

93d Congress }
1st Session }

COMMITTEE PRINT

DOCUMENTS

NOV 12 1973

THE LIBRARY
KANSAS STATE UNIVERSITY

SUMMARY OF
EMERGENCY POWER STATUTES

A WORKING PAPER

PREPARED BY THE STAFF OF THE

SPECIAL COMMITTEE ON THE
TERMINATION OF THE
NATIONAL EMERGENCY
UNITED STATES SENATE



OCTOBER 1973

Printed for the use of the Special Committee on the Termination
of the National Emergency

U.S. GOVERNMENT PRINTING OFFICE

22-786 O

WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price 70 cents
Stock Number 5270-02040

Y4
N21/9
Em 3/2

GOVERNMENT

Storage

SPECIAL COMMITTEE ON THE
TERMINATION OF THE NATIONAL EMERGENCY

FRANK CHURCH, Idaho	<i>Co-Chairmen</i>	CHARLES McC. MATHIAS, JR., Maryland
PHILIP A. HART, Michigan		CLIFFORD P. CASE, New Jersey
CLAIBORNE PELL, Rhode Island		JAMES B. PEARSON, Kansas
ADLAI E. STEVENSON III, Illinois		CLIFFORD P. HANSEN, Wyoming
WILLIAM G. MILLER, <i>Staff Director</i>		
THOMAS A. DINE, <i>Professional Staff</i>		

(II)

F O R E W O R D

Since March 9, 1933, the United States has been in a state of declared national emergency. In fact, there are now in effect four presidentially proclaimed states of national emergency: In addition to the national emergency declared by President Roosevelt in 1933, there are also the national emergency proclaimed by President Truman on December 16, 1950, during the Korean conflict, and the states of national emergency declared by President Nixon on March 23, 1970, and August 15, 1971.

These proclamations give force to 470 provisions of Federal law. [These hundreds of statutes delegate to the President extraordinary powers, ordinarily exercised by the Congress, which affect the lives of American citizens in a host of all-encompassing manners. This vast range of powers, taken together, confer enough authority to rule the country without reference to normal constitutional processes.]

[Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all American citizens.]

With the melting of the cold war—the developing détente with the Soviet Union and China, the stable truce of over 20 years duration between North and South Korea, and the end of U.S. involvement in the war in Indochina—there is no present need for the United States Government to continue to function under emergency conditions.

The Special Committee on the Termination of the National Emergency was created ¹ to examine the consequences of terminating the declared states of national emergency that now prevail; to recommend what steps the Congress should take to ensure that the termination can be accomplished without adverse effect upon the necessary tasks of governing; and, also, to recommend ways in which the United States can meet future emergency situations with speed and effectiveness but without relinquishment of congressional oversight and control.

In accordance with this mandate, the Special Committee—in conjunction with the Executive branch, expert constitutional authorities, as well as former high officials of this Government—is now engaged

¹ S. Res. 9, 93d Cong., 1st Sess.

in a detailed study to determine the most reasonable ways to restore normalcy to the operations of our Government.

A first and necessary step was to bring together the body of statutes, which have been passed by Congress, conferring extraordinary powers upon the Executive branch in times of national emergency. This has been a most difficult task. Nowhere in the Government, in either the Executive or Legislative branches, did there exist a complete catalog of all emergency statutes. Many were aware that there had been a delegation of an enormous amount of power but, of how much power, no one knew. In order to correct this situation, the Special Committee staff was instructed to work with the Executive branch, the Library of Congress, and knowledgeable legal authorities to compile an authoritative list of delegated emergency powers.

This working paper is intended to be used as a supplement to our Special Committee report "Emergency Powers Statutes." It includes the summaries of statutes delegating powers in time of war or national emergency, summaries of the Public Laws, and a listing of provisions according to committee jurisdiction. It also includes the texts of the four Presidentially proclaimed states of national emergency.

FRANK CHURCH,
CHARLES McC. MATHIAS, Jr.,
Co-Chairmen.

CONTENTS

	Page
Foreword-----	III
Introduction:	
A—A brief historical sketch of the origins of emergency powers now in force-----	1
B—Summary views of the present status of emergency powers statutes-----	6
Textual Note:	
Compiling the texts of emergency power statutes-----	15
Summary of statutes delegating powers in time of war or national emergency:	
United States Code:	
Title 2-----	17
5-----	17
7-----	18
8-----	18
10-----	19
12-----	29
14-----	29
15-----	30
16-----	30
18-----	31
19-----	32
20-----	32
22-----	33
25-----	33
26-----	33
29-----	34
31-----	34
32-----	34
33-----	35
35-----	35
37-----	35
38-----	36
40-----	36
41-----	37
42-----	37
43-----	38
44-----	39
45-----	39
46-----	39
47-----	41
49-----	41
50-----	42
50 App-----	43
Public Laws, enacted by:	
68th Congress-----	47
69th Congress-----	47
71st Congress-----	48
72d Congress-----	48
74th Congress-----	48
75th Congress-----	49
79th Congress-----	50
80th Congress-----	50
81st Congress-----	50
82d Congress-----	51

Summary of statutes delegating powers in time of war or national emergency—Continued

Public Laws, enacted by—Continued		Page
83d Congress.....		51
84th Congress.....		54
85th Congress.....		58
86th Congress.....		60
87th Congress.....		61
88th Congress.....		61
89th Congress.....		62
91st Congress.....		62
92d Congress.....		62
Citation of statutes in accordance to committee jurisdiction:		
Standing Committees:		
Agriculture and Forestry.....		65
Armed Services.....		65
Banking, Housing and Urban Affairs.....		66
Commerce.....		66
District of Columbia.....		67
Finance.....		67
Foreign Relations.....		67
Government Operations.....		67
Interior and Insular Affairs.....		68
The Judiciary.....		68
Labor and Public Welfare.....		68
Post Office and Civil Service.....		68
Public Works.....		69
Rules and Administration.....		69
Veterans' Affairs.....		69
Joint Committee on Atomic Energy.....		69
Proclamations of national emergency still in effect:		
Excerpt from Public Law 1, 73d Cong., 1st Sess. (1933).....		71
Proclamation No. 2914, Dec. 16, 1950.....		71
Proclamation No. 3972, Mar. 23, 1970.....		73
Proclamation No. 4074, Aug. 15, 1971.....		74

INTRODUCTION

A—A BRIEF HISTORICAL SKETCH OF THE ORIGINS OF EMERGENCY POWERS NOW IN FORCE

A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency. The problem of how a constitutional democracy reacts to great crises, however, far antedates the Great Depression. As a philosophical issue, its origins reach back to the Greek city-states and the Roman Republic. And, in the United States, actions taken by the Government in times of great crises have—from, at least, the Civil War—in important ways shaped the present phenomenon of a permanent state of national emergency.

American political theory of emergency government was derived and enlarged from John Locke, the English political-philosopher whose thought influenced the authors of the Constitution. Locke argued that the threat of national crisis—unforeseen, sudden, and potentially catastrophic—required the creation of broad executive emergency powers to be exercised by the Chief Executive in situations where the legislative authority had not provided a means or procedure of remedy. Referring to emergency power in the 14th chapter of his *Second Treatise on Civil Government* as “prerogative,” Locke suggested that it:

... should be left to the discretion of him that has the executive power . . . since in some governments the lawmaking power is not always in being and is usually too numerous, and so too slow for the dispatch requisite to executions, and because, also it is impossible to foresee and so by laws to provide for all accidents and necessities that may concern the public, or make such laws as will do no harm, if they are executed with an inflexible rigour on all occasions and upon all persons that may come in their way, therefore there is a latitude left to the executive power to do many things of choice which the laws do not prescribe.

To what extent the Founding Fathers adhered to this view of the executive role in emergencies is a much disputed issue. Whatever their conceptions of this role, its development in practice has been based largely on the manner in which individual Presidents have viewed their office and its functions. Presidents Theodore Roosevelt and William Howard Taft argued the proper role of the President and,

perhaps, their debate best expounds diametrically opposed philosophies of the presidency. In his *Autobiography*, Roosevelt asserted his "stewardship theory."

My view was that every Executive officer . . . was a steward of the people bound actively and affirmatively to do all he could for the people and not to content himself with the negative merit of keeping his talents undamaged in a napkin . . . My belief was that it was not only [the President's] right but his duty to do anything that the needs of the Nation demanded unless such action was forbidden by the Constitution or by the laws. Under this interpretation of executive power I did and caused to be done many things not previously done by the President and the heads of departments. I did not usurp power but I did greatly broaden the use of executive power. In other words, I acted for the common well being of all our people whenever and whatever measure was necessary, unless prevented by direct constitutional or legislative prohibition.

Roosevelt compared this principle of "stewardship" to what he called the Jackson-Lincoln theory, and contrasted it to the theory ascribed to William Howard Taft.

Roosevelt's ideas on the ambit of presidential authority and responsibility were vigorously disputed by Taft. In lectures on the presidency—delivered at Columbia University in 1915–1916—Taft responded that: ". . . the wide field of action that this would give to the Executive one can hardly limit. A President can exercise no power which cannot fairly and reasonably be traced to some specific grant of power." And he cautioned that: ". . . such specific grants must be either in the Federal Constitution, or in any Act of Congress passed in pursuance thereof. There is no undefined residuum of power which he can exercise because it seems to him to be in the public interest."

In recent years, most scholars have interpreted the Roosevelt-Taft dispute in Roosevelt's favor. In the prevailing academic view, Roosevelt is described as "active," "expansionist," and "strong." The historical reality, in fact, does not afford such a sharp distinction either between the actions of these two Presidents, or between their analysis of the problem of emergency powers. Taft, in his concluding remarks to his Columbia lectures, said: "Executive power is limited, so far as it is possible to limit such a power consistent with that discretion and promptness of action that are essential to preserve the interests of the public in times of emergency or legislative neglect or inaction." Thus, even Taft was disposed to employ emergency power when the need arose, but, he did not wish to go beyond his own narrower, conservative conception of what was meant by constitutional and legal bounds. Thus, the dispute was over where those bounds lay, rather than the nature of the office itself.

Taft's successor, Woodrow Wilson, was no less zealous in observing what he thought the Constitution demanded. Faced with the exigencies of World War I, Wilson found it necessary to expand executive emergency powers enormously. In many respects, this expansion of powers in wartime was based on precedents set by Lincoln decades

earlier. Unlike Lincoln, however, Wilson relied heavily on Congress for official delegations of authority no matter how broadly these might be.

Wilson's exercise of power in the First World War provided a model for future Presidents and their advisors. During the preparedness period of 1915-1916, the submarine crisis in the opening months of 1917, and the period of direct involvement of U.S. armed forces from April 1917 to November 1918, Wilson utilized powers as sweeping as Lincoln's. Because governmental agencies were more highly organized and their jurisdictions wider, presidential powers were considerably more effective than ever before. Yet, perhaps, because of Wilson's scrupulous attention to obtaining prior congressional concurrence, there was only one significant congressional challenge to Wilson's war-time measures.

That challenge came in February-March 1917, following the severance of diplomatic relations with Germany. A group of Senators successfully filibustered a bill authorizing the arming of American merchant ships. In response—records American historian Frank Freidel in his book *Roosevelt: the Apprenticeship*—Assistant Secretary of the Navy Franklin D. Roosevelt found an old statute under which the President could proceed without fresh authorization from Congress. Roosevelt, impatient for action, was irritated because Wilson waited a few days before implementing the statute.

