declared by Congress or the President,*" the President may suspend the operation of any provision of law relating to promotion, or mandatory retirement or separation, of commissioned officers of the Regular Army. [10 U.S.C. § 3313.]

(66) "*In time of emergency declared by Congress or the President, and in time of war,*" the President may appoint any qualified person in any temporary commissioned grade. [10 U.S.C. § 3444.]

(67) "*In time of war or of national emergency declared by the President,*" a Regular officer or Reserve warrant officer may be appointed to a temporary grade higher than his Regular or Reserve grade without vacating that grade. [10 U.S.C. § 3445.]

68) The President may suspend the operation of any provision of law relating to promotion, or mandatory retirement or separation, of temporary warrant officers of the Army "*in time of war, or of emergency declared after May 29, 1954.*" [10 U.S.C. § 3450.]

(69) "*During a war, or during a national emergency declared by Congress, or the President,*" the Secretary of the Army is not required to accept the resignation submitted by a person who enlisted on a career basis. [10 U.S.C. § 3815.]

(70) The regular working hours of laborers and mechanics employed by the Department of the Army "*during a national emergency declared by the President,*" shall be 8 hours per day or 40 hours per week. [10 U.S.C. § 4025.]

(71) "*In time of war or in time of national emergency* * * * *declared by the Congress or by the President after May 5, 1954,*" the President may suspend all or any of the provisions of the Officer Personnel Act of 1947 which are amended by the Officer Grade Limitation Act of 1954. [Act of May 5, 1954; 68 Stat. 70 § 403; 10 U.S.C. § 4151(b).]

(72) "*In time of war or national emergency*" the limit on the number of officers serving in the grades of admiral and vice admiral shall not apply. [10 U.S.C. § 5231.]

(73) The President may designate officers on the active list of the Marine Corps above the grade of lieutenant colonel for appropriate higher commands or the performance of duty of great importance and responsibility "*in time of war or national emergency;*" and during such time the provision restricting the number of positions in the grade of lieutenant general to two, shall not apply; such number may be increased to ten. [10 U.S.C. § 5232.]

(74) "*During a war or national emergency,*" the President may suspend certain provisions relating to distribution of certain high grades in the Navy and Marine Corps. [10 U.S.C. § 5234.]

(75) The authorized strength of the Regular Marine Corps, excluding retired members, is 400,000, "*except in time or war or national emergency declared by Congress after June 28, 1952.*" [10 U.S.C. § 5402.]

(76) The limit on the number of officers not restricted in the performance of duty who may hold permanent appointments on the active list in the line of the Navy in the grade of rear admiral shall not apply "*in time of war or national emergency.*" [10 U.S.C. § 5447(c).]

(77) The limit on the number of officers who may have permanent appointments on the active list of the Marine Corps in the grades of major general and brigadier general shall not apply "*in time of war or national emergency.*" [10 U.S.C. § 5448(a).]

(78) The number of Marine Corps officers on the active list designated for supply duty holding permanent appointments in the grade of brigadier general may not exceed four, "*except in time of war or national emergency.* [10 U.S.C. § 5448(f).]

(79) The limit on the numbers of officers who may hold permanent appointments on the active list of the Navy in certain designated corps, in the grade of rear admiral, shall not apply "*in time or war or national emergency.*" [10 U.S.C. § 5449(a).]

(80) The limit on the number of retired officers of the Regular Navy in the grade of rear admiral and above who may be on active duty shall not apply "*in time of war or national emergency.*" [10 U.S.C. § 5450.]

(81) "*During a war or national emergency,*" the President may suspend any provisions of law relating to distribution in grade of officers of the Navy and Marine Corps. [10 U.S.C. § 5451.]

(82) The President may suspend provisions of law relating to officers serving in grades above lieutenant in the Navy or captain in

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the Marine Corps *"only during a war or national emergency declared by Congress or the President after May 5, 1954."* [10 U.S.C. § 5451(b).]

(83) The Secretary of the Navy may extend enlistments in the Regular Navy and Regular Marine Corps *"in time of war or in time of national emergency declared by the President."* [10 U.S.C. § 5538.]

(84) Certain temporary appointments in the Navy and Marine Corps, provided for in U.S.C. 10:5597, may be made only *"in time of war or during a national emergency declared by the President."* [10 U.S.C. § 5597.]

(85) *"In time of national emergency declared by the President or by Congress, and in time of war,"* temporary appointments may be made in any commissioned grade in the Naval Reserve or the Marine Corps Reserve from qualified persons; such appointments to be effective until 6 months after such war or emergency. [10 U.S.C. § 5598.]

(86) The President may increase the number of appointments made in the Medical Corps in the Navy *"in time of war or declared national emergency."* [10 U.S.C. § 5599.]

(87) *"During a war or national emergency hereafter declared,"* and until June 30 of the fiscal year following that in which the war or national emergency ends, the President may suspend provisions of law relating to convening of selection boards and establishing zones of consideration to recommend continuation of certain Navy and Marine Corps officers on the active list, and promotion of certain Marine Corps officers. [Act of August 11, 1959; 73 Stat. 337 § 5; 10 U.S.C. § 5701, note.]

(88) *"During a war or national emergency,"* the President may suspend provisions of law (10 U.S.C. §§ 5701–5710) relating to Navy and Marine Corps selection boards. [10 U.S.C. § 5711.]

(89) *"During a war or national emergency,"* the President may suspend provisions of law (10 U.S.C. §§ 5751–5784) relating to Navy and Marine Corps promotions. [10 U.S.C. § 5785.]

(90) *"During a war or national emergency,"* the President may suspend certain provisions of law (10 U.S.C. §§ 5651–5661) relating to running mates in the Navy. [10 U.S.C. § 5662.]

(91) Certain temporary promotions in the Navy and Marine Corps may be made *"only in time of war or during a national emergency declared by the President."* [10 U.S.C. § 5787.]

(92) An enlisted member of the Regular Navy on furlough without pay may be recalled to serve until his enlistment period expires *"in time of war or national emergency."* [10 U.S.C. § 6296.]

(93) *"In time of war or national emergency declared by the President,"* the Secretary of the Navy may order any retired officer of the Regular Navy or the Regular Marine Corps to active duty at sea or on shore. [10 U.S.C. § 6481.]

(94) A member of the Fleet Reserve or the Fleet Marine Corps Reserve may be called to active duty without his consent *"in time*

of war or national emergency declared by Congress," or *"in time of national emergency declared by the President."* [10 U.S.C. § 6485(a).]

