

articles or merchandise actually illegally exported out, the carrier used to effectuate the exportation, provided for applicability of laws relating to seizure, summary and judicial forfeiture and condemnation, and provided for the disposition of seized materials.

1930—Act June 17, 1930, substituted “comptrollers of customs” for “Naval officers of customs”.

**EX. ORD. NO. 10863. AUTHORIZATION OF ATTORNEY GENERAL TO SEIZE ARMS AND MUNITIONS OF WAR, AND OTHER ARTICLES**

Ex. Ord. No. 10863, Feb. 18, 1960, 25 F.R. 1507, provided: By virtue of the authority vested in me by section 1 of Title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401), it is ordered as follows:

**SECTION 1.** The Attorney General is hereby designated under section 1 of Title VI of the act of June 15, 1917, as amended by section 1 of the act of August 13, 1953 [this section], as a person duly authorized to seize and detain arms or munitions of war or other articles, and to seize and detain any vessel, vehicle, or aircraft containing such items or which has been, or is being, used in exporting or attempting to export such arms or munitions of war or other articles, whenever an attempt is made to export or ship from or take out of the United States such arms or munitions of war or other articles in violation of law, or whenever it is known, or there is probable cause to believe, that such arms or munitions of war or other articles are intended to be, or are being or have been, exported or removed from the United States in violation of law.

**SEC. 2.** The authority conferred upon the Attorney General by section 1 of this order may be exercised by any officer of the Department of Justice designated for such purpose by the Attorney General.

DWIGHT D. EISENHOWER.

**§§ 402 to 405. Repealed. Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577**

Section 402, act June 15, 1917, ch. 30, title VI, § 2, 40 Stat. 224, related to issuance of warrant for detention of seized property.

Section 403, act June 15, 1917, ch. 30, title VI, § 3, 40 Stat. 224, related to filing petition for restoration of seized property.

Section 404, acts June 15, 1917, ch. 30, title VI, § 4, 40 Stat. 224; Mar. 1, 1929, ch. 420, 45 Stat. 1423, related to institution of libel proceedings and sale of seized property.

Section 405, act June 15, 1917, ch. 30, title VI, § 5, 40 Stat. 224, related to method of trial and bond for redelivery.

For subject matter of sections 402 to 405 of this title, see section 401 of this title.

**§ 406. Interference with foreign trade**

Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section 401 of this title, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before June 15, 1917, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

(June 15, 1917, ch. 30, title VI, § 6, 40 Stat. 225.)

**REFERENCES IN TEXT**

Herein, referred to in text, means act June 15, 1917, ch. 30, title VI, 40 Stat. 223, as amended, which enacted sections 31 to 39, 98, 130 to 133, 288, 343 to 346, 381, 502,

535, 536, 574, and 611 to 633 of former Title 18, Criminal Code and Criminal Procedure, sections 213, 231 to 233, 235, 401 to 408a, 462, and 465 of this title, and sections 30 to 42, 191, and 192 to 195 of Title 50, War and National Defense, and amended sections 25, 27, and 349 of former Title 18. For complete classification of this Act to the Code, see Tables.

**§ 407. Repealed. Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577**

Section, act June 15, 1917, ch. 30, title VI, § 7, 40 Stat. 225, related to President's discretion to release seized property. See section 401 of this title.

**§ 408. Use of land and naval forces to prevent exportation**

The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of sections 401 to 408 of this title.

(June 15, 1917, ch. 30, title VI, § 8, 40 Stat. 225.)

**AIR FORCE**

For transfer of certain functions insofar as they pertain to the Air Force, and to the extent that they were not previously transferred to the Secretary of the Air Force from the Secretary of the Army, see Secretary of Defense Transfer Order No. 40 [App. A(1)], July 22, 1949.

**§ 408a. “United States” defined**

The term “United States” as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231.)

**REFERENCES IN TEXT**

This Act, referred to in text, means act June 15, 1917, ch. 30, 40 Stat. 217, as amended, which enacted sections 31 to 39, 98, 130 to 133, 288, 343 to 346, 381, 502, 535, 536, 574, and 611 to 633 of former Title 18, Criminal Code and Criminal Procedure, sections 213, 231 to 233, 235, 401 to 408a, 462, and 465 of this title, and sections 30 to 42, 191, and 192 to 195 of Title 50, War and National Defense, and amended sections 25, 27, and 349 of former Title 18. For complete classification of this Act to the Code, see Tables.

For definition of Canal Zone, referred to in text, see section 3602(b) of this title.

**§§ 409, 410. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948**

Section 409, act Jan. 31, 1922, ch. 44, § 1, 42 Stat. 361, related to prohibition against exportation of arms to American countries or countries under American jurisdiction in a state of domestic violence. See section 1934 of this title.

Section 410, act Jan. 31, 1922, ch. 44, § 2, 42 Stat. 361, related to penalties. See section 1934 of this title.

**§§ 411 to 419. Omitted**

**CODIFICATION**

Sections 411, 412, and 413 to 419, popularly known as the Lend-Lease Act, terminated not later than June 30, 1946, pursuant to section 412 of this title.

Section 411, act Mar. 11, 1941, ch. 11, § 2, 55 Stat. 31, defined “defense article” and “defense information” for purpose of lease, loan, etc., of war materials in interest of United States defense.

Section 412, acts Mar. 11, 1941, ch. 11, § 3, 55 Stat. 31; Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, §§ 1, 2, 58 Stat. 222, 223; Apr. 16, 1945, ch. 61, §§ 1, 2, 59 Stat. 52, provided for procurement for and transfer of defense

articles to other countries, repairs, limitation on amount, termination of powers after June 30, 1946, or after passage of concurrent resolution by both Houses before June 30, 1946, whichever is the earlier, naval convoys, and combat area navigation.