Lincoln had drawn most heavily upon his power as Commander-in-Chief; Wilson exercised emergency power on the basis of old statutes and sweeping new legislation—thus drawing on congressional delegation as a source of authority. The most significant Wilsonian innovations were economic, including a wide array of defense and war agencies, modeled to some extent upon British wartime precedents. In August 1916 just prior to United States entry into the war, Congress at Wilson's behest established a Council of National Defense—primarily advisory. In 1917, a War Industries Board, also relatively weak, began operating. The ineffectiveness of the economic mobilization led Republicans in Congress—in the winter of 1917-1918—to demand a coalition War Cabinet similar to that in England. Wilson forestalled Congress by proposing legislation delegating him almost total economic power and, even before legislative approval, authorized the War Industries Board to exercise extensive powers. Subsequently Congress enacted Wilson's measure, the Overman Act, in April 1918. Other legislation extended the economic authority of the Government in numerous directions.

Following the Allied victory, Wilson relinquished his wartime authority and asked Congress to repeal the emergency statutes, enacted to fight more effectively the war. Only a food-control measure and the 1917 Trading With the Enemy Act were retained. This procedure of terminating emergency powers when the particular emergency itself has, in fact, ended has not been consistently followed by his successors.

The next major development in the use of executive emergency powers came under Franklin D. Roosevelt. The Great Depression had already overtaken the country by the time of Roosevelt's inauguration and confronted him with a totally different crisis. This emergency, unlike those of the past, presented a nonmilitary threat. The Roose-

velt administration, however, conceived the economic crisis to be a calamity equally as great as a war and employed the metaphor of war to emphasize the depression's severity. In his inaugural address, Roosevelt said: "I shall ask the Congress for the one remaining instrument to meet the crisis—broad executive power to wage a war against the emergency, as great as the power that would be given me if we were in fact invaded by a foreign foe."

Many of the members of the Roosevelt administration, including F.D.R. himself, were veterans of the economic mobilization of World War I and drew upon their experiences to combat the new situation. The first New Deal agencies, indeed, bore strong resemblance to wartime agencies and many had the term "emergency" in their titles—such as the Federal Emergency Relief Administration and the National Emergency Council.

In his first important official act, Roosevelt proclaimed a National Bank Holiday on the basis of the 1917 Trading With the Enemy Act—itself a wartime delegation of power. New Deal historian William E. Leuchtenburg writes:

When he sent his banking bill to Congress, the House received it with much the same ardor as it had greeted Woodrow Wilson's war legislation. Speaker Rainey said the situation reminded him of the late war when "on both sides of this Chamber the great war measures suggested by the administration were supported with practical unanimity. . . . Today we are engaged in another war, more serious even in its character and presenting greater dangers to the Republic." After only 38 minutes debate, the House passed the administration's banking bill, sight unseen.

The Trading With the Enemy Act had, however, been specifically designed by its originators to meet only *wartime* exigencies. By employing it to meet the demands of the depression, Roosevelt greatly extended the concept of "emergencies" to which expansion of executive powers might be applied. And in so doing, he established a pattern that was followed frequently: In time of crisis the President should utilize any statutory authority readily at hand, regardless of its original purposes, with the firm expectation of *ex post facto* congressional concurrence.

Beginning with F.D.R., then, extensive use of delegated powers exercised under an aura of crisis has become a dominant aspect of the presidency. Concomitant with this development has been a de-meaning of the significance of "emergency." It became a term used to evoke public and congressional approbation, often bearing little actual relation to events. Roosevelt brain-truster, Rexford G. Tugwell, has described the manner in which Roosevelt used declarations of different degrees of emergency:

The "limited emergency" was a creature of Roosevelt's imagination, used to make it seem that he was doing less than he was. He did not want to create any more furor than was necessary. The qualifying adjective had no limiting force. It was purely for public effect. But the finding that an emergency existed opened a whole armory of powers to the Commander-in-Chief, far more than Wilson had had.

Roosevelt and his successor, Harry S. Truman, invoked formal states of emergency to justify extensive delegations of authority during actual times of war. The Korean war, however, by the fact of its never having been officially declared a "war" as such by Congress, further diluted the concept of what constituted circumstances sufficiently critical to warrant the delegation of extraordinary authority to the President.

At the end of the Korean war, moreover, the official state of emergency was not terminated. It is not yet terminated. This may be primarily attributed to the continuance of the Cold War atmosphere which, until recent years, made the imminent threat of hostilities an accepted fact of everyday life, with "emergency" the normal state of affairs. In this, what is for all practical purposes, permanent state of emergency, Presidents have exercised numerous powers—most notably under the Trading With the Enemy Act—legitimated by that ongoing state of national emergency. Hundreds of others have lain fallow, there to be exercised at any time, requiring only an order from the President.

Besides the 1933 and Korean war emergencies, two other states of declared national emergency remain in existence. [On March 23, 1970, confronted by a strike of Postal Service employees, President Nixon declared a national emergency.] The following year, on August 15, 1971, Nixon proclaimed another emergency, under which he imposed stringent import controls in order to meet an international monetary crisis. Because of its general language, however, that proclamation could serve as sufficient authority to use a substantial proportion of all the emergency statutes now on the books.

Over the course of at least the last 40 years, then, Presidents have had available an enormous—seemingly expanding and never-ending—range of emergency powers. Indeed, at their fullest extent and during the height of a crisis, these "prerogative" powers appear to be virtually unlimited, confirming Locke's perceptions. Because Congress and the public are unaware of the extent of emergency powers, there has never been any notable congressional or public objection made to this state of affairs. Nor have the courts imposed significant limitations.

During the New Deal, [the Supreme Court initially struck down much of Roosevelt's emergency economic legislation (*Schechter v. United States*, 295 U.S. 495). However, political pressures, a change in personnel, and presidential threats of court-packing, soon altered this course of decisions] (*NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1). Since 1937, the Court has been extremely reluctant to invalidate any congressional delegation of economic powers to the President. It appears that this will not change in the foreseeable future.

In a significant case directly confronting the issue of wartime emergency powers, *Youngstown Sheet & Tube Co. v. Sawyer* (343 U.S. 579), the Court refused to allow the President to rely upon *implied* constitutional powers during a crisis. The action at issue involved presidential seizure of steel plants in a manner apparently directly at odds with congressional policy. Justice Black's plurality opinion specifically acknowledges that if Congress delegates powers to the President for use during an emergency, those powers are absolutely valid within constitutional restraints on Congress' *own* power to do so. Con-

curring opinions appear to agree on this point. It should be noted, therefore, that *all statutes* in this compilation are precisely these kinds of specific congressional delegations of power.

The 2,000-year-old problem of how a legislative body in a democratic republic may extend extraordinary powers for use by the executive during times of great crisis and dire emergency—but do so in ways assuring both that such necessary powers will be terminated immediately when the emergency has ended and that normal processes will be resumed—has not yet been resolved in this country. Too few are aware of the existence of emergency powers and their extent, and the problem has never been squarely faced.

B—SUMMARY VIEWS OF THE PRESENT STATUS OF EMERGENCY POWERS STATUTES

A review of the laws passed since the first state of national emergency was declared in 1933, reveals a consistent pattern of law-making. It is a pattern showing that the Congress, through its own actions, transferred awesome magnitudes of power to the executive ostensibly to meet the problems of governing effectively in times of great crisis. Since 1933, Congress has passed or recodified over 470 significant statutes delegating to the President powers that had been the prerogative and responsibility of the Congress since the beginning of the Republic. No charge can be sustained that the Executive branch has usurped powers belonging to the Legislative branch; on the contrary, the transfer of power has been in accord with due process of normal legislative procedures.

It is fortunate that at this time that, when the fears and tensions of the cold war are giving way to relative peace and détente is now national policy, Congress can assess the nature, quality, and effect of what has become known as emergency powers legislation. Emergency powers make up a relatively small but important body of statutes—some 470 significant provisions of law out of the total of tens of thousands that have been passed or recodified since 1933. But emergency powers laws are of such significance to civil liberties, to the operation of domestic and foreign commerce, and the general functioning of the U.S. Government, that, in microcosm, they reflect dominant trends in the political, economic, and judicial life in the United States.

A number of conclusions can be drawn from the Special Committee's study and analysis of emergency powers laws now in effect. Congress has in most important respects, except for the final action of floor debate and the formal passage of bills, permitted the Executive branch to draft and in large measure to "make the laws." This has occurred despite the constitutional responsibility conferred on Congress by Article I Section 8 of the Constitution which states that it is Congress that "makes all Laws . . ."

Most of the statutes pertaining to emergency powers were passed in times of extreme crisis. Bills drafted in the Executive branch were sent to Congress by the President and, in the case of the most significant laws that are on the books, were approved with only the most perfunctory committee review and virtually no consideration of their effect on civil liberties or the delicate structure of the U.S. Government of divided powers. For example, the economic measures that were passed in 1933 pursuant to the proclamation of March 5, 1933,

by President Roosevelt, asserting that a state of national emergency now existed, were enacted in the most turbulent circumstances. There was a total of only 8 hours of debate in both houses. There were no committee reports; indeed, only one copy of the bill was available on the floor.

This pattern of hasty and inadequate consideration was repeated during World War II when another group of laws with vitally significant and far reaching implications was passed. It was repeated during the Korean war and, again, in most recent memory, during the debate on the Tonkin Gulf Resolution passed on August 6, 1964.

On occasion, legislative history shows that during the limited debates that did take place, a few, but very few, objections were raised by Senators and Congressmen that expressed serious concerns about the lack of provision for congressional oversight. Their speeches raised great doubts about the wisdom of giving such open-ended authority to the President, with no practical procedural means to withdraw that authority once the time of emergency had passed.

For example, one of the very first provisions passed in 1933 was the Emergency Banking Act based upon Section 5(b) of the Trading With the Enemy Act of 1917. The provisions gave to President Roosevelt, with the full approval of the Congress, the authority to control major aspects of the economy, an authority which had formerly been reserved to the Congress. A portion of that provision, still in force, is quoted here to illustrate the kind of open-ended authority Congress has given to the President during the past 40 years:

(b) (1) During the time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest.

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these

purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

To cite two further examples:

In the context of the war powers issue and the long debate of the past decade over national commitments, 10 U.S.C. 712 is of importance:

10 U.S.C. 712. Foreign governments: detail to assist.

(a) Upon the application of the country concerned, the President, whenever he considers it in the public interest, may detail members of the Army, Navy, Air Force, and Marine Corps to assist in military matters—

(1) any republic in North America, Central America, or South America;

(2) the Republic of Cuba, Haiti, or Santo Domingo and

(3) during a war or a declared national emergency, any other country that he considers it advisable to assist in the interest of national defense.

(b) Subject to the prior approval of the Secretary of the military department concerned, a member detailed under this section may accept any office from the country to which he is detailed. He is entitled to credit for all service while so detailed, as if serving with the armed forces of the United States. Arrangements may be made by the President, with countries to which such members are detailed to perform functions under this section, for reimbursement to the United States or other sharing of the cost of performing such functions.

The Defense Department, in answer to inquiries by the Special Committee concerning this provision, has stated that it has only been used with regard to Latin America, Liberia and Iran, and interprets its applicability as being limited to noncombatant advisers. However, the language of Section 712 is wide open to other interpretations. It could be construed as a way of extending considerable military assistance to any foreign country. Since Congress has delegated this power, arguments could be made against the need for further congressional concurrence in a time of national emergency.

The repeal of almost all of the Emergency Detention Act of 1950 was a constructive and necessary step, but the following provision remains:

18 U.S.C. 1383. Restrictions in military areas and zones.

Whoever, contrary to the restrictions applicable thereto, enters, remains in, leaves, or commits any act in any military area or military zone prescribed under the authority of an Executive order of the President, by the Secretary of the Army, or by any military commander designated by the Secretary of the Army, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be fined not more than \$5,000 or imprisoned not more than one year, or both.