(95) Rear admirals on the retired list entitled to pay of the lower half and who serve satisfactorily for two years on active duty *"in time of war or national emergency"* in that grade or higher, are entitled to retired pay equal to 75 percent of pay of a rear admiral in the upper half. [10 U.S.C. § 6587.]

(96) *"In time of war or during a national emergency declared by the President"* persons designated by the Secretary of the Navy may be transported and subsisted on naval vessels at Government expense. [10 U.S.C. § 7224.]

(97) *"In time of war or national emergency,"* the Secretary of the Navy may order to active duty any retired enlisted member of the Regular Navy or the Regular Marine Corps. [10 U.S.C. § 6482.]

(98) *"In time of war or of emergency declared by Congress or the President"* the President may suspend the operation of any provision of law relating to promotion, or mandatory retirement or separation, of commissioned officers of the Regular Air Force. [10 U.S.C. § 8313.]

(99) The President may suspend provisions of law (10 U.S.C. §§ 6371–6385) relating to involuntary retirement, separation, and furlough of officers of the Navy and Marine Corps *"during a war or national emergency."* [10 U.S.C. § 6386(c).]

(100) *"In time of war or national emergency declared by Congress or by the President after January 1, 1953,"* a member of the Fleet Reserve or the Fleet Marine Corps Reserve may be released from active duty only under certain conditions. [10 U.S.C. § 6486.]

(101) The requirement that 20 percent of the aviation cadets procured in each fiscal year shall be procured from qualified enlisted members of the Regular Navy and the Regular Marine Corps, shall not apply *"in time of war or emergency declared by Congress."* [Act of July 31, 1958; 72 Stat. 456; 10 U.S.C. § 6911(b).]

(102) Restrictions on the tour of duty of commissioned officers of the Air Force detailed to duty in the executive part of the Department shall not apply *"in time of war, or of national emergency declared by Congress."* [10 U.S.C. § 8031(d).]

(103) *"In time of war, or of national emergency declared after May 5, 1954, by Congress or the President,"* the President may suspend provisions of law relating to the authorized strength of officers in the Air Force. [10 U.S.C. § 8202.]

(104) Temporary enlistments in the Air Force entered into in *"time of war or emergency declared by Congress,"* shall be for the duration of the war or emergency plus six months. [10 U.S.C. § 8254(l).]

(105) The requirement that at least 20 percent of the aviation cadets designated in each fiscal year shall be selected from members of the Regular Air Force or the Regular Army who are eligible and qualified, shall not apply *"in time of war or of emergency declared by Congress."* [10 U.S.C. § 8257(d).]

(106) "*In time of emergency declared by Congress or the President,* and *in time of war,*" the President may appoint any qualified person in any temporary commissioned grade in the Air Force. [10 U.S.C. § 8444(a).]

(107) "*In time of war or of national emergency declared by the President,*" a Regular officer or Reserve warrant officer may be appointed in a temporary grade of the Air Force higher than his Regular or Reserve grade without vacating that grade. [10 U.S.C. § 8445(a).]

(108) "*In time of war, or of emergency declared after May 29, 1954, by Congress or the President,*" the President may suspend provisions of law relating to promotion, or mandatory retirement or separation, of temporary warrant officers of the Air Force. [10 U.S.C. § 8450.]

(109) The resignation of a regular enlisted member of the Air Force is not required to be accepted by the Secretary of the Air Force "*during a war, or during a national emergency declared by Congress or the President.*" [10 U.S.C. § 8815.]

(110) "*During a national emergency declared by the President,*" the regular working hours of laborers and mechanics of the Department of the Air Force are 8 hours a day or 40 hours a week. [10 U.S.C. § 9025.]

(111) The Secretary of the Air Force may authorize payment of travel expenses and allowances for members of the Civil Air Patrol while engaged in carrying out certain missions "*in time of war or national emergency * * * declared by the Congress or the President, after May 27, 1954.*" [Act of May 27, 1954; 68 Stat. 141(6); 10 U.S.C. § 9501(c).]

(112) Certain temporary appointments and promotions in the Coast Guard may be made "*only in time of war or during a national emergency declared by the President.*" [14 U.S.C. §§ 435(a), 436(a), as amended August 10, 1956.]

(113) Enlistments in the National Guard (which are for three years for original enlistments and one to three for reenlistments), may, if "*an emergency is declared by Congress,*" be extended by the President until six months after the termination of that emergency. [32 U.S.C. § 302.]

(114) The limitation on dislocation allowances for members of a uniformed service to one trip during any fiscal year, shall not be applicable "*in time of war or national emergency declared after March 31, 1955.*" [Act of March 31, 1955; 69 Stat. 22(12); 37 U.S.C. § 253(c).]

(115) The exemption, until August 1, 1963, from further liability for induction for training and service under the Universal Military Training and Service Act, of persons completing eight years of satisfactory service in the Reserves under the special enlistment programs, shall not apply after "*a declaration of war or national emergency made by the Congress after August 9, 1955.*" [Act of August 9, 1955, as amended; 69 Stat. 601(c); 50 U.S.C. § 1013(c).]

(116) *Except in time of war or national emergency declared by the Congress*, the President may modify the standards and requirements fixed as to physical acceptability and passing for the Armed Forces Qualification Test under the Universal Military Training and Service Act. [Act of July 28, 1958; 72 Stat. 424; 50 U.S.C. App. §454(a), 3rd par.]

(117) The provision exempting from induction in the armed forces of (a) persons who have had active service for 21 months or more since September 16, 1940, and (b) persons who have been discharged or who resigned their commissions, shall not apply *"in time of war or national emergency hereafter declared by the Congress."* [Act of June 29, 1953; 67 Stat. 87 §1; 88 §3; 50 U.S.C. App. §§454(i)(6), 454a(b).]

(118) The exemption from liability for induction for training and service under the Universal Military Training and Service Act shall not apply upon *"a declaration of war or national emergency made by the Congress after June 30, 1948."* [Act of June 24, 1948, as amended; 62 Stat. 610 §101(3); 50 U.S.C. App. §456(3).]

(119) The exemption from liability for induction for training and service by a person who has completed eight years of service with the National Guard which included some service with the armed forces, shall not apply after *"a declaration of war or national emergency made by the Congress after August 9, 1955."* [Act of August 9, 1955; 69 Stat. 603; 50 U.S.C. App. §456(c)(2)(A).]

