

**§ 99. Transferred**

## CODIFICATION

Section, act July 2, 1940, ch. 508, § 6, 54 Stat. 714, was transferred to section 701 of the former Appendix to this title and subsequently repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

**§ 100. Nitrate plants****(a) Investigations; designation of sites; construction and operation of dams, locks, improvements to navigation, etc.**

The President of the United States may make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also authorized to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for national defense; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

**(b) Lease, purchase, or acquisition of lands and rights of way; purchase or acquisition of materials, minerals, and processes**

The President is authorized to lease, buy, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants and to take from any lands of the United States, or to buy or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

**(c) Use of products of plants; disposal of surplus**

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

**(d) Employment of officers, agents, or agencies**

The President is authorized to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

**(e) Government construction and operation**

The plant or plants provided for under this section shall be constructed and operated solely

by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

(Aug. 10, 1956, ch. 1041, § 37, 70A Stat. 634.)

## CODIFICATION

Section was not enacted as part of the Strategic and Critical Materials Stock Piling Act which comprises this subchapter.

**§ 100a. Omitted**

## CODIFICATION

Section, which was from the Department of Defense Appropriation Act, 1983, Pub. L. 97-377, title I, § 101(c) [title VII, § 712], Dec. 21, 1982, 96 Stat. 1833, 1851, prohibited use of funds available to Department of Defense agencies for acquisition, construction, or operation of certain scrap-processing facilities, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Dec. 29, 1981, Pub. L. 97-114, title VII, § 712, 95 Stat. 1580.  
Dec. 15, 1980, Pub. L. 96-527, title VII, § 713, 94 Stat. 3082.  
Dec. 21, 1979, Pub. L. 96-154, title VII, § 713, 93 Stat. 1154.  
Oct. 13, 1978, Pub. L. 95-457, title VIII, § 813, 92 Stat. 1246.  
Sept. 21, 1977, Pub. L. 95-111, title VIII, § 812, 91 Stat. 901.  
Sept. 22, 1976, Pub. L. 94-419, title VII, § 712, 90 Stat. 1293.  
Feb. 9, 1976, Pub. L. 94-212, title VII, § 712, 90 Stat. 170.  
Oct. 8, 1974, Pub. L. 93-437, title VIII, § 812, 88 Stat. 1226.  
Jan. 2, 1974, Pub. L. 93-238, title VII, § 712, 87 Stat. 1040.  
Oct. 26, 1972, Pub. L. 92-570, title VII, § 712, 86 Stat. 1198.  
Dec. 18, 1971, Pub. L. 92-204, title VII, § 712, 85 Stat. 729.  
Jan. 11, 1971, Pub. L. 91-668, title VIII, § 812, 84 Stat. 2032.  
Dec. 29, 1969, Pub. L. 91-171, title VI, § 612, 83 Stat. 481.  
Oct. 17, 1968, Pub. L. 90-580, title V, § 511, 82 Stat. 1131.  
Sept. 29, 1967, Pub. L. 90-96, title VI, § 611, 81 Stat. 244.  
Oct. 15, 1966, Pub. L. 89-687, title VI, § 611, 80 Stat. 992.  
Sept. 29, 1965, Pub. L. 89-213, title VI, § 611, 79 Stat. 875.  
Aug. 19, 1964, Pub. L. 88-446, title V, § 511, 78 Stat. 476.  
Oct. 17, 1963, Pub. L. 88-149, title V, § 511, 77 Stat. 265.  
Aug. 9, 1962, Pub. L. 87-577, title V, § 511, 76 Stat. 329.  
Aug. 17, 1961, Pub. L. 87-144, title VI, § 611, 75 Stat. 377.  
July 7, 1960, Pub. L. 86-601, title V, § 511, 74 Stat. 351.  
Aug. 18, 1959, Pub. L. 86-166, title V, § 611, 73 Stat. 380.  
Aug. 22, 1958, Pub. L. 85-724, title VI, § 611, 72 Stat. 725.  
Aug. 2, 1957, Pub. L. 85-117, title VI, § 612, 71 Stat. 325.  
July 2, 1956, ch. 488, title VI, § 612, 70 Stat. 469.  
July 13, 1955, ch. 358, title VI, § 615, 69 Stat. 317.  
June 30, 1954, ch. 432, title VII, § 715, 68 Stat. 352.