18 U.S.C. 1383 does not appear on its face to be an emergency power. It was used as the basis for internment of Japanese-Americans in World War II. Although it seems to be cast as a permanent power, the legislative history of the section shows that the statute was intended as a World War II emergency power only, and was not to apply in "normal" peacetime circumstances. Two years ago, the Emergency Detention Act was repealed, yet 18 U.S.C. 1383 has almost the same effect.

Another pertinent question among many, that the Special Committee's work has revealed, concerns the statutory authority for domestic surveillance by the FBI. According to some experts, the authority for domestic surveillance appears to be based upon an Executive Order issued by President Roosevelt during an emergency period. If it is correct that no firm statutory authority exists, then it is reasonable to suggest that the appropriate committees enact proper statutory authority for the FBI with adequate provision for oversight by Congress.

What these examples suggest and what the magnitude of emergency powers affirm is that most of these laws do not provide for congressional oversight or termination. There are two reasons which can be adduced as to why this is so. First, few, if any, foresaw that the temporary states of emergency declared in 1933, 1939, 1941, 1950, 1970, and 1971 would become what are now regarded collectively as virtually permanent states of emergency (the 1939 and 1941 emergencies were terminated in 1952). Forty years can, in no way, be defined as a temporary emergency. Second, the various administrations who drafted these laws for a variety of reasons were understandably not concerned about providing for congressional review, oversight, or termination of these delegated powers which gave the President enormous powers and flexibility to use those powers.

The intense anxiety and sense of crisis was contained in the rhetoric of Truman's 1950 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 strength 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 fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN.

[SEAL]

By the President:

DEAN ACHESON,
Secretary of State.

The heightened sense of crisis of the cold war so evident in Truman's proclamation has fortunately eased. The legislative shortcomings contained in this body of laws can be corrected on the basis of rational study and inquiry.

In the view of the Special Committee, an emergency does not now exist. Congress, therefore, should act in the near future to terminate officially the states of national emergency now in effect.

At the same time, the Special Committee is of the view that it is essential to provide the means for the Executive to act effectively in an emergency. It is reasonable to have a body of laws in readiness to delegate to the President extraordinary powers to use in times of real national emergency. The portion of the concurring opinion given by Justice Jackson in the *Youngstown Steel* case with regard to emergency powers provides sound and pertinent guidelines for the maintenance of such a body of emergency laws kept in readiness to be used in times of extreme crisis. Justice Jackson, supporting the majority opinion that the "President's power must stem either from an act of Congress or from the Constitution itself" wrote:

The appeal, however, that we declare the existence of inherent powers *ex necessitate* to meet an emergency asks us to do what many think would be wise, although it is something the forefathers omitted. They knew what emergencies were, knew the pressures they engender for authoritative action, knew, too, how they afford a ready pretext for usurpation. We may also suspect that they suspected that emergency powers would tend to kindle emergencies. Aside from suspension of the privilege of the writ of habeas corpus in time of rebellion or invasion, when the public safety may require it, they made no express provision for exercise of extraordinary authority because of a crisis. I do not think we rightfully may so amend their work, and, if we could, I am not convinced it would be wise to do so, although many modern nations have forthrightly recognized that war and economic crises may upset the normal balance between liberty and authority. Their experience with emergency powers may not be irrelevant to the argument here that we should say that the Executive, of his own volition, can invest himself with undefined emergency powers.

Germany, after the First World War, framed the Weimar Constitution, designed to secure her liberties in the Western tradition. However, the President of the Republic, without

concurrence of the Reichstag, was empowered temporarily to suspend any or all individual rights if public safety and order were seriously disturbed or endangered. This proved a temptation to every government, whatever its shade of opinion, and in 13 years suspension of rights was invoked on more than 250 occasions. Finally, Hitler persuaded President Von Hindenburg to suspend all such rights, and they were never restored.

The French Republic provided for a very different kind of emergency government known as the "state of seige." It differed from the German emergency dictatorship particularly in that emergency powers could not be assumed at will by the Executive but could only be granted as a parliamentary measure. And it did not, as in Germany, result in a suspension or abrogation of law but was a legal institution governed by special legal rules and terminable by parliamentary authority.

Great Britain also has fought both World Wars under a sort of temporary dictatorship created by legislation. As Parliament is not bound by written constitutional limitations, it established a crisis government simply by delegation to its Ministers of a larger measure than usual of its own unlimited power, which is exercised under its supervision by Ministers whom it may dismiss. This has been called the "high-water mark in the voluntary surrender of liberty," but, as Churchill put it, "Parliament stands custodian of these surrendered liberties, and its most sacred duty will be to restore them in their fullness when victory has crowned our exertions and our perseverance." Thus, parliamentary controls made emergency powers compatible with freedom.

This contemporary foreign experience may be inconclusive as to the wisdom of lodging emergency powers somewhere in a modern government. But it suggests that emergency powers are consistent with free government only when their control is lodged elsewhere than in the Executive who exercises them. That is the safeguard that would be nullified by our adoption of the "inherent powers" formula. Nothing in my experience convinces me that such risks are warranted by any real necessity, although such powers would, of course, be an executive convenience.

In the practical working of our Government we already have evolved a technique within the framework of the Constitution by which normal executive powers may be considerably expanded to meet an emergency. Congress may and has granted extraordinary authorities which lie dormant in normal times but may be called into play by the Executive in war or upon proclamation of a national emergency. In 1939, upon congressional request, the Attorney General listed ninety-nine such separate statutory grants by Congress of emergency or wartime executive powers. They were invoked from time to time as need appeared. Under this procedure we retain Government by law—special, temporary law, perhaps, but law nonetheless. The public may know the extent and limitations of the powers that can be asserted, and persons affected may be informed from the statute of their rights and duties.

In view of the ease, expedition and safety with which Congress can grant and has granted large emergency powers, certainly ample to embrace this crisis, I am quite unimpressed with the argument that we should affirm possession of them without statute. Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction.

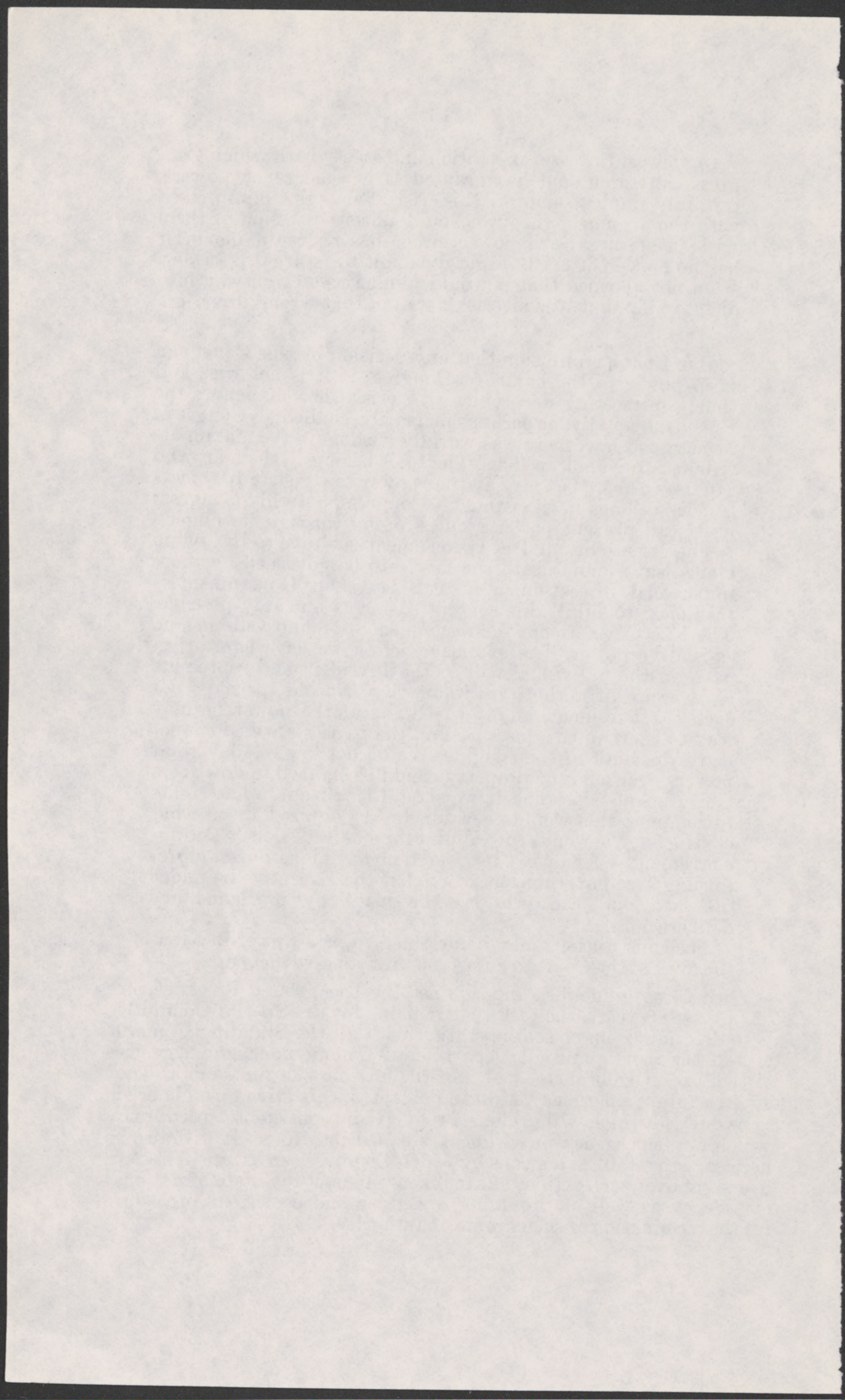
* * * * *

[But I have no illusion that any decision by this Court can keep power in the hands of Congress if it is not wise and timely in meeting its problems.] A crisis that challenges the President equally, or perhaps primarily, challenges Congress. If not good law, there was worldly wisdom in the maxim attributed to Napoleon that "The tools belong to the man who can use them." We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

The essence of our free Government is "leave to live by no man's leave, underneath the law"—to be governed by those impersonal forces which we call law. Our Government is fashioned to fulfill this concept so far as humanly possible. The Executive, except for recommendation and veto, has no legislative power. The executive action we have here originates in the individual will of the President and represents an exercise of authority without law. No one, perhaps not even the President, knows the limits of the power he may seek to exert in this instance and the parties affected cannot learn the limit of their rights. We do not know today what powers over labor or property would be claimed to flow from Government possession if we should legalize it, what rights to compensation would be claimed or recognized, or on what contingency it would end. With all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations.

Such institutions may be destined to pass away. But it is the duty of the Court to be last, not first, to give them up.

With these guidelines and against the background of experience of the last 40 years, the task that remains for the Special Committee is to determine—in close cooperation with all the Standing Committees of the Senate and all Departments, Commissions, and Agencies of the Executive branch—which of the laws now in force might be of use in a future emergency. Most important, a legislative formula needs to be devised which will provide a regular and consistent procedure by which any emergency provisions are called into force. It will also be necessary to establish a means by which Congress can exercise effective oversight over such actions as are taken pursuant to a state of national emergency as well as providing a regular and consistent procedure for the termination of such grants of authority.



TEXTUAL NOTE

COMPILING THE TEXTS OF EMERGENCY POWER STATUTES

Pursuant to S. Res. 9 of January 6, 1973, the U.S. Senate directed the Special Committee on the Termination of the National Emergency to study and investigate emergency powers legislation now in force.

From the outset of its work, the Special Committee faced the problem of determining, with reasonable accuracy, the number, nature, and extent of emergency statutes passed by Congress since 1933 which delegate extraordinary powers to the President in time of crisis or impending catastrophe. It was evident, initially, that existing listings of executive emergency powers were either out-of-date or inadequate for the Special Committee's purposes. It became apparent, too, that the United States Government has been operating under an unrelieved state of emergency of 40 years' duration. During this period, an enormous body of laws dealing with severe economic crisis and America's response to three wars had been passed by Congress through an almost unnoticed process of gradual accretion.