(120) The exemption from liability for induction for training and service by a person who has completed eight years of service as a member of an organized unit of the Ready Reserve, shall not apply after *"a declaration of war or national emergency made by the Congress after August 9, 1955."* [Act of August 9, 1955; 69 Stat. 604(D); 50 U.S.C. App. §456 (D).]

(121) Certain lands situated about 6 miles south of the city of San Antonio, in Bexar County, Tex., may be conveyed to the State on condition that *"whenever the Congress of the United States declares a state of war or other national emergency or the President declares a state of emergency,"* the United States may use the property for the duration of such war or emergency plus 6 months. [Act of July 27, 1956; 70 Stat. 698, §5.]

(122) The deed conveying certain land in Clackamas County, Oreg., to the State shall provide that *"whenever the Congress of the United States shall declare a state of war or other national emergency, or the President declares a state of emergency to exist,"* the United States may use the property for the duration of such war or emergency plus 6 months. [Act of August 1, 1956; 70 Stat. 793, §2.]

(123) The conveyance of certain property of the former United States Marine Corps Air Station at Eagle Mountain Lake, to the State of Texas, shall be on condition that *"whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,"* the United States may use the property for the duration of the war or emergency plus 6 months. [Act of September 2, 1957; 71 Stat. 583.]

(124) The deed conveying lands comprising the Fort Preble Military Reservation at South Portland, to the State of Maine, shall provide that "*during any state of war or national emergency and for six months thereafter,*" the United States may reenter and use the land if deemed necessary for national defense purposes. [Act of August 28, 1957; 71 Stat. 467, § 2(b).]

(125) The conveyance of the real property comprising Esler Field to the State of Louisiana, shall be upon condition that "*whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,*" the United States may use the property for the duration of such war or emergency plus six months. [Act of August 28, 1957; 71 Stat. 479.]

(126) The conveyance of a portion of the military reservation at Fort Schuyler to the State of New York shall be on condition that "*during any emergency declared by the President or the Congress of the United States in existence at the time of enactment of this Act, or whenever the President or the Congress of the United States declares a state of war or other national emergency,*" the United States shall have the right to the full unrestricted use of the property. [Act of September 2, 1957; 71 Stat. 585, § 3.]

(127) The conveyance of property in York County, Va., to the Board of Supervisors of York County is conditioned upon the provision that "*whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,*" and the property is needed, the United States may reenter and use the property for the duration of such war or emergency. [Act of July 22, 1958; 72 Stat. 401, § 6.]

(128) The conveyance of certain land in Boston Neck, Narragansett, Rhode Island, is conditioned upon the right of reentry and use by the United States "*whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,*" and the property is necessary for national defense. [Act of July 22, 1958; 72 Stat. 404, § 6.]

(129) The conveyance of certain land of the United States to the State Board of Education of the State of Florida shall be upon condition that "*during any state of war or national emergency and for six months thereafter,*" the United States may reenter and use all or any part of the land if needed for national defense purposes. [Act of August 28, 1959; 72 Stat. 965, § 1(b).]

(130) The Secretary of the Army, in conveying certain property in Hot Springs National Park to the State of Arkansas, is required to include a provision to insure the right of reentry and use of the property "*whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,*" and the property is needed in the interest of national defense. [Act of September 21, 1959; 73 Stat. 595 § 4.]

(131) The conveyance of certain property of the Boston Naval Shipyard to the Massachusetts Port Authority is made upon condition that "*in time of war or national emergency*" the United States

shall have the right of free and unlimited use of the property. [Act of July 7, 1960; 74 Stat. 356 § 2.]

(132) The instrument conveying to the State of Illinois certain lands in Will County (the Des Plaines Public Hunting and Refuge Area and the Joliet Arsenal Military Reservation) shall expressly require that "*whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,*" the United States shall have the right to reenter and use the property for the duration of such period plus six months. [Act of July 12, 1960; 74 Stat. 370 § 2(b).]

B

(1) The conveyance of a perpetual easement upon a portion of the military reservation on Anastasia Island, Fla., to the St. Johns Electric Co., shall be subject to the right of the United States, "*in case of an emergency,*" to assume control and use of the property. [Act of February 21, 1925; 43 Stat. 959.]

(2) Deed conveying certain properties to Arlington County, Va., in order to connect Lee Boulevard with Arlington Memorial Bridge shall contain condition that the United States may resume possession whenever "*in the judgment of the President an emergency exists*" that requires its use. [Act of February 28, 1933; 47 Stat. 1368 § 4.]

(3) Certain land at Kahului is conveyed to the Territory [State] of Hawaii upon condition that the United States may use it *whenever in the judgment of the President an emergency exists* that requires its use. [Act of June 19, 1936; 49 Stat. 1535.]

(4) The standby powers of the Administrator of the Office of Emergency Planning (formerly the Office of Civil and Defense Mobilization) are extended to *June 30, 1962*. [Act of June 3, 1954, as amended; 68 Stat. 170; 50 U.S.C. App. § 2297.]

(5) Induction for training and service in the Armed Forces under the Universal Military Training and Service Act is prohibited after *July 1, 1963*.

Provisions of the Dependents Assistance Act of 1950 shall terminate *July 1, 1963*. [Act of June 30, 1955, as amended; 69 Stat. 224 §§ 102, 103; 50 U.S.C. App. §§ 467, 2216.]

(6) Until *August 1, 1963*, whenever the President determines that the enlisted strength of the Ready Reserves of the Armed Forces cannot be maintained at a level deemed to be necessary in the interest of national defense, he may authorize the acceptance of enlistments in units of such Ready Reserves in accordance with regulations prescribed by the Secretary of Defense. [Act of August 9, 1955, as amended; 69 Stat. 600; 50 U.S.C. § 1013(a).]

(7) Special pay is provided for certain physicians, dentists, and veterinarians who enter on active duty before *July 1, 1963*. [Act of October 12, 1949, as amended; 63 Stat. 809; 37 U.S.C. § 234.]

(8) The President is authorized, without the consent of the persons concerned, until July 1, 1962, to order units and members of the

Ready Reserve to active duty for not more than twelve consecutive months; and he may authorize the Secretary of Defense to extend enlistments, etc., in any component and in the National Guard for not more than twelve months. [Act of August 1, 1961; 75 Stat. 242; 10 U.S.C. § 263, note.]

