

CHAPTER 1—COUNCIL OF NATIONAL DEFENSE

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§ 1. Creation, purpose, and composition of council

A Council of National Defense is established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

(Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Sections 1 to 5 of this title are from section 2 of act Aug. 29, 1916, popularly known as the Army Appropriation Act for the fiscal year 1916.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

TRANSFER OF FUNCTIONS

For transfer of certain membership functions, insofar as they pertain to Air Force, which functions were not 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.)

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 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to 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 relating 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.)

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 compensa-

tion, but to direct the investigations of experts so employed.

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

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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.)

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.

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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

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§ 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.)

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.

WORLD WAR II PROCLAMATIONS

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

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| 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. |