In the past, the only way to compile a catalog useful to Congress would have required going through every page of the 86 volumes of the Statutes-at-Large. Fortunately, the U.S. Code (1970 edition and one supplement) was put onto computer tapes by the United States Air Force in the so-called LITE System, which is located at a military facility in the State of Colorado. The Special Committee staff, working in conjunction with the Justice Department, the Library of Congress, and the General Accounting Office, devised several programs for computer searches. These programs were based on a wide spectrum of key words and phrases contained in typical provisions of law which delegate extraordinary powers. Examples of some trigger words are "national emergency," "war," "national defense," "invasion," "insurrection," etc. These programs, designed to produce a computer printout of all provisions of the U.S. Code that pertain to a state of war or national emergency, resulted in several thousand citations. At this point, the Special Committee staff and the staff of the American Law Division, Library of Congress, went through the printouts, separated out all those provisions of the U.S. Code most relevant to war or national emergency, and weeded out those provisions of a trivial or extremely remote nature. Two separate teams worked on the computer printouts and the results were put together in a third basic list of U.S. Code citations.

To determine legislative intent, the U.S. Code citations were then hand checked against the Statutes-at-Large, the Reports of Stand-

ing Committees of the U.S. Senate and House of Representatives and, where applicable, Reports of Senate and House Conferences.

In addition, the laws passed since the publishing of the 1970 Code were checked and relevant citations were added to the master list. The compilation was then checked against existing official catalogs: That of the Department of Defense, "Digest of War and Emergency Legislation Affecting the Department of Defense"; that of the Office of Emergency Planning, "Guide to the Emergency Powers Conferred by Laws in Effect on January 1, 1969"; and, the 1962 House Judiciary Committee synopsis of emergency powers, "Provisions of Federal Law in Effect in Time of National Emergency."

The task of compiling a catalog of emergency powers statutes, therefore, has been immeasurably assisted by use of computers, but computers could not replace the need for a systematic and very laborious hand search of all of the volumes of the U.S. Code, the Statutes-at-Large, and Senate and House Reports. The following summary is intended to be used as a working paper to supplement its report, "Emergency Powers Statutes." The Special Committee cannot be certain that every statute that could or may be called into use during a time of war or national emergency is included in the following summary. However, the Special Committee believes that the most significant provisions are herein cataloged.

This working paper contains:

1. A summary of all the U.S. Code citations in order of their appearance in the Code, and specific Public Laws with the Congress and the year they were enacted.
2. Citations of statutes in accordance to committee jurisdiction.
3. The four proclamations of national emergency now in effect.

SUMMARY OF STATUTES DELEGATING POWERS IN TIME OF WAR OR NATIONAL EMERGENCY

UNITED STATES CODE

TITLE 2—THE CONGRESS

- 2 U.S.C.
§ 198. Adjournment date for Congress is not applicable if a state of war exists pursuant to a declaration of war by the Congress.
-

TITLE 5—GOVERNMENT ORGANIZATIONS AND EMPLOYEES

- 5 U.S.C.
§§ 701-702. Right to review of agency action by government employees "except . . . in time of war or in occupied territory."
- § 3101. 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 in the civil service be made on a temporary or indefinite basis.
- § 3326. Permits the appointments of retired members of the Armed Forces to positions in the Department of Defense when a state of national emergency exists.
- § 5305. Provides procedures for annual pay reports and adjustments for Federal employees during a national emergency or economic conditions.
- § 5335. Relates to periodic step-increases for Federal employees during a period of war or national emergency.
- § 5532. Relates to exceptions to reductions in retirement pay for retired officers of the uniformed services because of special or emergency employment needs.
- § 5564. Relates to the sale of household and personal effects of employees during an emergency.
- § 8332. 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.

TITLE 7—AGRICULTURE

- 7 U.S.C.
§ 1158. 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 a sugar or liquid sugar.
- § 1332. Relates to termination of national marketing quota for wheat because of a national emergency.
- § 1371. 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."
- § 1743. 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.
- § 1903. 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.

TITLE 8—ALIENS AND NATIONALITY

- 8 U.S.C.
§§ 1182, 1185,
1481. 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.

- § 1440. Relates to naturalization through active duty service "during any . . . period which the President by Executive Order shall designate as a period . . . involving armed conflict with a hostile foreign force . . ."
- § 1440e. Relates to exemption from naturalization fee for aliens who served "during any . . . period which the President by Executive Order shall designate as a period . . . involving armed conflict with a hostile foreign force."
- § 1442. Relates to exceptions from classification of alien enemies during hostilities.

TITLE 10—ARMED FORCES

- 10 U.S.C.
§ 123. "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.
- § 125. Relates to the functions; powers, and duties, etc. of the Armed Forces during periods of hostilities or an imminent threat of hostilities.
- § 142. Relates to appointment to Chairman of the Joint Chiefs of Staff "in time of war declared by Congress."
- § 143. Relates to the tenure of the Joint Chiefs of Staff, "except in time of war."
- § 262. 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."
- § 263. Relates to presidential authorization to order Ready Reserve to active duty during national emergencies.
- § 269. 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."
- § 271. Relates to regulations to be prescribed by the President regarding continuous screening of the Ready Reserve to insure "due regard to national security and military requirements."

- § 331. Relates to Federal aid for State governments whenever there is "an insurrection" in any State against its Government.
- § 332. Relates to the use of militia and armed forces to enforce Federal authority to suppress rebellions.
- § 333. Relates to authority of President to "take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy."
- § 334. Relates to the President to issue a proclamation to disperse to insurgents to retire peaceably to their abodes within a limited time.
- § 351. "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.
- § 506. Relates to the extension of enlistments of the regular components during a "period of war."
- § 511. 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.
- § 519. Relates to temporary enlistments "in time of war or of emergency declared by Congress."
- §§ 565, 599. "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.
- § 671a. Relates to extension of active service in armed forces "for the duration of war."
- § 671b. Relates to Presidential authority to extend active duty service in "the national interest."
- § 672. "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.
- § 673. Relates to the Ready Reserve in time of a national emergency.
- § 674. 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."

- §§ 675, 672. 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.
- § 679. 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.
- § 681. "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.
- § 687. Relates to the readjustment payment upon involuntary release from active duty of non-regulars in the Armed Forces, except in time of "war or national emergency."
- § 712. "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.
- § 802, Art. 2. Relates to persons subject to provisions of military justice "in time of war."
- § 843, Art. 43. Relates to the Statute of Limitations relating to court martial offenses in time of war.
- § 871, Art. 71. "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.
- § 1035. Relates to interest on savings deposits of members of the armed forces during the Vietnam conflict. For the purposes of this section, the Vietnam conflict ends on the date "designated by the President by Executive order."
- § 1161. Relates to the limitations on dismissal of commissioned officers in "time of war."
- §§ 2231, 2233. The Secretary of Defense is authorized to acquire and expand facilities necessary for use of Reserve components in time of war or national emergency.
- § 2235. 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.

- § 2236. 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."
- § 2304. 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."
- § 2542. Secretaries of the military departments may, in time of war, lend equipment to the Red Cross for the purpose of aiding the Armed Services.
- § 2602. Whenever the President finds it necessary he may accept the services of the American National Red Cross.
- § 2604. Relates to authority of President "whenever . . . necessary to the interest of United States commitments abroad" to cooperate with and assist the United Seamen's Service.
- § 2632. 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."
- §§ 2663, 2664. 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.
- § 2667. 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."
- § 2667. Leases of real or personal property must be revocable "during a national emergency declared by the President."
- § 2674. 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.
- § 2733. Relates to property loss, personal injury or death incident to noncombat activities of the Armed Forces.
- § 2734. Relates to property loss, personal injury or death incident to noncombat activities of the armed forces in foreign countries.
- § 3031. 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.

- § 3034. Relates to Presidential appointment of the Chief of Staff "in time of war or national emergency."
- § 3062. 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."
- § 3063. 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."
- § 3201. Restrictions on the authorized personnel strength of any component of the Armed Forces are suspended until July 1, 1963.
- § 3202. "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.
- § 3313. "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.
- § 3444. "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.
- § 3445. "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.
- §§ 3500, 8500. 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."
- § 3741. Relates to the medal of honor during service during an armed conflict.
- § 3742. Relates to Presidential award of the distinguished service cross to persons "while engaged in military operations involving conflict with an opposing foreign force."
- § 3746. Relates to the presentation of the silver star during service during an armed conflict.

- § 3750. Relates to the presentation of soldier's medal during actual conflict.
- § 4025. 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.
- §§ 4501, 4502, 9501, 9502. "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.
- § 4742. Relates to presidential control of transportation systems "in time of war."
- § 4776. "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.
- § 4780. Relates to the acquisition of buildings in the District of Columbia in time of war or when war is imminent.
- § 5081. Relates to the reappointment of the Chief of Naval Operations in time of war or national emergency.
- § 5201. Relates to appointment of Commandant of Marine Corps "in time of war or national emergency."
- § 5231. "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.
- § 5232. 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.
- § 5234. "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.
- § 5402. The authorized strength of the Regular Marine Corps, excluding retired members, is 400,000, "except in time of war or national emergency declared by Congress after June 28, 1952."
- § 5447. 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."

- § 5448(e). 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."
- § 5448(f). 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."
- § 5449(a). 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 of war or national emergency."
- § 5450. 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."
- § 5451. "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.
- § 5451(b). The President may suspend provisions of law relating to officers serving in grades above lieutenant in the Navy or captain in the Marine Corps "only during a war or national emergency declared by Congress or the President after May 5, 1954."
- § 5597. 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."
- § 5598. "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.
- § 5599. The President may increase the number of appointments made in the Medical Corps in the Navy "in time of war or declared national emergency."
- § 5662. "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.
- § 5711. "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.

- § 5785. "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.
- § 5787. 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."
- § 5982. Relating to the detail of retired officers to command on ships and squadrons in time of war.
- § 6241. Relates to the presentation of the Medal of Honor in the Navy while engaged in armed conflict.
- § 6242. Relating to the presentation of the Navy Cross while engaged in armed conflict.
- § 6244. Relates to Presidential award of the Silver Star medal to persons "engaged in military operations involving conflict with an opposing hostile force."
- § 6246. Relates to the presentation of Navy and Marine Corps medals during a period of armed conflict.
- § 6386(c). 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."
- § 6408. Relates to the limitation on dismissal of Navy and Marine Corps warrant officers, except in time of war.
- § 6481. "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.
- § 6482. "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.
- § 6485(a). 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."
- § 6486. "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.
- § 6587. 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.

- § 6911 (b). 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."
- § 7224. 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."
 "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.
- § 7722. Relates to stay of court proceedings endangering the security of naval operations "in time of war."
- § 7724. Relates to the stay of proceedings for taking evidence before a suit is filed for damages caused by naval action in time of war.
- § 7727. Relates to the duration of stay of proceedings for suits relating to naval damages in time of war.
- § 8031 (c). 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.
- § 8031 (d). 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."
- § 8034. Relates to appointment of Chief of Staff of the Air Force "in time of war or national emergency."
- § 8202. "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.
- § 8212. Relates to the strength in grade, temporary increases of the Air Force during an emergency.
- § 8257 (d). 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."
- § 8313. "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.

