

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

complete classification of this Act to the Code, see section 4501 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 2074 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### PRIOR PROVISIONS

A prior section 104 of act Sept. 8, 1950, ch. 932, title I, as added July 31, 1951, ch. 275, title I, §101(c), 65 Stat. 132; amended June 30, 1952, ch. 530, §103, 66 Stat. 297, related to limitations on imports of fats and oils, prior to termination at close of June 30, 1953, pursuant to section 4564(a) of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section deemed to have become effective Mar. 1, 1992, see section 304 of Pub. L. 102-558, set out as an Effective Date of 1992 Amendment note under section 4502 of this title.

#### Executive Documents

##### DELEGATION OF AUTHORITY

Authority of President under subsec. (b) of this section delegated to Secretary of Defense, without authority to redelegate, by section 204 of Ex. Ord. No. 13603, Mar. 16, 2012, 77 F.R. 16653, set out as a note under section 4553 of this title.

#### § 4515. Presidential power to ration gasoline among classes of end-users unaffected

Nothing in this chapter shall be construed to authorize the President to institute, without the approval of the Congress, a program for the rationing of gasoline among classes of end-users.

(Sept. 8, 1950, ch. 932, title I, §105, as added Pub. L. 96-294, title I, §103, June 30, 1980, 94 Stat. 617.)

#### 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 2075 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective June 30, 1980, see section 107 of Pub. L. 96-294, set out as an Effective Date of 1980 Amendment note under section 4502 of this title.

#### § 4516. Designation of energy as a strategic and critical material

For purposes of this chapter, “energy” shall be designated as a “strategic and critical material” after June 30, 1980: *Provided*, That no provision of this chapter shall, by virtue of such designa-

tion<sup>1</sup> grant any new direct or indirect authority to the President for the mandatory allocation or pricing of any fuel or feedstock (including, but not limited to, crude oil, residual fuel oil, any refined petroleum product, natural gas, or coal) or electricity or any other form of energy.

(Sept. 8, 1950, ch. 932, title I, §106, as added Pub. L. 96-294, title I, §103, June 30, 1980, 94 Stat. 617; amended Pub. L. 111-67, §5, Sept. 30, 2009, 123 Stat. 2009.)

#### 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 2076 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2009—Pub. L. 111-67 substituted “such designation” for “such designation—” and “energy.” for “energy; or”, struck out par. (1) designation before “grant any new direct or indirect authority to the President for”, and struck out par. (2) which read as follows: “grant any new direct or indirect authority to the President to engage in the production of energy in any manner whatsoever (such as oil and gas exploration and development, or any energy facility construction), except as expressly provided in sections 305 and 306 [of act Sept. 8, 1950, ch. 932] for synthetic fuel production.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective June 30, 1980, see section 107 of Pub. L. 96-294, set out as an Effective Date of 1980 Amendment note under section 4502 of this title.

#### § 4517. Strengthening domestic capability

##### (a) In general

Utilizing the authority of subchapter II of this chapter or any other provision of law, the President may provide appropriate incentives to develop, maintain, modernize, restore, and expand the productive capacities of domestic sources for critical components, critical technology items, materials, and industrial resources essential for the execution of the national security strategy of the United States.

##### (b) Critical components and critical technology items

###### (1) Maintenance of reliable sources of supply

The President shall take appropriate actions to assure that critical components, critical technology items, essential materials, and industrial resources are available from reliable sources when needed to meet defense require-

<sup>1</sup> So in original. Probably should be followed by a comma.