[*Note.*—Provisions in the 1956 codification of titles 10 and 32 of the United States Code (see note under "A," above).]

(9) "During a war and at any other *time when the President determines that the security of the United States is threatened,*" the President may arm any watercraft or aircraft that is capable of being used as a means of transportation. [10 U.S.C. § 351.]

(10) Whenever the President finds it necessary he may accept the services of the American National Red Cross. [10 U.S.C. § 2602.]

(11) The Secretary of a military department may *"in time of war or when war is imminent,"* take and use property, including property for lumber production, immediately upon the filing of petition for condemnation. [10 U.S.C. §§ 2663, 2664.]

(12) Until *June 30, 1962,* the Secretary of a military department may lease housing facilities at or near military installations for assignment as public quarters to members and their dependents, when there is a lack of housing facilities at such installations. [Act of July 15. 1955, as amended; 69 Stat. 352; 10 U.S.C. § 2674, note.]

(13) Limitations on the number of officers of the Army assigned to permanent duty in the executive office of the Department of the Army not to apply *"in time of war, or of national emergency declared by Congress, or whenever the President finds that it is in the national interest"* to increase the number so assigned. [10 U.S.C. § 3031.]

(14) Automatic increases in certain reserve grades of the Army and Air Force are authorized until *June 30, 1962.* [Act of June 30, 1960; 74 Stat. 265, 275; 10 U.S.C. § 3212, note; § 8212, note.]

(15) The President may call into the Federal Service members and units of the National Guard of the States, etc., whenever *"the United States * * * is invaded or is in danger of invasion by a foreign nation."* [10 U.S.C. § 3500.]

(16) Until *August 1, 1964,* the Secretary of any military department may provide, or contract with civilian flying or aviation schools or educational institutions to provide necessary personnel, aircraft, supplies and facilities for flight instruction of members of the ROTC under his jurisdiction. [Act of July 7, 1960; 74 Stat. 335; 10 U.S.C. § 4384, note; § 6901, note.]

(17) *"In time of war or when war is imminent"* the President may order necessary products to be manufactured at private plants or take over such plants upon refusal to comply with such orders; and maintain lists of plants capable of war production. [10 U.S.C. §§ 4501 (a), (c), (d); 4502(b); 9501 (a), (c), (d); 9502(b).]

(18) *"If in an emergency the President considers it urgent,"* a temporary fort or fortification may be built on private land if the owner consents in writing. [10 U.S.C. § 4776.]

(19) Until *July 1, 1964*, Naval Reserve commanders in an active status may exceed the authorized number. [Act of September 2, 1958, as amended June 30, 1960; 74 Stat. 273; 10 U.S.C. § 5457, note.]

(20) The limit on the number of officers of the Air Force who may be assigned to permanent duty in the executive part of the Department, shall not apply *in time of war or of national emergency declared by Congress*, or "*whenever the President finds that it is in the national interest*" to increase the number. [10 U.S.C. § 8031(c).]

(21) If in "an emergency" the President considers it urgent a temporary airbase or fortification may be built on private land if the owner consents in writing. [10 U.S.C. § 9776.]

(22) Restrictions on the authorized personnel strength of any component of the Armed Forces are suspended until July 1, 1963. [Act of August 3, 1950, as amended; 64 Stat. 408; 10 U.S.C. § 3201, note.]

III. Committee on Banking and Currency

A

(1) "*During the time of war or during any other period of national emergency declared by the President,*" he may provide for the regulation of transactions in foreign exchange, and certain transactions of member banks of the Federal Reserve System, etc. [Act of March 9, 1933; 48 Stat. 1 § 2, as amended December 18, 1941; 55 Stat. 839 § 301; 12 U.S.C. § 95a; 50 U.S.C. App. § 5.]

(2) Control over consumer credit may be exercised only "*during the time of war beginning after*" August 8, 1947, "*or any national emergency declared by the President*" after such date. [Joint Resolution of August 8, 1947; 61 Stat. 921; 12 U.S.C. § 249.]

B

(1) The Export-Control Act is continued in force through June 30 1962. [Act of June 29, 1956 as amended; 70 Stat. 408, § 1; 50 U.S.C. App. § 2032.]

(2) Certain powers of the President under the National Defense Production Act of 1950, are extended to June 30, 1962, such as: (1) priorities and allocations of materials and facilities for defense contracts, (2) encouragement to small business enterprises to make contributions towards defense efforts, and (3) employment of experts and consultants, at daily rates of compensation. [Act of September 8, 1950, as amended; 64 Stat. 799, 815; 50 U.S.C. App. §§ 2071–73, 2151–63, 2160 note, 2166 (a), (b).]

(3) The authority to purchase strategic materials under section 303 of the Defense Production Act is extended from June 30, 1963, to June 30, 1965. [Act of June 29, 1956; 70 Stat. 408 §§ 1, 2; 50 U.S.C. App. § 2093.]

(4) The authority to insure financial institutions making loans under the National Housing Act is continued to September 30, 1965.

The authority under the Defense Housing and Community Facilities and Services Act to make loans to public and nonprofit agencies for construction of hospitals, is revived to continue until June 30, 1962. [Act of August 7, 1956; 70 Stat. 1091 § 101(a); 1114 § 605(b); 12 U.S.C. § 1703(b); 42 U.S.C. § 1592c, note.]

(5) The operating authority of the Export-Import Bank of Washington is extended for a period of 5 years, namely from June 30, 1958, to June 30, 1963. [Act of June 17, 1957; 71 Stat. 82; 12 U.S.C. § 635f.]

(6) A limitation is placed on the insurance of mortgages under the Armed Services Housing Mortgage Insurance Title of the National Housing Act, after October 1, 1962. [Act of August 11, 1955, as amended; 69 Stat. 647 § 803; 12 U.S.C. § 1748b(a).]

IV. Committee on District of Columbia

A

(1) A teacher in the public schools of the District of Columbia who "*during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress,*" leaves his position to enter the military service, shall not be considered as separated from his teaching position for purposes of retirement. [Act of June 4, 1957; 71 Stat. 47 § 8.]

(2) A member of the District of Columbia Metropolitan Police force, the Fire Department, the United States Park Police force, and the White House Police force who, "*during any war or national emergency as proclaimed by the President or declared by the Congress,*" leaves his position to enter the military service, shall not be considered as separated from his position for purposes of retirement. [Act of August 21, 1957; 71 Stat. 393(4).]