- § 8395. Relates to appointment of reserve officers "in time of war."
- § 8444(a). "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.
- § 8445(a). "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.
- § 8741. Relates to the presentation of the Medal of Honor to members of the Air Force during armed conflict.
- § 8742. Relates to Presidential award of Air Force cross to persons "engaged in military operations involving conflict with an opposing foreign force."
- § 8746. Relates to the presentation of the Silver Star to members of the Air Force during armed conflict.
- § 8750. Relates to the presentation of the Airmans' Medal to members of the Air Force during armed conflict.
- § 9022. Relating to the employment of contract surgeons by the Air Force during an emergency.
- § 9025. "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.
- § 9441. Relating to the payment of travel expenses to members of the Civil Air Patrol "in time of war or of national emergency."
- § 9501(c). 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."
- § 9502. Relates to industrial mobilization in time of war or when war is imminent.
- § 9591. Relates to the operations of a public utility by the Air Force in field overseas during actual or threatened hostilities.
- § 9742. Relates to Presidential control of transportation systems "in time of war."
- § 9773. Relates to the acquisition and construction of air bases and depots during national emergencies.
- § 9776. 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.

- § 9780. Relates to the acquisition of buildings in the District of Columbia by the Air Force in time of war or when war is imminent.

TITLE 12—BANKS AND BANKING

- 12 U.S.C.
§ 95. Relates to limitations and restrictions on business of members of the Federal Reserve System "during such emergency period as the President . . . may prescribe."
- § 95a. "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.
- § 249. 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.
- § 635f. 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.
- § 1425a. Relates to suspension of liquidity requirements for savings and loan associations in time of national emergency.
- § 1703(b). 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.
- § 1705. Relates to the allocation of funds for housing mortgages for emergency purposes.
- § 1784b. 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.

TITLE 14—COAST GUARD

- 14 U.S.C.
§ 3. Relates to operation of the Coast Guard as a service in the Navy "[u]pon declaration of war or when the President directs.
- § 214. Relates to the original appointment of temporary officers in the Regular Coast Guard.

- § 275. Relates to suspension of provisions pertaining to the selection, promotion, and involuntary separation of officers "[i]n time of war, or of national emergency declared by the President or Congress."
- § 331. In time of war or national emergency, the Secretary may order any regular officer of the Coast Guard on the retired list to active duty.
- § 359. The Commandant of the Coast Guard may "in times of war or national emergency," order enlisted men on the retired list to active duty.
- § 367. "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.
- § 371. Relates to procurement of aviation cadets "in time of war or national emergency declared by Congress."
- § 491. Relates to the presentation of the Medal of Honor to members of the Coast Guard during an armed conflict.
- § 493. Relates to Presidential presentation of Coast Guard Medal for Service "not involving an actual conflict with the enemy."
- § 652. Relates to the removal of restrictions on purchase contracts by the Coast Guard during a war or national emergency.
- § 778. "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.

TITLE 15—COMMERCE AND TRADE

- 15 U.S.C.
§ 76. Relates to Presidential authority to retaliate against restrictions of importations "during the existence of a war in which the United States is not engaged."
- § 77. Relates to discrimination against neutral Americans "during the existence of a war in which the United States is not engaged."

TITLE 16—CONSERVATION

- 16 U.S.C.
§ 440. 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.

- § 590p. Relates to termination or modification of agreements with owners and operators of land in the Great Plains area "because of an emergency created by drought or other disaster."
- § 809. 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.
- § 824a. The Federal Power Commission may, in time of war or when it determines that an electrical power crisis exists, require whatever generation, delivery, or transmission of electrical energy as will best meet the emergency.
- § 831d. Relates to maintenance and operation of plants for production, sale, and distribution of fertilizers and power "in case of war or, until six months after the termination of the national emergency proclaimed by the President on December 16, 1950."
- § 831n-4. 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."
- § 831s. Relates to power of the United States Government to take possession of fertilizer and power plants "in case of war or national emergency declared by Congress."
- § 832g. Relates to the purchase of supplies and services by the Army from certain public works projects.
- § 833f. Relates to the purchase of supplies and services by the Army from various public works projects.

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

- 18 U.S.C.
§ 793. Relates to criminal penalties for gathering, transmitting, or losing defense information.
- § 794. Relates to provisions of the Criminal Code on espionage and censorship on the gathering or delivering defense information to aid a foreign government.
- § 795. Relates to the provisions of the Criminal Code relating to photographing and sketching defense installations.
- §§ 798, 2157,
2391. 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."

- § 963. Relates to Presidential authority to detain armed vessels "during a war in which the United States is a neutral nation."
- § 967. Relates to the departure of vessels forbidden in aid of neutrality during a war.
- § 1383. Provides for the imprisonment or fining of anyone who knowingly enters a military zone prescribed by the President, the Secretary of the Army, or any military commander designated by the Secretary of the Army.
- §§ 2153, 2154. 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.
- § 2511. Relates to the Criminal Code provisions on interception and disclosure of wire or oral communications.
- § 3287. Relates to wartime suspension of the statute of limitations for certain offenses.

TITLE 19—CUSTOMS DUTIES

- 19 U.S.C.
§ 1318. "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.
- § 1351. Relates to the authority of the President to modify import restrictions "for the duration of war or an emergency."
- § 1862. Relating to the report on investigations by the Director of Office of Emergency Preparedness.

TITLE 20—EDUCATION

- 20 U.S.C.
§ 79. Relates to the authority of the President to preserve a certain area in the Canal Zone "except in the event of declared national emergency."
- § 241-1. Relates to assistance for current school expenditures in cases of certain disasters.
- § 646. Relates to assistance by the Office of Emergency Planning relating to schools, etc. during cases of disasters.

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

-
- 22 U.S.C.
§ 401. 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.
- § 441. Relates to proclamation of state of war between foreign states.
- § 447. Relates to financial transactions during a state of war.
- § 450. Relates to restrictions on use of American ports during any war.
- § 451. Relates to the restrictions on submarines and armed merchant vessels during any war.
- § 461. Relates to the prevention of offenses against neutrality during any war.
- § 464. Relates to detention by collectors of customs of arms and munitions of wars.
- § 1611. Relates to congressional declaration of policy, embargo on war materials, denial of assistance to nations failing to embargo shipments during a war.
- § 1962. Relates to military assistance in the general area of the Middle East against armed aggression from any country controlled by international communism.
- § 1963. Relates to the furnishing of military assistance to the United Nations Emergency Force.
- § 1965. Relates to the expiration of the provisions relating to the Middle East peace and stability.
- § 2370. Relates to the prohibitions against furnishing foreign assistance in the national interest.
- § 2410. Relates to Presidential authority to negotiate a sale of supersonic planes to Israel to prevent future Arab aggression.

 TITLE 25—INDIANS

- 25 U.S.C.
§ 72. Relates to the abrogation of Indian Treaties when any Indian tribe is in actual hostility.

 TITLE 26—INTERNAL REVENUE CODE

- 26 U.S.C.
§ 168. Relates to determination of adjusted basis of facility certified by the President "as necessary in the interest of national defense during [an] emergency period" for purposes of amortization.

- § 7508. Relates to the time for performing certain acts under the Internal Revenue Code postponed by reason of war.

TITLE 29—LABOR

- 29 U.S.C.
§ 176. Relates to the appointment of boards of inquiry by the President in national emergencies because of labor disputes.
- § 178. Relates to strikes, subject to injunction during national emergencies because of labor disputes.

TITLE 31—MONEY AND FINANCE

- 31 U.S.C.
§§ 80a, 80b. "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.
- § 80c. Relates to extension of time for examination of accounts of Navy expenditures "in time of war or during any emergency declared by Congress."
- § 203. 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."
- § 241. Relates to time limitations for presentation of certain claims by members of the uniformed services "in time of war or in time of armed conflict."

TITLE 32—NATIONAL GUARD

- 32 U.S.C.
§ 104. Relates to the organization of the Army National Guard and the composition of its units subject "in time of peace" to certain general exceptions.
- § 111. Relates to Presidential authority to suspend operation of certain provisions relating to the recognition and discharge of officers in the Army National Guard or Air National Guard "[i]n time of war, or of emergency declared by Congress."

- § 302. Enlistments in the National Guard (which are for three years for original enlistments and one to three for re-enlistments), may, if "an emergency is declared by Congress," be extended by the President until six months after the termination of that emergency.
- § 715. Relates to certain claims against the United States subject to exceptions for claims accruing "in time of war or armed conflict."

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

- 33 U.S.C.
§ 853. "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.
- § 854a-1. Relates to temporary appointment or advancement of commissioned officers of the National Oceanic and Atmospheric Administration "in time of war or national emergency."
- § 855. 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."

TITLE 35—PATENTS

- 35 U.S.C.
§ 181. 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.

TITLE 37—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

- 37 U.S.C.
§ 202. Relates to pay grades of certain retired rear admirals who served on active duty "in time of war or national emergency."
- § 310. Relates to special pay for members of the uniformed services whose duty was subject to hostile fire.

- § 407. Exempts the provisions of law relating to travel and transportation allowances of the uniformed services in time of national emergency.
- § 427. Relates to family separation allowances of members of uniformed services subject to exceptions for "war or . . . national emergency."
- § 901. Relates to wartime pay of an officer of the armed forces exercising command higher than his grade.

TITLE 38—VETERANS' BENEFITS

- 38 U.S.C.
§ 101. Relates to definitions for purposes of Title 38.—Veterans Benefits. The term "period of war" is defined to begin "on the date of any future declaration of war by the Congress" and ending on the date "prescribed by Presidential proclamation or concurrent resolution of the Congress."
- § 521. Relates to non-service-connected disability pensions for veterans of wars.

TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

- 40 U.S.C.
§ 71d. "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.
- § 276a-5. "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.
- § 278b. "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.
- § 314. Relates to the authority of the President to make sales of war supplies to foreign states or governments "engaged in war against any government with which the United States is at war."
- § 484. 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 cir-

cumstances, if necessary in the public interest "during the period of a national emergency declared by the President or the Congress."

- § 534. Relates to waiver of procedures for disposal and acquisition of real property "during any period of national emergency declared by the President."

TITLE 41—PUBLIC CONTRACTS

- 41 U.S.C.
§ 11. Permits the Armed Services to purchase clothing, forage, fuel, and other supplies without an appropriation from Congress.
- § 15. 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."
- § 252. 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."

TITLE 42—THE PUBLIC HEALTH AND WELFARE

- 42 U.S.C.
§ 204. Relates to the composition of commissioned Regular Corps and a Reserve Corps "for the purpose of securing a reserve for duty in the Service in time of national emergency."
- § 210-1. 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."
- § 211. "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.
- § 217. "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.

- § 266. Relates to special quarantine powers of the Public Health Service in time of war.
- § 1313. 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."
- § 1477. Relates to preferences for veterans and families of deceased servicemen. "Veteran" is defined to mean "a person who served in the military forces of the United States during any war between the United States and any other nation."
- § 1541. Relates to termination of certain provisions pertaining to defense, housing projects, and works "[w]hen the President shall have declared that the emergency declared by him on September 8, 1939, has ceased to exist."
- § 1592. Relates to the authority of the administrator of the Housing and Home Finance Administration relating to critical defense housing areas.
- § 1711. Defines "war-risk hazard," "hostile force or person," and "war activities" for the purposes of public health and welfare statutes.
- § 1712. Relates to the definition of war-risk hazard for such benefits.
- § 2138. "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.
- §§ 2165, 2201. 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."

TITLE 43—PUBLIC LANDS

- 43 U.S.C.
§ 155. 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."

- § 161677. Relates to restrictions on delivery of water for production of excessive basic commodities "in the interest of national security."
- § 1314. Relates to certain rights and powers retained by the United States pertaining to the purchase of national resources "[i]n time of war or when necessary for national defense."
- § 1341. 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.

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

- 44 U.S.C.
§ 1505. Relates to Presidential authority to suspend requirements for filing of documents for publication in the Federal Register "as a result of attack or threatened attack."
- § 3311. Relates to the authority of the head of an agency of the United States Government to destroy records outside the continental United States "during a state of war between the United States and another nation, or when hostile action by a foreign power appears imminent."