**CHAPTER 6—WILLFUL DESTRUCTION, ETC., OF WAR OR NATIONAL-DEFENSE MATERIAL****§§ 101 to 106. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862**

Section 101, acts Apr. 20, 1918, ch. 59, § 1, 40 Stat. 533; Nov. 30, 1940, ch. 926, 54 Stat. 1220; Dec. 24, 1942, ch. 824, 56 Stat. 1087; 1946 Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, related to definition of war terms. See section 2151 of Title 18, Crimes and Criminal Procedure.

Section 102, act Apr. 20, 1918, ch. 59, § 2, 40 Stat. 534, related to destruction or injury of war material in time of war. See section 2153 of Title 18.

Section 103, act Apr. 20, 1918, ch. 59, § 3, 40 Stat. 534, related to making or causing to be made defective war material. See section 2154 of Title 18.

Section 104, act Apr. 20, 1918, ch. 59, § 4, as added Nov. 30, 1940, ch. 926, 54 Stat. 1220; amended Aug. 21, 1941, ch. 388, 55 Stat. 655, related to definition of national-defense terms. See section 2151 of Title 18.

Section 105, act Apr. 20, 1918, ch. 59, § 5, as added Nov. 30, 1940, ch. 926, 54 Stat. 1220, related to destruction or injury of national-defense materials. See section 2155 of Title 18.

Section 106, act Apr. 20, 1918, ch. 59, § 6, as added Nov. 30, 1940, ch. 926, 54 Stat. 1220, related to making or causing to be made defective national-defense material. See section 2156 of Title 18.

#### EFFECTIVE DATE OF REPEAL

Repeal of sections 101 to 106 effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

### CHAPTER 7—INTERFERENCE WITH HOMING PIGEONS OWNED BY UNITED STATES

#### §§ 111 to 113. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section 111, act Apr. 19, 1918, ch. 58, § 1, 40 Stat. 533, related to prohibited acts affecting homing pigeons owned by United States. See section 45 of Title 18, Crimes and Criminal Procedure.

Section 112, act Apr. 19, 1918, ch. 58, § 2, 40 Stat. 533, related to possession of pigeons as evidence of violation of law. See section 45 of Title 18.

Section 113, act Apr. 19, 1918, ch. 58, § 3, 40 Stat. 533, related to punishment. See section 45 of Title 18.

#### EFFECTIVE DATE OF REPEAL

Repeal of sections 111 to 113 effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

### CHAPTER 8—EXPLOSIVES; MANUFACTURE, DISTRIBUTION, STORAGE, USE, AND POSSESSION REGULATED

#### §§ 121 to 144. Repealed. Pub. L. 91-452, title XI, § 1106(a), Oct. 15, 1970, 84 Stat. 960

Section 121, acts Oct. 6, 1917, ch. 83, § 1, 40 Stat. 385; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863, defined "explosive", "explosives", "ingredients", "person", and "Director". See section 841 of Title 18, Crimes and Criminal Procedure.

Section 122, acts Oct. 6, 1917, ch. 83, § 2, 40 Stat. 385; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864, related to unauthorized manufacture, distribution, possession, acquisition, etc., of explosives or ingredients. See section 842 of Title 18.