(3) "*During wartime or national emergency,*" the procedures prescribed for proposed Federal and District of Columbia developments and projects shall not apply to projects within the Capitol grounds or to structures erected on military reservations. [Act of July 19, 1952; 66 Stat. 788(b); 40 U.S.C. § 71d(b).]

V. Committee on Education and Labor

A

(1) In case of "*national emergency*" the President may suspend provisions of law prohibiting more than 8 hours labor in any 1 day of persons engaged upon work covered by contracts with the United States. [Act of March 4, 1917; 39 Stat. 1192; 40 U.S.C. § 326.]

(2) "*In the event of a national emergency*" the President may suspend provisions of the act of August 30, 1935, relating to rate of wages for laborers and mechanics employed on public buildings. [Act of August 30, 1935; 49 Stat. 1013 § 6; 40 U.S.C. § 276a–5.]

B

(1) Except in cases of "*extraordinary emergency*" it is declared unlawful to employ laborers or mechanics on work in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia for more than 8 hours a day. [Act of March 3, 1913; 37 Stat. 726; 40 U.S.C. § 321.]

(2) The date for filing application for Federal assistance for school construction in areas affected by Federal activities is extended to June 30, 1963. [Act of September 23, 1950, as amended; 20 U.S.C. § 633.]

VI. Committee on Government Operations

A

(1) "*During war or a national emergency declared by Congress or by the President*" provisions of the act of June 30, 1932, restricting the rental on buildings leased to the Government to 15 percent of the fair market value, may be suspended. [Act of April 28, 1942; 56 Stat. 247; 40 U.S.C. § 278b.]

(2) "*During any national emergency declared by the President or by the Congress,*" the United States may have exclusive or nonexclusive control and possession of airports disposed of as surplus under authority of this act. [Act of July 30, 1947; 61 Stat. 679(E); 50 U.S.C. App. § 1622(g)(2)(E).]

(3) Contracts for supplies and services, under the Federal Property and Administrative Services Act of 1949, may be negotiated without advertising if determined to be necessary in the public interest "*during the period of a national emergency declared by the President or by the Congress.*" [Act of June 30, 1949; 63 Stat. 393 § 302(c); 41 U.S.C. § 252.]

(4) "*In time of war or national emergency heretofore or hereafter declared by the President or the Congress,*" the United States may use all or any part of the land in Marion County authorized hereunder to be conveyed to the State of Indiana. [Act of June 4, 1954; 68 Stat. 172 § 2(1); 173 § 2(3).]

(5) The conveyance transferring certain property of the United States in Klamath County, Oreg., to the State shall provide that "*whenever the Congress of the United States shall declare a state of war or other national emergency, or the President declares a state of emergency to exist,*" the United States may use the property for the duration of such war or emergency plus 6 months. [Act of August 30, 1954; 68 Stat. 981.]

(6) The deed conveying a portion of the former O'Reilly General Hospital at Springfield, to the State of Missouri, shall provide that "*during any period of national emergency,*" the United States shall have the right of exclusive use without charge therefor. [Act of August 9, 1955; 69 Stat. 592.]

(7) The deed, conveying a portion of the former prisoner of war camp, near Douglas, Wyo., to the State, shall expressly reserve to the

United States the right of exclusive use *"during any period of national emergency."* [Act of June 25, 1956; 70 Stat. 337 § 1.]

(8) The General Services Administrator may negotiate for disposal of surplus property without regard to requirements of advertising for bids, etc., but subject to obtaining such competition as is feasible under the circumstances, if necessary in the public interest *"during the period of a national emergency declared by the President or the Congress."* [Act of July 2, 1958; 72 Stat. 288; 40 U.S.C. § 484(e)(3).]

VII. Committee on Interior and Insular Affairs

A

(1) *"Upon a declaration of war or of the existence of a state of war by the Congress, or upon the issuance by the President of a proclamation declaring that there exists a state of war or a national emergency,"* provisions of the Federal Explosives Act restricting the manufacture and distribution of explosives, shall become effective. [Act of December 26, 1941; 55 Stat. 868 § 2; 50 U.S.C. § 142.]

(2) *"In time of war or when necessary for national defense, and when the Congress or the President shall so prescribe,"* the United States shall have the first refusal to purchase the natural resources in the lands beneath tidal waters granted to the State of Alaska. [Act of September 7, 1957; 71 Stat. 625 § 4(b); 48 U.S.C. § 455c(b).]

(3) The conveyance of property in the Wyoming National Guard Camp Guernsey area, shall be upon condition that the United States may reenter and use the property, *"whenever the Congress of the United States shall declare a state of war or other national emergency, or the President declares a state of emergency to exist."* [Act of June 16, 1955; 69 Stat. 140 § 1.]

(4) The requirement that withdrawals or reservations of more than 5,000 acres of public lands of the United States for use of the Defense Department for defense purposes be made only by act of Congress, is not applicable *"in time of war or national emergency hereafter declared by the President or the Congress."* [Act of February 28, 1958; 72 Stat. 27; 43 U.S.C. § 155.]

(5) *"Whenever Congress or the President declares that a war or national emergency exists,"* the Secretary of the Interior may suspend licenses issued for the sale and transportation of helium in interstate commerce. [Act of September 13, 1960; 74 Stat. 920 § 2; 50 U.S.C. §167c(d).]

B

(1) Lease to city of Tucson, Ariz., of certain public lands for a municipal aviation field shall be upon condition that the Government may assume control of the land *"in case of emergency."* [Act of April 12, 1926; 44 Stat. 241.]

(2) Public lands authorized to be conveyed for the establishment of an aviation field near Yuma, Ariz., shall be on condition that the Defense Department may assume absolute control of the field *"in case of emergency."* [Act of May 29, 1926; 44 Stat. 677.]

VIII. Committee on Interstate and Foreign Commerce

A

(1) Under the Communications Act of 1934, the President is authorized, "*during the continuance of a war in which the United States is engaged,*" to direct that preference be given to communications that he deems essential to national defense. [Act of June 19, 1934; 48 Stat. 1104; 47 U.S.C. § 606(a).]

(2) "*Upon proclamation by the President that there exists war or a threat of war, or a state of public peril or disaster or other national emergency,*" the President may suspend rules and regulations applicable to radio stations or to electromagnetic radiation control. [Act of October 24, 1951; 65 Stat. 611 § 1; 47 U.S.C. § 606(c).]