TITLE 45—RAILROADS

- § 228c-1. Relates to provisions for inclusion of years of military service in determining eligibility for an annuity and computations under the Railroad Retirement Act of 1937. The term "war period" is defined as beginning on "the date on which the Congress of the United States declared war."

TITLE 46—SHIPPING

- 46 U.S.C.
§§ 133, 134. Relates to Presidential designation of "hospital ships" which shall "in time of war" be exempted from all dues and taxes imposed on vessels by the laws of the United States.

- § 249a. 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."
- § 835. "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.
- § 861. Declaration of policy to develop and encourage the maintenance of the merchant marine for use in time of war or national emergency.
- § 1132. "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.
- § 1151. 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."
- § 1161. Relates to the establishment of reserve funds for the construction or acquisition of vessels certified by the Secretary of Commerce to be "desirable for use by the United States in case of war or national emergency."
- §§ 1202, 1242. 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."
- § 1241. 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."
- § 1294. Whenever adequate insurance is not otherwise available, until September 7, 1965, the Secretary of Commerce may provide (1) war risk insurance for waterborne commerce of the United States, and (2) certain marine and liability insurance for the protection of certain vessels, cargoes, and crews.

- § 1402. Relates to federal subsidies for construction of private fishing vessels which are suitable for use by the United States for National Defense or Military purposes "in time of war or national emergency."
- § 1406. 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."

TITLE 47—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

- 47 U.S.C.
§ 308. 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.
- § 606(a). 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.
- § 606(c). "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.

TITLE 49—TRANSPORTATION

- 49 U.S.C.
§ 1. 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.
- § 6. Relates to preferences of shipments in time of war to the United States.

- § 1020. Relates to special powers of freight forwarders during time of war or other emergency.
- § 1343. Relates to the powers of the Federal aviation administration in time of war.
- § 1348. Relates to the use of airspace control and facilities for military emergencies.

TITLE 50—WAR AND NATIONAL DEFENSE

- 50 U.S.C.
§ 21. Relates to the restraint, regulations, and removal of alien enemies during a declared war.
- § 82. Relates to the procurement of ships and material during war.
- § 98d. 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."
- § 167c. "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.
- § 191. The President may provide for the control and anchorage of foreign-flag vessel 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.
- §§ 196-198. The President may, though 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."
- § 205. Relates to the suspension of commercial intercourse with a State in insurrection.
- § 206. Relates to the suspension of commercial intercourse with part of State in insurrection.
- § 207. Relates to the actions of persons affected by suspension of commercial intercourse when a State is in insurrection.
- § 208. Relates to the licensing or permitting commercial intercourse with a State or region in insurrection.
- § 212. Relates to the confiscation of property employed to aid insurrection in a State.

- § 223. Relates to forfeiture of vessels owned by citizens of insurrectionary States.
- §§ 451-462. Relates to comprehensive program to assure a national reserve of machine tools and industrial manufacturing equipment to supply the needs of the Armed Forces "in time of national emergency or in anticipation thereof."
- § 812. 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.
- § 832. Relates to full field investigation and appraisal of personnel security procedures in the National Security Agency.
- § 1431. Relates to the authorization and restrictions of National Defense Contracts.
- § 1435. 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 modifications 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.
- [*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.]
- §§ 1511, 1512, 1513, 1515, 1516, 1517, 1518. Relates to reports to Congress on chemical and biological warfare program.

TITLE 50, APPENDIX—WAR AND NATIONAL DEFENSE

- 50 U.S.C.
§ 3. Relates to Presidential authority under the Trading With the Enemy Act to censor certain communications passing between the United States and any foreign country "during the present war."

- § 4. Relates to the licenses to enemy or allies of enemy insurance or reinsurance companies doing business in the United States.
- § 5. Relates to Presidential authority under the Trading With the Enemy Act to regulate transactions in foreign exchange of gold and silver, property transfers, vested interests, enforcement and penalties "during the time of war or during any other period of national emergency declared by the President."
- § 6. Relates to Presidential authority under the Trading With the Enemy Act to appoint and prescribe the duties of an alien property custodian "who shall be empowered to receive all money and property in the United States due or belonging to an enemy."
- § 7. Relates to procedures to be followed such as lists of enemy or ally of enemy officers, directors or stockholders of corporations in United States, etc. under the Trading With the Enemy Act.
- § 8. Relates to suspension of the statute of limitations under the Trading With the Enemy Act on certain contracts and obligations "until after the end of the war."
- § 9. Relates to claims to property, etc., under the Trading With the Enemy Act in time of war or during national emergency.
- § 10. Relates to procedures, etc. relating to patents, trademarks or copyrights under the Trading With the Enemy Act.
- § 11. Relates to Presidential authority under the Trading With the Enemy Act to impose certain prohibitions on imports "during the present war."
- § 12. Relates to procedures to be followed in the transfer of property to the Alien Property Custodian under the Trading With the Enemy Act.
- § 14. Relates to refusal to grant clearance for export of gold or silver coin in cargoes "[d]uring the present war" under the Trading With the Enemy Act."
- § 19. Relates to the printing, newspaper or publication in foreign languages under the Trading With the Enemy Act.
- § 32. Relates to the procedure of return of enemy property by the Alien Property Custodian, under the Trading With the Enemy Act.
- § 38. Relates to the shipment of relief supplies under the Trading With the Enemy Act.
- § 40. Relates to the authority of the President relating to intercustodial conflicts involving enemy property under the Trading With the Enemy Act.

- § 785. 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."
- § 1211. Relates to renegotiation of contracts for the procurement of property, processes, and services, and construction of facilities "necessary for the national defense."
- § 1213. Relates to definitions for purposes of provisions pertaining to renegotiation of contracts. "Department" is defined to include any agency of the Government "exercising functions having a direct and immediate connection with the national defense which is designated by the President during a national emergency proclaimed by the President, or declared by the Congress."
- § 1216. Relates to exceptions to the applicability of certain provisions pertaining to the renegotiation of contracts "during a national emergency proclaimed by the President."
- § 1622. "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.
- § 1742. Places limit on compensation to be paid for the use of a vessel by the United States prior to the termination of the 1941 national emergency.
- § 1744. Relates to the sale of surplus war-built vessels.
- §§ 1878e, 1878s, 1878vv. Relates to the loan of ships to friendly nations in an emergency.
- § 2005. Relates to benefits, etc. for prisoners of war.
- §§ 2071-73, 2151-63, 2166. Certain powers of the President under the National Defense Production Act of 1950, are extended to June 30, 1972, 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.
- § 2093. The authority to purchase strategic materials under section 303 of the Defense Production Act is extended from June 30, 1963, to June 30, 1965.
- § 2291. Relates to proclamation of emergency and termination thereof during a civil defense emergency.
- § 2292. Relates to the utilization of Federal departments and agencies during a civil defense emergency.

- § 2293. Relates to the emergency powers of the Civil Defense administrator.
- § 2294. Relates to the liability of the Federal Government for death or personal injury to employees during a civil defense emergency.
- § 2295. Relates to the waiver of the Administrative Procedure Act during a civil defense emergency.
- § 2297. 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.
- §§ 2401-2413. Relates to authority to control exports from the United States "to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States."

PUBLIC LAWS

68TH CONGRESS

PUBLIC LAW 68-438

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.]

PUBLIC LAW 68-479

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 any other national emergency.*" [Act of February 26, 1925; 43 Stat. 984.]

PUBLIC LAW 68-568

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.]

69TH CONGRESS

PUBLIC LAW 69-99

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.]

[Emphasis supplied.]

PUBLIC LAW 69-314

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.]

71ST CONGRESS

PUBLIC LAW 71-222

"*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.]

PUBLIC LAW 71-280

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.]

72D CONGRESS

PUBLIC LAW 72-382

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.]

74TH CONGRESS

PUBLIC LAW 74-598

"*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. 1278.]

PUBLIC LAW 74-624

Real property: recapture of certain area formerly part of Charleston Army Base Terminal, South Carolina.

In time of national emergency, and upon order of the President, a certain area, formerly part of Charleston Army Base Terminal, South Carolina, may be taken by the United States for the use of the Army during the period of the emergency. [49 Stat. 1387.] [See also, P.L. 97, 81st Cong., 63 Stat. 169-170, and P.L. 428, 84th Cong., 70 Stat. 35-36.]

PUBLIC LAW 74-704

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.]

PUBLIC LAW 74-730

Real property: recapture of Port Newark Army Base, New Jersey.

In time of war, or of national emergency declared by Congress, the United States may take possession of the Port Newark Army Base, New Jersey, for the duration of the war or emergency. For each year or part of a year that the United States is in possession, the United States must pay the city of Newark a certain amount as liquidated damages. Upon termination of the war or emergency, the property reverts to the city of Newark. [Act of June 20, 1936; 49 Stat. 1557.]

75TH CONGRESS

PUBLIC LAW 75-316

Real property: recapture of Fort Schuyler, New York.

When in the judgment of the Secretary of the Army an emergency exists that requires the use of the property for the public defense, the United States may resume possession of Fort Schuyler Military Reservation, New York, notwithstanding the lease to the State of New York. [Act of Aug. 19, 1937; 50 Stat. 696.]

PUBLIC LAW 75-689

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.]

[Emphasis supplied.]

79TH CONGRESS

PUBLIC LAW 79-465

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.]

80TH CONGRESS

PUBLIC LAW 80-885

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).]

81ST CONGRESS

PUBLIC LAW 81-593

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.]

PUBLIC LAW 81-755

Real property: recapture of certain land formerly part of Fort Schuyler, New York.

In time of war, or of national emergency declared by Congress or the President, and upon a determination by the Secretary of a military department that certain land, formerly part of Fort Schuyler, New York, is useful for military, air, naval, or defense purposes, the United States may assume, without payment, control and use the property concerned, including any improvements made by the grantee. [Act of Sept. 5, 1950; 64 Stat. 591.]

82D CONGRESS

PUBLIC LAW 82-222

Real property; recapture of Castle Island Terminal Facility, South Boston, Massachusetts.

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.]

PUBLIC LAW 82-377

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.] See also, P.L. 87-654, 76 Stat. 530.]

PUBLIC LAW 82-559

Real property: recapture of certain land in Austin, Texas.

In time of war, or national emergency, declared by Congress, or of emergency declared by the President, and upon a determination by the Secretary of Defense that certain land in Austin, Texas, is useful or necessary for defense purposes, the United States may, without payment, enter the property concerned and use it or any part thereof, including any improvements made by the grantee, for the duration of the war or emergency. Six months after the termination of the war or emergency, the property concerned, including any improvements made by the grantee, reverts to the grantee. [Act of July 16, 1952; 66 Stat. 727.]

83D CONGRESS

PUBLIC LAW 83-39

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 Per-

sons 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.]

PUBLIC LAW 83-56

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.]

PUBLIC LAW 83-92

Sections 1301-1304 of the Second War Powers Act, providing for the inspection and audit of books and records of defense contractors, 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.]

PUBLIC LAW 83-169

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.]

PUBLIC LAW 83-315

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.]

PUBLIC LAW 83-327

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.]

PUBLIC LAW 83-386

"*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).]

PUBLIC LAW 83-493

"*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).]

PUBLIC LAW 83-534

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).]

PUBLIC LAW 83-556

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.]

PUBLIC LAW 83-711

"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.] [See also P.L. 91-202; 84 Stat. 20.]

PUBLIC LAW 83-712

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.]

PUBLIC LAW 83-713

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.]

PUBLIC LAW 83-716

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.]

84TH CONGRESS

PUBLIC LAW 84-49

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.]

[Emphasis supplied.]

PUBLIC LAW 84-50

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.]

PUBLIC LAW 84-52

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.]

