

previously transferred from Secretary of the Army and Department of the Army to Secretary of the Air Force and Department of the Air Force, see Secretary of Defense Transfer Order No. 40 [App. C(11)], July 22, 1949.

## § 2. Advisory commission

The Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

(Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649.)

### Statutory Notes and Related Subsidiaries

#### TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided by law. Advisory commissions established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided by law. See sections 1001(2) and 1013 of Title 5, Government Organization and Employees.

## § 3. Duties of council

It shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relat-

ing thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

(Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649; Nov. 9, 1921, ch. 119, § 3, 42 Stat. 212.)

### Editorial Notes

#### CODIFICATION

The words "extensive highways and" which preceded "branch lines of railroad" omitted on authority of act Nov. 9, 1921, which transferred powers and duties of Council relating to highways to Secretary of Commerce.

## § 4. Rules and regulations; subordinate bodies and committees

The Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

(Aug. 29, 1916, ch. 418, § 2, 39 Stat. 650.)

### Statutory Notes and Related Subsidiaries

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## § 5. Reports of subordinate bodies and committees; unvouchered expenditures

Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto. When deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures.

(Aug. 29, 1916, ch. 418, § 2, 39 Stat. 650; Aug. 7, 1946, ch. 770, § 1(53), 60 Stat. 870.)

**Editorial Notes**

## CODIFICATION

Second sentence was from a proviso to the first sentence, which was affected by act Aug. 7, 1946.

## AMENDMENTS

1946—Act Aug. 7, 1946, repealed all provisions requiring annual reports to Congress of the Council's activities and expenditures.

**Statutory Notes and Related Subsidiaries**

## TERMINATION OF ADVISORY COMMISSIONS

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**§ 6. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 644**

Section, act June 5, 1920, ch. 235, 41 Stat. 886, placed a limit on salaries of officers and employees of Council of National Defense.

**CHAPTER 2—BOARD OF ORDNANCE AND FORTIFICATION****§§ 11 to 15. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029**

Section 11, act Sept. 22, 1888, ch. 1028, § 1, 25 Stat. 489, related to composition and duties of Board of Ordnance and Fortification.

Section 12, act Feb. 24, 1891, ch. 283, 26 Stat. 769, provided for a civilian member of Board.

Section 13, act Mar. 2, 1901, ch. 803, 31 Stat. 910, provided for additional members of Board.

Section 14, act Feb. 18, 1893, ch. 136, 27 Stat. 461, related to qualifications of Board Members.

Section 15, act Sept. 22, 1888, ch. 1028, § 6, 25 Stat. 490, related to purchases and tests.

**CHAPTER 3—ALIEN ENEMIES**

Sec.

- 21. Restraint, regulation, and removal.
- 22. Time allowed to settle affairs and depart.
- 23. Jurisdiction of United States courts and judges.
- 24. Duties of marshals.

**§ 21. Restraint, regulation, and removal**

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen

years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

(R.S. § 4067; Apr. 16, 1918, ch. 55, 40 Stat. 531.)

**Editorial Notes**

## CODIFICATION

R.S. § 4067 derived from act July 6, 1798, ch. 66, § 1, 1 Stat. 577.

## AMENDMENTS

1918—Act Apr. 16, 1918, struck out provision restricting this section to males.

**Executive Documents**

## WORLD WAR II PROCLAMATIONS

The following proclamations under this section were issued during World War II:

- Proc. No. 2525, Dec. 7, 1941, 6 F.R. 6321, 55 Stat. Pt. 2, 1700.
- Proc. No. 2526, Dec. 8, 1941, 6 F.R. 6323, 55 Stat. Pt. 2, 1705.
- Proc. No. 2527, Dec. 8, 1941, 6 F.R. 6324, 55 Stat. Pt. 2, 1707.
- Proc. No. 2533, Dec. 29, 1941, 7 F.R. 55, 55 Stat. Pt. 2, 1714.
- Proc. No. 2537, Jan. 14, 1942, 7 F.R. 329, 56 Stat. Pt. 2, 1933, revoked by Proc. No. 2678, Dec. 29, 1945, 11 F.R. 221, 60 Stat. Pt. 2, 1336.
- Proc. No. 2563, July 17, 1942, 7 F.R. 5535, 56 Stat. Pt. 2, 1970.
- Proc. No. 2655, July 14, 1945, 10 F.R. 8947, 59 Stat. Pt. 2, 870.
- Proc. No. 2674, Dec. 7, 1945, 10 F.R. 14945, 59 Stat. Pt. 2, 889.
- Proc. No. 2685, Apr. 11, 1946, 11 F.R. 4079, 60 Stat. Pt. 2, 1342, set out as a note preceding section 1 of this title.

## WORLD WAR I PROCLAMATIONS

Proclamations issued under this chapter during the years 1917 and 1918 will be found in 40 Stat. 1651, 1716, 1730, and 1772.

**§ 22. Time allowed to settle affairs and depart**

When an alien who becomes liable as an enemy, in the manner prescribed in section 21 of this title, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native citizen, denizen, or subject; and where no such treaty exists, or is in force, the President may ascertain and declare