(3) "*In time of war, or of emergency proclaimed by the President,*" the President may utilize the Public Health Service to such extent as he deems necessary in the public interest. [Act of July 1, 1944; 58 Stat. 690 § 216, as amended April 27, 1956; 70 Stat. 116; 42 U.S.C. § 217.]

(4) "*In time of war, or of national emergency proclaimed by the President,*" commissioned officers of the Regular Corps of the Public Health Service may be recommended for promotion whether or not a vacancy occurs in such grade. [Act of February 28, 1948; 62 Stat. 44 "(k)"; 42 U.S.C. § 211(k).]

(5) The requirement that the Federal Communications Commission receive written application before granting a radio station construction permit or station license may be waived "*during a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged,*" and when such action is necessary for the national defense. [Act of July 16, 1952; 66 Stat. 714 § 6(a); 47 U.S.C. § 308.]

(6) Certain preferences and priorities in the transportation of traffic under sections 1(15) and 420 of the Interstate Commerce Act, are continued in full force and effect "*until six months after the termination of the national emergency proclaimed by the President on December 16, 1950,*" or until such earlier date as the Congress by concurrent resolution designates. [Act of June 30, 1953; 67 Stat. 115; 49 U.S.C. § 1, note; § 1020, note.]

(7) The authority of the President under section 6 of the Interstate Commerce Act, to demand that preference and precedence be given to military traffic in time of war or threatened war is continued "*in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950,*" or until such earlier date as the Congress, by concurrent resolution, shall designate. [Act of July 31, 1953; 67 Stat. 244.]

(8) The authority to release to the city of Philadelphia the Hog Island tract of land for further development, is upon condition that the United States shall have the right to reenter and use the premises *"whenever the Congress of the United States shall declare a state of war or other national emergency."* [Act of July 29, 1954; 68 Stat. 586 § 2.]

B

(1) *"During the continuance of any emergency requiring immediate action,"* the Federal Power Commission may require certain temporary connections of facilities, etc., to prevent shortage of electric energy. [Act of August 26, 1935; 49 Stat. 849(c); 16 U.S.C. § 824a(d).]

(2) The prohibition on granting of annual leave to officers of the Public Health Service between date of application for, and effective date of retirement, is waived in cases of *"emergency."* [Act of August 9, 1950; 64 Stat. 426 § 2; 42 U.S.C. § 210–1.]

IX. Committee on the Judiciary

A

(1) The President may provide for the control and anchorage of foreign-flag vessels in territorial waters of the United States, whenever he *"finds that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity,"* etc. [Act of August 9, 1950; 64 Stat. 428; 50 U.S.C. § 191.]

(2) The Assignment of Claims Act of 1940 is amended so as to facilitate the financing of defense contracts *"in time of war or national emergency proclaimed by the President (including the national emergency proclaimed December 16, 1950) or by Act or joint resolution of the Congress and until such war or national emergency has been terminated."* [Act of May 15, 1951; 65 Stat. 41; 31 U.S.C. § 203; 41 U.S.C. § 15.]

(3) Orders to keep inventions secret and withhold patents in effect or issued, *"during a time when the United States is at war"* or *"during a national emergency declared by the President,"* shall remain in effect for the duration of the war and 1 year following cessation of hostilities, and for the duration of the emergency plus 6 months. [Act of February 1, 1952; 66 Stat. 4, § 1; 35 U.S.C. § 181.]

(4) Provisions of the Criminal Code which impose heavier penalties for certain acts of espionage and sabotage in time of war, are continued in effect *"until six months after the termination of the national emergency proclaimed by the President on December 16, 1950."* [Act of June 30, 1953; 67 Stat. 133–134; 18 U.S.C. §§ 798, 2157, 2391.]

(5) *When the United States is at war, or in times of national emergency as declared by the President or by the Congress*, wilful injury to or destruction of war material or the production of defective war material is punishable by a fine of $10,000 and/or imprisonment up to thirty years. [Act of June 25, 1948; 62 Stat. 799, as amended; 18 U.S.C. §§ 2153, 2154.]

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(6) The Immigration and Nationality Act of 1952 provides that—

(a) an alien who departs from or remains out of the United States in order to avoid military training and service *"in time of war or a period declared by the President to be a national emergency"* is ineligible for admission into the United States;

(b) the travel of aliens to and from the United States may be controlled *"when the United States is at war or during the existence of any national emergency proclaimed by the President;* and

(c) a native-born or naturalized citizen shall lose his nationality if he departs from or remains outside the jurisdiction of the United States *"in time of war or during a period declared by the President to be a period of national emergency,"* in order to evade or avoid military training and service. [Act of June 27, 1952; 66 Stat. 184(22), 190 §§ 215, 268(10); 8 U.S.C. §§ 1182(a)(22), 1185, 1481(a)(10).]

(7) All leases issued under the Outer Continental Shelf Lands Act shall contain a provision vesting authority in the Secretary of the Interior, *"during a state of war or national emergency declared by the Congress or the President of the United States"* after August 7, 1953, to suspend operations under any such lease. [Act of August 7, 1953; 67 Stat. 469–470 § 12(c); 43 U.S.C. § 1341(c).]

(8) Effective *"during a national emergency declared by Congress or the President and for six months after the termination thereof or until such earlier time as Congress, by concurrent resolution, may designate,"* the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the national defense effort, to enter into contracts or amendments or modications of contracts, and to make advance payments thereon without regard to other provisions of law relating to contracts whenever he deems such action would facilitate the national defense. [Act of August 28, 1958; 72 Stat. 973 § 5; 50 U.S.C. § 1435.]

[*Note.*—This authority which was contained in Title II of the First War Powers Act and was to have expired thereunder June 30, 1958, is now permanently on the books for activation during any periods of national emergency.]

(9) *"In time of war or national emergency declared by the Congress,"* the President may suspend provisions of law relating to reserved commissioned officers of the Coast Guard. [Act of September 2, 1958; 72 Stat. 1550; 14 U.S.C. § 778.]

(10) The Delaware River Basin Compact contains a stipulation that nothing contained therein shall be deemed to restrict the executive powers of the President *"in the event of a national emergency."* [Act of September 27, 1961; 75 Stat. 714.]