PUBLIC LAW 84-77

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. 139 § 1.]

PUBLIC LAW 84-142

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.]

PUBLIC LAW 84-156

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.]

PUBLIC LAW 84-301

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

[Emphasis supplied.]

have the right of exclusive use without charge therefor. [Act of August 9, 1955; 69 Stat. 592.]

PUBLIC LAW 84-410

"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.]

PUBLIC LAW 84-413

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.]

PUBLIC LAW 84-521

Real property: recapture of land comprising Camp Livingston and Camp Beauregard, Louisiana.

When needed *during a national emergency*, the United States may reenter and use the land comprising Camp Livingston and Camp Beauregard, Louisiana. [Act of May 14, 1956; 70 Stat. 156.]

PUBLIC LAW 84-598

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.]

PUBLIC LAW 84-616

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.]

PUBLIC LAW 84-618

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

[Emphasis supplied.]

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

PUBLIC LAW 84-706

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.]

PUBLIC LAW 84-719

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.]

PUBLIC LAW 84-729

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.]

PUBLIC LAW 84-740

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.).]

PUBLIC LAW 84-819

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.]

PUBLIC LAW 84-872

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.]

85TH CONGRESS

PUBLIC LAW 85-46

A teacher in 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.]

PUBLIC LAW 85-157

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.)]

PUBLIC LAW 85-185

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).]

[Emphasis supplied.]

PUBLIC LAW 85-204

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.]

PUBLIC LAW 85-205

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.]

PUBLIC LAW 85-236

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.]

PUBLIC LAW 85-258

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.]

PUBLIC LAW 85-260

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.]

PUBLIC LAW 85-545

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.]

PUBLIC LAW 85-548

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, § 4.]

PUBLIC LAW 85-799

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, 1958; 72 Stat. 965, § 1(b).]

86TH CONGRESS

PUBLIC LAW 86-323

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.]

PUBLIC LAW 86-473

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.]

[Emphasis supplied.]

PUBLIC LAW 86-602

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.]

PUBLIC LAW 86-611

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).]

87TH CONGRESS

PUBLIC LAW 87-328

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.]

PUBLIC LAW 87-733

Expressing the determination of the United States with respect to the situation in Cuba *including the use of arms.* [Act of Oct. 3, 1962; 76 Stat. 697.]

PUBLIC LAW 87-794

No action shall be taken pursuant to this Act or the Tariff Act of 1930 to decrease or eliminate the duty or other import restriction on any article "*if the President determines that such reduction or elimination would threaten to impair the national security.*" [Act of Oct. 11, 1962; 76 Stat. 877.]

88TH CONGRESS

PUBLIC LAW 88-228

Real property: recapture of certain land formerly part of the Fort Miles Military Reservation, Delaware.

[Emphasis supplied.]

In time of national emergency declared by the President or Congress, the Secretary of Defense may, without cost to the United States, enter upon and use certain lands conveyed to the State of Delaware that were formerly part of the Fort Miles Military Reservation if he considers such lands necessary for national defense purposes. [Pub. L. 88-228, § 3; 77 Stat. 470.]

89TH CONGRESS

PUBLIC LAW 89-188

Provides that all lands comprising the Bolling-Anacostia complex *should be retained for military purposes.* [Pub. L. 89-188, 79 Stat. 793.] [See also Pub. L. 89-568, 80 Stat. 739.]

PUBLIC LAW 89-257

Authorizes certain members of the Armed Forces to accept and wear decorations of certain foreign nations "*during any period in which members of the Armed Forces of the United States are serving with friendly foreign forces engaged in an armed conflict in Vietnam . . . or during any period of hostilities in Vietnam in which the United States may be engaged.*" [P.L. 89-257, 79 Stat. 982.]

91ST CONGRESS

PUBLIC LAW 91-142

Real property: recapture of National Guard Facility, Pier 91, Seattle, Washington.

In time of war on national emergency declared by Congress or the President, and upon a determination by the Secretary of Defense that the National Guard facility, Pier 91, Seattle, Washington, or any part thereof is useful or necessary for national defense purposes, the United States may enter and use the property or any part thereof, including any improvements made by the grantee, for the duration of the war or emergency and six months thereafter. Upon termination of such use, the property reverts to the State of Washington. [P.L. 91-142, § 805; 83 Stat. 319.]

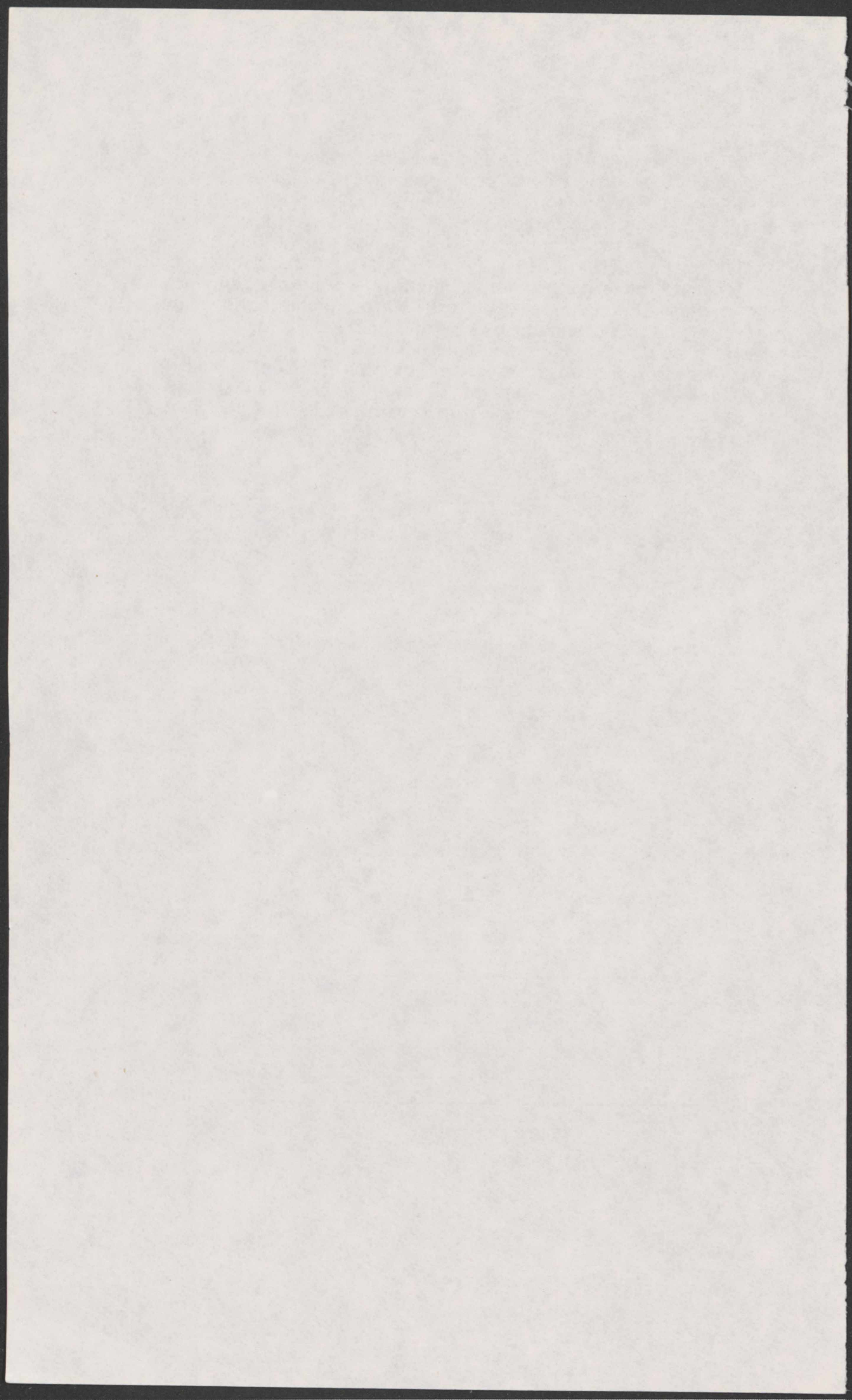
92D CONGRESS

PUBLIC LAW 92-145

Real property: recapture of certain land formerly part of Fort Bliss, Texas.

[Emphasis supplied.]

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 upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Texas, for the duration of such state of war or of such emergency. Upon the termination of such state of war or of such emergency plus six months such property shall revert to the State of Texas, together with all appurtenances and utilities belonging or appertaining thereto. [P.L. 92-145, § 708; 85 Stat. 412.]



CITATION OF STATUTES IN ACCORDANCE WITH
COMMITTEE JURISDICTION

AGRICULTURE AND FORESTRY

7 U.S.C.----- 1158, 1332, 1371, 1743, 1903

ARMED SERVICES

10 U.S.C. 123, 125, 142, 143, 262, 263 note, 269, 271, 331, 332, 333, 334,
351, 511, 519, 671a, 671b, 672, 673, 674, 675, 679, 681, 687,
712, 802 Art. 2, 843, 871 Art. 71, 1035, 1161, 2231, 2233,
2235, 2236, 2304, 2602, 2604, 2631, 2632, 2663, 2664, 2667,
2674 note, 2733, 2734, 3031, 3034, 3062, 3063, 3201, 3202,
3212, 3254, 3313, 3444, 3445, 3450, 3741, 3742, 3746, 3750,
3815, 4025, 4141, 4501, 4502, 4742, 4776, 4780, 5081, 5201,
5231, 5232, 5234, 5402, 5447, 5448, 5449, 5450, 5451, 5457,
5538, 5597, 5599, 5662, 5701, 5711, 5785, 5787, 5789,
5982, 6241, 6242, 6244, 6246, 6296, 6386, 6408, 6481, 6482,
6485, 6486, 6487, 6911, 7224, 7722, 7724, 7727, 8031, 8034,
8202, 8212, 8254, 8257, 8313, 8395, 8444, 8445, 8450, 8741,
8742, 8746, 8750, 8815, 9022, 9025, 9441, 9501, 9502, 9591,
9742, 9773, 9776, 9780

14 U.S.C.----- 3, 214, 275, 331, 359, 367, 371, 491, 493, 652, 778

16 U.S.C.----- 440

31 U.S.C.----- 80

32 U.S.C.----- 104, 302, 310, 715

33 U.S.C.----- 854a-1, 855

37 U.S.C.----- 202, 310, 407, 427, 901

50 U.S.C.----- 82, 98d, 451-462, 1511-1513, 1515-1518

50 U.S.C. App----- 785, 1211-1224, 1744, 1878e, s, vv, 2293

NONCODIFIED

43 Stat----- 959, 984, 1129

46 Stat----- 332, 479

47 Stat----- 1368

49 Stat	1278, 1387, 1535, 1557
50 Stat	696
60 Stat	332
62 Stat	1230
64 Stat	311, 591, 658
66 Stat	128, 727
67 Stat	38, 120
68 Stat	51, 475, 538, 975, 977
69 Stat	70, 71, 79, 294, 300, 301
70 Stat	18, 21, 156, 296, 537, 551, 577, 590, 698, 793
71 Stat	467, 473, 479, 583, 585
72 Stat	401, 404, 965
73 Stat	595
74 Stat	356, 370
75 Stat	242
77 Stat	470
79 Stat	982
80 Stat	739
83 Stat	319
85 Stat	412

BANKING, HOUSING, AND URBAN AFFAIRS

12 U.S.C.	95, 249, 635, 1425, 1703, 1705, 1748b(a)
50 U.S.C. App	2093, 2071-2073, 2151-2163, 2166

COMMERCE

15 U.S.C.	76, 77
16 U.S.C.	824
33 U.S.C.	853
42 U.S.C.	210-1, 211, 217, 228c-1
46 U.S.C. 133, 134, 249a, 835, 1132, 1151, 1202, 1241, 1242, 1294, 1402, 1406	
47 U.S.C.	308, 606
49 U.S.C.	1, 6, 1020, 1343, 1348
50 U.S.C.	196, 197, 198
50 U.S.C. App	2151-2163

