

propriate to promote the national defense, and to implement the Act in subchapter III [50 U.S.C. 4551 et seq.] of chapter 55 of title 50, United States Code (50 U.S.C. 4554, 4555, 4556, 4559, 4560), is delegated to the Secretary of Health and Human Services with respect to all health resources, including the ingredients necessary to manufacture infant formula.

(b) The Secretary of Health and Human Services may use the authority under section 101 of the Act to determine, in consultation with the Secretary of Agriculture and the heads of other executive departments and agencies as appropriate, the proper nationwide priorities and allocation of all ingredients necessary to manufacture infant formula [sic], including controlling the distribution of such materials (including applicable services) in the civilian market, for responding to the shortage of infant formula within the United States.

You are authorized and directed to publish this determination in the Federal Register.

J.R. BIDEN, JR.

§ 4512. Hoarding of designated scarce materials

In order to prevent hoarding, no person shall accumulate (1) in excess of the reasonable demands of business, personal, or home consumption, or (2) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated by the President as scarce materials or materials the supply of which would be threatened by such accumulation. The President shall order published in the Federal Register, and in such other manner as he may deem appropriate, every designation of materials the accumulation of which is unlawful and any withdrawal of such designation. In making such designations the President may prescribe such conditions with respect to the accumulation of materials in excess of the reasonable demands of business, personal, or home consumption as he deems necessary to carry out the objectives of this chapter. This section shall not be construed to limit the authority contained in sections 4511 and 4554 of this title.

(Sept. 8, 1950, ch. 932, title I, §102, 64 Stat. 799; July 31, 1951, ch. 275, title I, §101(b), 65 Stat. 132.)

TERMINATION OF SECTION

For termination of section, see section 4564(a) of this title.

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning act Sept. 8, 1950, ch. 932, 64 Stat. 798, known as the Defense Production Act of 1950, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4501 of this title and Tables.

CODIFICATION

Section was formerly classified to section 2072 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1951—Act July 31, 1951, authorized President to prescribe conditions and exceptions allowing maintenance of substantial inventories of critical materials in certain cases.

Executive Documents

DELEGATION OF FUNCTIONS

Authorities of President under this section with respect to health and medical resources needed to re-

spond to the spread of COVID-19 within the United States delegated to Secretary of Homeland Security, see section 4 of Ex. Ord. No. 13911, Mar. 27, 2020, 85 F.R. 18404, set out as a note under section 4511 of this title.

Functions of President under this chapter relating to production, conservation, use, control, distribution, and allocation of energy, delegated to Secretary of Energy, see section 4 of Ex. Ord. No. 11790, June 25, 1974, 39 F.R. 23185, set out as a note under section 761 of Title 15, Commerce and Trade.

EXECUTIVE ORDER NO. 13910

Ex. Ord. No. 13910, Mar. 23, 2020, 85 F.R. 17001, which delegated authority of President under this section to prevent hoarding of health and medical resources necessary to respond to the spread of COVID-19 within the United States to the Secretary of Health and Human Services, was revoked by Ex. Ord. No. 14122, §2, Apr. 12, 2024, 89 F.R. 27355, set out in a note under section 300hh-3 of Title 42, The Public Health and Welfare.

§ 4513. Penalties

Any person who willfully performs any act prohibited, or willfully fails to perform any act required, by the provisions of this subchapter or any rule, regulation, or order thereunder, shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(Sept. 8, 1950, ch. 932, title I, §103, 64 Stat. 799.)

TERMINATION OF SECTION

For termination of section, see section 4564(a) of this title.

Editorial Notes

CODIFICATION

Section was formerly classified to section 2073 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4514. Limitation on actions without congressional authorization

(a) Wage or price controls

No provision of this chapter shall be interpreted as providing for the imposition of wage or price controls without the prior authorization of such action by a joint resolution of Congress.

(b) Chemical or biological weapons

No provision of this subchapter shall be exercised or interpreted to require action or compliance by any private person to assist in any way in the production of or other involvement in chemical or biological warfare capabilities, unless authorized by the President (or the President’s designee who is serving in a position at level I of the Executive Schedule in accordance with section 5312 of title 5) without further re-delegation.

(Sept. 8, 1950, ch. 932, title I, §104, as added Pub. L. 102-558, title I, §112, Oct. 28, 1992, 106 Stat. 4202.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning act Sept. 8, 1950, ch. 932, 64 Stat. 798, known as the Defense Production Act of 1950, which is classified principally to this chapter. For