B

(1) The President may order the seizure and detention of arms or munitions of war being exported or shipped out of the United States in violation of law. [Act of August 13, 1953; 67 Stat. 577; 22 U.S.C. § 401.]

(2) The President may suspend requirements for the filing of documents for publication in the Federal Register *"in the event of an attack or threatened attack upon the continental United States, by air or otherwise."* [Act of June 25, 1956; 70 Stat. 337–338; 44 U.S.C. § 305.]

X. Committee on Merchant Marine and Fisheries

A

(1) *"When the United States is at war, or during any national emergency, the existence of which is declared by proclamation of the President,"* it shall be unlawful, without the consent of the Federal Maritime Board, to transfer American ships to a foreign registry, to sell American vessels to other than citizens, to agree to construct vessels for other than citizens, etc. [Act of July 15, 1918; 40 Stat. 901 § 4; 46 U.S.C. § 835.]

(2) *"During a national emergency as proclaimed by the President,"* he may suspend provisions of section 302 of the Merchant Marine Act of 1936, relating to citizenship of officers and crews of vessels. [Act of June 29, 1936; 49 Stat. 1993 § 302(h); 46 U.S.C. § 1132(h).]

(3) Deed of conveyance of Hoboken Pier Terminals to the city of Hoboken to stipulate that *"in event of a national emergency,"* the property may be taken for use of the Department of Defense during such emergency. [Act of June 21, 1938; 52 Stat. 834 § 3.]

(4) Charters of vessels may be terminated by the Federal Maritime Board, and vessels of citizens may be requisitioned *"whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President."* [Act of August 7, 1939; 53 Stat. 1254, § 1(d), 1255 § 3(a); 46 U.S.C. §§ 1202, 1242.]

(5) *"In time of emergency declared by the President or by the Congress, and in time of war,"* the President may suspend provisions of the Coast and Geodetic Survey Commissioned Officers' Act pertaining to promotion. [Act of June 3, 1948; 62 Stat. 299 § 10(b); 33 U.S.C. § 853i.]

(6) The President may, through the Secretary of Commerce, acquire foreign-flag vessels lying idle in United States waters, whenever the security of the national defense makes it advisable or *"during any national emergency declared by proclamation of the President."* [Act of August 9, 1954; 68 Stat. 675; 50 U.S.C. §§ 196–198.]

(7) In amending the Merchant Marine Act so as to provide permanent legislation for the transportation of a substantial portion of waterborne cargoes in United States-flag vessels, Congress stipulates that provisions under the amendment may be waived *"whenever the Congress by concurrent resolution or otherwise, or the President of the United States or the Secretary of Defense declares that an emergency exists* justifying a temporary waiver." [Act of August 26, 1954; 68 Stat. 832; 46 U.S.C. § 1241.]

(8) The deed, conveying certain lands in Anastasia Island to the State of Florida, shall contain a covenant that *"in the event of a national emergency"* the property shall be available for use by the Federal Government. [Act of June 25, 1956; 70 Stat. 335 § 3.]

(9) The Secretary of Commerce may issue distinguished service ribbon bars for outstanding and meritorious service by members of the United States Merchant Marine after June 30, 1950, "*in any time of war, or national emergency proclaimed by the President or by Congress.*" [Act of July 24, 1956; 70 Stat. 605–606; 46 U.S.C. § 249a.]

(10) Applications to the Federal Maritime Board for construction differentials must not be approved by the Board unless plans and specifications indicate vessel will be suitable for use by the United States "*in time of war or national emergency.*" [Act of July 17, 1953; 66 Stat. 760; 46 U.S.C. § 1151(a).]

(11) The sale of certain vessels to the Republic of China for use in Chinese trade in Far East and Near East waters exclusively, is made subject to the condition that they be returned to the ownership of the United States "*during any national emergency declared by the President of the United States or during any war in which the United States is participating,*" for a certain price. [Act of May 14, 1960; 74 Stat. 143.]

(12) The law providing a program to assist certain depressed segments of the fishing industry by allowing subsidies to aid in construction of new fishing vessels, stipulates that the plans and specifications for the vessel are suitable, among other things, for use by the United States for national defense or military purposes "*in time of war or national emergency.*" [Act of June 12, 1960; 74 Stat. 212 § 2, 213 § 6; 56 U.S.C. § 1406.]

B

(1) Whenever adequate insurance is not otherwise available, *until September 7, 1965*, the Secretary of Commerce may provide (1) war risk insurance for water-borne commerce of the United States, and (2) certain marine and liability insurance for the protection of certain vessels, cargoes, and crews. [Act of September 7, 1950, as amended; 64 Stat. 773; 46 U.S.C. § 1294.]

XI. Committee on Post Office and Civil Service

A

(1) Under the Civil Service Retirement Act, as amended, an employee who, "*during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress,*" leaves his position to enter the military service, shall not be considered as separated from his civilian position by reason of such military service, unless he shall apply for and receive a lump-sum benefit under the act. [Act of July 31, 1956; 70 Stat. 746 "(d)"; 5 U.S.C. § 2253(d).]

(2) Until termination of the "*national emergency proclaimed by the President on December 16, 1950,*" heads of executive departments and agencies may require that initial appointments to positions in the civil service be made on a temporary or indefinite basis. [Act of November 1, 1951; 65 Stat. 757 § 1310; 5 U.S.C. § 43, note.]

XII. Committee on Public Works

A

(1) Projects licensed under the Federal Water Power Act for the manufacture of nitrates, etc., may be requisitioned by the United States when, *in the opinion of the President the safety of the United States demands it.* [Act of June 10, 1920; 41 Stat. 1072 § 16; 16 U.S.C. § 809.]

(2) Title and interest in certain property transferred to Howard University in the District of Columbia shall revert to the United States upon a written finding made by the President prior to July 1, 1963, that the property is needed in connection with *"a national defense emergency."* [Act of June 28, 1948; 62 Stat. 1065 § 6; 42 U.S.C. § 1575.]

(3) The conveyance of certain land located in Windsor Locks, Conn., to the State shall be on condition that *"whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,"* and the Secretary of Defense deems it necessary for the national defense, the United States may use the property and upon termination of such state of war or emergency plus 6 months, the property shall revert to the State. [Act of March 26, 1954; 68 Stat. 32 § 4.]

B

(1) Restrictions on the sale or delivery of electric power by the TVA outside certain areas shall not prevent the transmission of TVA power to the Atomic Energy Commission or the Department of Defense or any agency thereof, on certification of the President that *"an emergency defense need for such power exists."* [Act of August 6, 1959; 73 Stat. 281; 16 U.S.C. § 831n–4(a).]