Section 123, acts Oct. 6, 1917, ch. 83, § 3, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864; Nov. 24, 1942, ch. 641, 56 Stat. 1022; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1405, 72 Stat. 808; Oct. 15, 1966, Pub. L. 89-670, § 8(f), 80 Stat. 943, excepted from provisions of this chapter purchase or possession of ingredients when purchased or held in small quantities and not used or intended to be used in manufacture of explosives, explosives or ingredients in transit in conformity with applicable law, explosives manufactured under authority of the United States for armed forces or the F.B.I., and arsenals, etc., owned by, or operated by or on behalf of, the United States. See section 845 of Title 18.

Section 124, acts Oct. 6, 1917, ch. 83, § 4, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864, authorized a superintendent, foreman, or other duly authorized employee at a mine, quarry, or other work, when licensed, to sell or issue to any employee under him such amount of ex-

plosives or ingredients required by that employee in performance of his duties. See section 843 of Title 18.

Section 125, acts Oct. 6, 1917, ch. 83, § 2, 40 Stat. 385; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863, related to applicability of prohibitory provisions of this chapter.

Section 126, acts Oct. 6, 1917, ch. 83, § 5, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864, required licensees to keep records of disposition of explosives or ingredients. See section 843 of Title 18.

Section 127, acts Oct. 6, 1917, ch. 83, § 6, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865, authorized issuance of licenses. See section 843 of Title 18.

Section 128, acts Oct. 6, 1917, ch. 83, § 7, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865, set forth procedure for issuance of licenses and fees for such licenses.

Section 129, acts Oct. 6, 1917, ch. 83, § 8, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865; Ex. Ord. No. 9287, eff. Dec. 24, 1942, 7 F.R. 10897, provided for term of license, qualifications of applicants for licenses, and revocation of license. See section 843 of Title 18.

Section 130, acts Oct. 6, 1917, ch. 83, § 9, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 866, set forth contents of applications for licenses. See section 843 of Title 18.

Section 131, acts Oct. 6, 1917, ch. 83, § 10, 40 Stat. 387; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 866, required licensee or applicant to furnish information on request of Director or his authorized representative. See section 843 of Title 18.

Section 132, acts Oct. 6, 1917, ch. 83, § 11, 40 Stat. 387; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867, related to false representations as to required license.

Section 133, acts Oct. 6, 1917, ch. 83, § 12, 40 Stat. 387; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867, related to markings on manufacturing or storage premises for explosives.

Section 134, act July 1, 1918, ch. 113, 40 Stat. 671, related to cancellation of licenses for violations of law. See section 844 of Title 18.

Section 135, acts Oct. 6, 1917, ch. 83, § 13, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867, related to exclusion of public from manufacturing or storage premises for explosives and discharge of firearms, etc., on such premises.

Section 136, acts Oct. 6, 1917, ch. 83, § 14, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867, authorized investigations by Director of explosions and fires involving explosives or ingredients of explosives.

Section 137, acts Oct. 6, 1917, ch. 83, § 15, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867, authorized Director to exercise authority conferred upon him by this chapter under supervision of Secretary of the Interior and cooperation of other agencies with Director in administration and enforcement of this chapter.

Section 138, acts Oct. 6, 1917, ch. 83, § 16, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972, authorized employment of personnel for administration of this chapter.

Section 139, acts Oct. 6, 1917, ch. 83, § 17, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868, prohibited any officer, employee, or licensing agent from divulging any information obtained in course of his duties under this chapter.

Section 140, acts Oct. 6, 1917, ch. 83, § 18, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868, authorized Director to issue rules and regulations. See section 847 of Title 18.

Section 141, acts Oct. 6, 1917, ch. 83, § 19, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868, set forth penalties for violations of this chapter. See section 844 of Title 18.

Section 142, acts Oct. 6, 1917, ch. 83, § 20, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868, provided that this chapter and regulations issued pursuant to it were to become operative only during war or national emergency.

Section 143, act Oct. 6, 1917, ch. 83, § 21, 40 Stat. 389, related to agencies available for enforcement of provisions of this chapter.

Section 144, act July 1, 1918, ch. 113, 40 Stat. 671, subjected platinum, iridium, and palladium and compounds thereof to provisions of this chapter.