Section 412a, act Mar. 18, 1943, ch. 17, title I, § 1, 57 Stat. 25, prohibited disposition of merchant vessels under sections 411 to 419 of this title except by lease for duration of war.

Section 413, act Mar. 11, 1941, ch. 11, § 4, 55 Stat. 32, provided for contract restrictions against disposal of transferred articles by transferee governments.

Section 414, act Mar. 11, 1941, ch. 11, § 5, 55 Stat. 32, provided for information regarding articles exported and reports to Congress. Section 5(b) of act Mar. 11, 1941, ch. 11, 55 Stat. 32, formerly classified to section 414(b) of this title, provided for reports with respect to operations under the Lend-Lease Act, and was repealed by Pub. L. 89-348, § 1(19), Nov. 8, 1965, 79 Stat. 1311.

Section 415, acts Mar. 11, 1941, ch. 11, § 6, 55 Stat. 33; Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, § 1, 58 Stat. 222; Apr. 16, 1945, ch. 61, § 1, 59 Stat. 52; July 25, 1947, ch. 327, § 1, 61 Stat. 449, authorized appropriations.

Section 416, act Mar. 11, 1941, ch. 11, § 7, 55 Stat. 33, provided for protection of patent rights.

Section 417, act Mar. 11, 1941, ch. 11, § 8, 55 Stat. 33, provided for acquisition of war materials from foreign governments.

Section 418, act Mar. 11, 1941, ch. 11, § 9, 55 Stat. 33, authorized executive promulgation of rules and regulations and delegation of powers.

Section 419, act Mar. 11, 1941, ch. 11, § 10, 55 Stat. 33, related to effect of act Mar. 11, 1941 on existing laws relating to use of land and naval forces.

#### ADDITIONAL DEFENSE AID TO OTHER COUNTRIES; LEASE OF CERTAIN SHIPS, BARGES, ETC.

Acts Feb. 7, 1942, ch. 46, title III, § 301, 56 Stat. 82; Oct. 26, 1942, ch. 629, title I, § 103, 56 Stat. 994; Feb. 19, 1943, ch. 1, § 4, 57 Stat. 4, June 26, 1943, ch. 147, § 118, 57 Stat. 217; June 22, 1944, ch. 269, § 121, 58 Stat. 322; May 29, 1945, ch. 130, § 119, 59 Stat. 222, provided for additional defense aid to countries deemed vital to the defense of the United States and for the lease of ships for periods not extending beyond the termination of the national emergency.

#### LIMITATION ON APPROPRIATIONS

Act Apr. 28, 1942, ch. 247, title II, § 201, 56 Stat. 233, provided that limitation of \$2,500,000,000 shall apply to all appropriations made to the Navy Department since Mar. 11, 1941.

#### REDUCTION IN VALUE OF DEFENSE ARTICLES

The value of defense articles was reduced to \$800,000,000 by act Dec. 17, 1941, ch. 591, title I, § 102, 55 Stat. 813, and as thus limited was made inapplicable to the War Department after Dec. 17, 1941.

#### DEFINITIONS

Act Mar. 5, 1942, ch. 141, title III, § 303, 56 Stat. 131, provided that the term "defense article" shall be deemed to include defense information and services, and the expenses in connection with the procurement or supplying of defense articles, information, and services.

#### § 420. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449

Section, acts May 2, 1941, ch. 84, § 5, 55 Stat. 150; June 16, 1942, ch. 416, 56 Stat. 370, related to application of sections 1119a and 1119b of former Title 46, Shipping, to functions of the Maritime Commission under sections 411, 412 and 413 to 419 of this title.

#### § 421. Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States

The President may, from time to time, when he deems it in the interest of national defense,

authorize the head of any department or agency of the Government, to enter into contracts for the procurement of defense articles, information, or services for the government of any country whose defense the President deems vital to the defense of the United States, to the extent that such government agrees to pay the United States for such defense articles, information, or services prior to the receipt thereof and to make such payments from time to time as the President may require to protect the interests of the United States; and, upon payment of the full cost, the President may dispose of such articles, information, or services to such government: *Provided*, That the total amount of the outstanding contracts under this section, less the amounts which have been paid to the United States under such contracts, shall at no time exceed \$600,000,000.

(Oct. 28, 1941, ch. 460, title I, § 102, 55 Stat. 746.)

#### § 422. Retention for United States of defense articles procured for foreign governments

Any defense article procured pursuant to section 421 of this title shall be retained by or transferred to and for the use of such department or agency of the United States as the President may determine, in lieu of being disposed of to a foreign government, whenever in the judgment of the President the defense of the United States will be best served thereby.

(Oct. 28, 1941, ch. 460, title I, § 103, 55 Stat. 747.)

#### § 423. Omitted

##### CODIFICATION

Section, act June 14, 1943, ch. 122, § 2, 57 Stat. 152, related to retention for defense of United States of certain articles, information or service procured for foreign governments from funds appropriated by act June 14, 1943 or prior acts appropriating funds to the President for such purposes.

#### SUBCHAPTER II—NEUTRALITY

#### § 441. Proclamation of state of war between foreign states

##### (a) Issuance of proclamation

Whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

##### (b) Revocation of proclamation

Whenever the state of war which shall have caused the President to issue any proclamation under the authority of this section shall have ceased to exist with respect to any state named in such proclamation, he shall revoke such proclamation with respect to such state.

(Nov. 4, 1939, ch. 2, § 1, 54 Stat. 4.)

##### SHORT TITLE

Joint Res. Nov. 4, 1939, ch. 2, § 20, 54 Stat. 12, provided that: "This joint resolution [enacting this subchapter] may be cited as the 'Neutrality Act of 1939'."