XIII. Committee on Un-American Activities

A

(1) In the event of a *declaration of a war* by Congress, or if the President finds on account of certain existing circumstances that *the proclamation of an emergency* is essential to the preservation, protection, and defense of the constitution, he may proclaim such as an Internal Security Emergency whereupon certain defensive measures shall be provided. [Act of September 23, 1950; 64 Stat. 1021 § 102; 50 U.S.C. § 812.]

XIV. Committee on Veterans' Affairs

A

(1) The conveyance of certain Veterans' Administration property in Johnson City, Tenn., shall contain a provision that *"whenever the Congress of the United States shall declare a state of war or other national emergency, or the President declares a state of emergency to*

exist," and the property is deemed to be useful in the interest of national defense, the United States may reenter and use the property until *six months* after the termination of such war or emergency. [Act of June 6, 1953; 67 Stat. 54.]

(2) The conveyance of a certain portion of the property known as Veterans Center Reservation, Los Angeles, to the State of California, shall be upon condition that "*whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency,*" the United States shall have the right to use the property for the duration of such war or emergency plus 6 months. [Act of August 30, 1957; 71 Stat. 517.]

B

(1) No unemployment compensation, under the Veterans' Readjustment Act of 1952, shall be paid for any period after January 31, 1960. [Act of July 26, 1955; 69 Stat. 376.]

XV. Committee on Ways and Means

A

(1) "*Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war or otherwise,*" he may extend the time for the performance of certain acts under the Tariff Act of 1930, and permit free importation of food, clothing, and medical supplies for use in emergency relief work. [Act of June 17, 1930; 46 Stat. 696 § 318; 19 U.S.C. § 1318.]

B

(1) The authority of the President to enter into foreign trade agreements is to continue until June 30, 1962. [Act of June 21, 1955, as amended; 69 Stat. 162 § 2; 19 U.S.C. § 1352.]

(2) Duty on alumina imported for the production of aluminum shall be suspended until July 16, 1962. [Act of July 16, 1956, as amended; 70 Stat. 665; 19 U.S.C. § 1001, par. 6, note.]

(3) The authority under the Renegotiation Act of 1951, is extended until June 30, 1962. [Act of March 23, 1951, as amended; 65 Stat. 8; 50 U.S.C. App. § 1212, note.]

(4) The suspension of duties and import taxes on metal scrap is continued until June 30, 1962. [Act of April 25, 1957, as amended; 71 Stat. 27; 19 U.S.C. § 1001, par. 301, note.]

(5) The Secretary of Health, Education, and Welfare is authorized to provide temporary assistance to United States citizens and their dependents who have been returned to the United States from a foreign country because of "war, threat of war, invasion, or similar crisis * * * and are without available resources." [Act of June 30, 1961; 75 Stat. 142; 42 U.S.C. § 1313.]

XVI. Joint Committee on Atomic Energy

A

(1) "*Whenever the Congress declares that a state of war or national emergency exists*" the Atomic Energy Commission may suspend licenses granted under the Atomic Energy Act. [Act of August 30, 1954; 68 Stat. 939 §108; 42 U.S.C. §2138.]

(2) The Atomic Energy Act of 1954 is amended so as to provide (1) that "*whenever the Congress declares that a state of war exists, or in the event of a national disaster due to enemy attack,*" the Atomic Energy Commission may employ individuals and permit them to have access to Restricted Data, before completion of their security check, and (2) to authorize the Commission to establish a succession of authority which will assure the continuity of direction of the Commission's operations "*in the event of a national disaster due to enemy activity.*" [Act of August 19, 1958; 72 Stat. 633 §§5, 7; 42 U.S.C. §§2165(g), 2201(t).]

XVII. Joint Committee on Disposition of Executive Papers

B

(1) "*During the existence of a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent,*" the head of any agency of the Government may authorize the destruction of records situated in military or naval establishments, ships, etc., outside the United States. [Act of July 7, 1943; 57 Stat. 382 §11; 44 U.S.C. §376.]

APPENDIX

TEXT OF PROCLAMATION NUMBER 2914

[Dec. 16, 1950, 15 F. R. 9029]

PROCLAIMING THE EXISTENCE OF A NATIONAL EMERGENCY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS recent events in Korea and elsewhere constitute a grave threat to the peace of the world and imperil the efforts of this country and those of the United Nations to prevent aggression and armed conflict; and

WHEREAS world conquest by communist imperialism is the goal of the forces of aggression that have been loosed upon the world; and

WHEREAS, if the goal of communist imperialism were to be achieved, the people of this country would no longer enjoy the full and rich life they have with God's help built for themselves and their children; they would no longer enjoy the blessings of the freedom of worshipping as they severally choose, the freedom of reading and listening to what they choose, the right of free speech including the right to criticize their Government, the right to choose those who conduct their Government, the right to engage freely in collective bargaining, the right to engage freely in their own business enterprises, and the many other freedoms and rights which are a part of our way of life; and

WHEREAS the increasing menace of the forces of communist aggression requires that the national defense of the United States be strengthened as speedily as possible:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do proclaim the existence of a national emergency, which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made through the United Nations and otherwise to bring about lasting peace.

I summon all citizens to make a united effort for the security and well-being of our beloved country and to place its needs foremost in thought and action that the full moral and material stength of the Nation may be readied for the dangers which threaten us.

I summon our farmers, our workers in industry, and our businessmen to make a mighty production effort to meet the defense requirements of the Nation and to this end to eliminate all waste and inefficiency and to subordinate all lesser interests to the common good.

I summon every person and every community to make, with a spirit of neighborliness, whatever sacrifices are necessary for the welfare of the Nation.

I summon all State and local leaders and officials to cooperate fully with the military and civilian defense agencies of the United States in the national defense program.

I summon all citizens to be loyal to the principles upon which our Nation is founded, to keep faith with our friends and allies, and to be firm in our devotion to the peaceful purposes for which the United Nations was founded.

I am confident that we will meet the dangers that confront us with courage and determination, strong in the faith that we can thereby "secure the Blessings of Liberty to ourselves and our Posterity."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of December (10:20 a. m.) in the year of our Lord nineteen hundred and
[SEAL] fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:
DEAN ACHESON,
Secretary of State.

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