NONCODIFIED

52 Stat.....	834
67 Stat.....	244
68 Stat.....	586
70 Stat.....	335
74 Stat.....	143

DISTRICT OF COLUMBIA

40 U.S.C.....	71d
---------------	-----

NONCODIFIED

71 Stat.....	47,393
--------------	--------

FINANCE

19 U.S.C.....	1318, 1351, 1352, 1862
26 U.S.C.....	168, 7508
31 U.S.C.....	203, 241
42 U.S.C.....	1313
50 U.S.C. App.....	1212 note, 2401-2413

FOREIGN RELATIONS

22 U.S.C. 401, 441, 444, 447, 450, 451, 461, 464, 1611, 1962, 1963, 1965, 2370, 2410	
35 U.S.C.....	181
41 U.S.C.....	15
43 U.S.C.....	1341
50 U.S.C.....	191, 812, 1435

NONCODIFIED

75 Stat.....	714
76 Stat.....	697

GOVERNMENT OPERATIONS

40 U.S.C.....	71d, 276a-5, 278b, 314, 484, 534
41 U.S.C.....	252
50 U.S.C. App.....	1622

NONCODIFIED

68 Stat	-----	172, 981
69 Stat	-----	592
70 Stat	-----	337

 INTERIOR AND INSULAR AFFAIRS

16 U.S.C	-----	590p
25 U.S.C	-----	72
43 U.S.C	-----	155, 616 <i>ll</i> , 1314
48 U.S.C	-----	455c(b)
50 U.S.C	-----	142, 167c(d)

NONCODIFIED

44 Stat	-----	241, 677
69 Stat	-----	140

 THE JUDICIARY

8 U.S.C	-----	1182(a) (22), 1185, 1440, 1440e, 1442, 1481(a) (10)
10 U.S.C	-----	2304
18 U.S.C.	-----	793, 794, 795, 798, 963, 967, 2153, 2154, 2157, 2391, 2511, 3287
22 U.S.C	-----	401
31 U.S.C	-----	203
41 U.S.C	-----	15
50 U.S.C	-----	21, 205, 206, 207, 208, 212, 223, 403(c), 1431
50 U.S.C. App.	-----	3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 19, 32, 38, 40, 2291, 2292, 2294, 2295, 2297

 LABOR AND PUBLIC WELFARE

20 U.S.C	-----	79, 241-1, 633, 646
29 U.S.C	-----	176, 178
42 U.S.C	-----	204, 266, 1477, 1541, 1592, 1711, 1712, 2138, 2165, 2201

 POST OFFICE AND CIVIL SERVICE

5 U.S.C	-----	701, 702, 3101, 3326, 5305, 5335, 5532, 5564, 8332f
50 U.S.C	-----	832

PUBLIC WORKS

16 U.S.C.	-----809, 831d, 831s, 831n-4(a), 832g, 833f	1575
42 U.S.C.	-----	
	NONCODIFIED	
68 Stat.	-----	32

RULES AND ADMINISTRATION

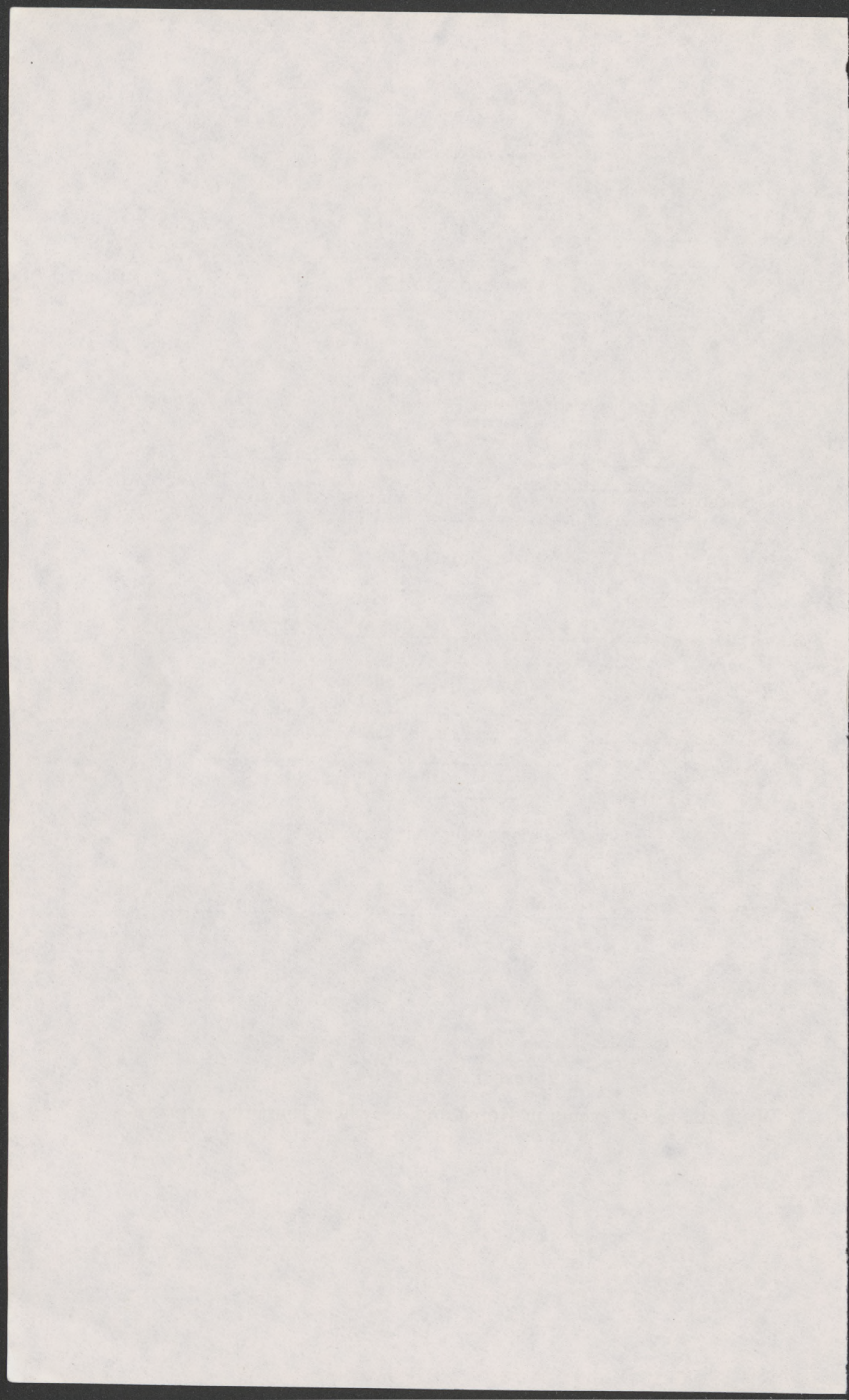
2 U.S.C.	-----	198
44 U.S.C.	-----	1505, 3311

VETERANS' AFFAIRS

38 U.S.C.	-----	101, 521, 541, 542, 602, 1901
50 U.S.C. App.	-----	2005
	NONCODIFIED	
67 Stat.	-----	54
69 Stat.	-----	376
71 Stat.	-----	517

JOINT COMMITTEE ON ATOMIC ENERGY

42 U.S.C.	-----	2138, 2165, 2201
-----------	-------	------------------



PROCLAMATIONS OF NATIONAL EMERGENCY
STILL IN EFFECT

EXCERPT FROM PUBLIC LAW 1
73D CONG., 1ST SESS. (1933)

[CHAPTER 1.]

AN ACT

To provide relief in the existing national emergency in banking, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application.

TITLE I

SECTION 1. The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed.

* * * * *

—NOTE—

President Roosevelt had declared the state of emergency immediately after his inauguration on March 4, 1933. This act of Congress ratified that decision and promulgations made thereunder.

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 strength 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 fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL]

By the President:
DEAN ACHESON,
Secretary of State.

HARRY S. TRUMAN.

PROCLAMATION NUMBER 3972

[Mar. 23, 1970]

DECLARING A NATIONAL EMERGENCY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, certain employees of the Postal Service are engaged in an unlawful work stoppage which has prevented the delivery of the mails and the discharge of other postal functions in various parts of the United States; and

WHEREAS, as a result of such unlawful work stoppage the performance of critical governmental and private functions, such as the processing of men into the Armed Forces of the United States, the transmission of tax refunds and the receipt of tax collections, the transmission of Social Security and welfare payments, and the conduct of numerous and important commercial transactions, has wholly ceased or is seriously impeded; and

WHEREAS, the continuance of such work stoppage with its attendant consequences will impair the ability of this Nation to carry out its obligations abroad, and will cripple or halt the official and commercial intercourse which is essential to the conduct of its domestic business:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, pursuant to the powers vested in me by the Constitution and laws of the United States and more particularly by the provisions of Section 673 of Title 10 of the United States Code, do hereby declare a state of national emergency, and direct the Secretary of Defense to take such action as he deems necessary to carry out the provisions of said Section 673 in order that the laws of the United States pertaining to the Post Office Department may be executed in accordance with their terms.

IN WITNESS WHEREOF, I have hereunto set my hand this 23d day of March in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

—NOTE—

Proclamation 3972 is a recent example of a limited national emergency. Many similar emergencies have taken place in the past in which proclamations are declared to inform the public that emergency action to meet that particular crisis will be taken. As a general practice, these proclamations have seldom been terminated. Nonetheless, the statutory authority which is triggered by the declaration of a national emergency is not clearly limited by the language of the declaration. It could be argued that even though a particular provision is stressed all the other provisions brought into force by a proclamation of a national emergency could be used.

PROCLAMATION NUMBER 4074

[Aug. 15, 1971]

IMPOSITION OF SUPPLEMENTAL DUTY FOR BALANCE OF PAYMENTS
PURPOSES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, there has been a prolonged decline in the international monetary reserves of the United States, and our trade and international competitive position is seriously threatened and, as a result, our continued ability to assure our security could be impaired;

WHEREAS, the balance of payments position of the United States requires the imposition of a surcharge on dutiable imports;

WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including, but not limited to, the Tariff Act of 1930, as amended (hereinafter referred to as "the Tariff Act"), and the Trade Expansion Act of 1962 (hereinafter referred to as "the TEA"), the President entered into, and proclaimed tariff rates under, trade agreements with foreign countries;

WHEREAS, under the Tariff Act, the TEA, and other provisions of law, the President may, at any time, modify or terminate, in whole or in part, any proclamation made under his authority;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including, but not limited to, the Tariff Act, and the TEA, respectively, do proclaim as follows:

A. I hereby declare a national emergency during which I call upon the public and private sector to make the efforts necessary to strengthen the international economic position of the United States.

B. (1) I hereby terminate in part for such period as may be necessary and modify prior Presidential Proclamations which carry out trade agreements insofar as such proclamations are inconsistent with, or proclaim duties different from, those made effective pursuant to the terms of this Proclamation.

(2) Such Proclamations are suspended only insofar as is required to assess a surcharge in the form of a supplemental duty amounting to 10 percent ad valorem. Such supplemental duty shall be imposed on all dutiable articles imported into the customs territory of the United States from outside thereof, which are entered, or withdrawn from warehouse, for consumption after 12:01 a.m., August 16, 1971, provided, however, that if the imposition of an additional duty of 10 percent ad valorem would cause the total duty or charge payable to exceed the total duty or charge payable at the rate prescribed in column 2 of the Tariff Schedules of the United States, then the column 2 rate shall apply.

* * * * *