

§ 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

Editorial Notes

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.)

Statutory Notes and Related Subsidiaries

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'."

REPEALS

Joint Res. Nov. 4, 1939, ch. 2, §19, 54 Stat. 12, provided that: "The joint resolution of August 31, 1935, as amended [sections 245a to 245i of this title], and the joint resolution of January 8, 1937 [ch. 1, 50 Stat. 3], are hereby repealed; but offenses committed and penalties, forfeitures, or liabilities incurred under either of such joint resolutions prior to the date of enactment of this joint resolution [this subchapter] may be prosecuted and punished, and suits and proceedings for violations of either of such joint resolutions or of any rule or regulation issued pursuant thereto may be commenced and prosecuted, in the same manner and with the same effect as if such joint resolutions had not been repealed."

Neutrality Act of 1939 not to be deemed repealed or modified in any manner by Joint Res. May 7, 1940, ch.

185, 54 Stat. 179, according to section 3 thereof, which resolution amended section 5(b) of the Trading With the Enemy Act, see section 4305(b) of Title 50, War and National Defense, which resolution approved and confirmed Ex. Ord. No. 8389, amending Ex. Ord. No. 6560, formerly set out as a note under section 95a of Title 12, Banks and Banking, and regulations and general rulings issued by Secretary of Treasury under Ex. Ord. No. 8389.

SEPARABILITY

Joint Res. Nov. 4, 1939, ch. 2, §17, 54 Stat. 12, provided that: "If any of the provisions of this joint resolution [this subchapter], or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby."

PURPOSE OF AND RIGHTS RESERVED UNDER SUBCHAPTER

Joint Res. Nov. 4, 1939, ch. 2, 54 Stat. 4, provided in part as follows:

"Whereas the United States, desiring to preserve its neutrality in wars between foreign states and desiring also to avoid involvement therein, voluntarily imposes upon its nationals by domestic legislation the restrictions set out in this joint resolution [this subchapter]; and

"Whereas by so doing the United States waives none of its own rights or privileges, or those of any of its nationals, under international law, and expressly reserves all the rights and privileges to which it and its nationals are entitled under the law of nations; and

"Whereas the United States hereby expressly reserves the right to repeal, change or modify this [this subchapter] or any other domestic legislation in the interests of the peace, security or welfare of the United States and its people."

§§ 442, 443. Repealed. Nov. 17, 1941, ch. 473, §1, 55 Stat. 764

Section 442, Joint Res. Nov. 4, 1939, ch. 2, §2, 54 Stat. 4, related to commerce with states engaged in armed conflict.

Section 443, Joint Res. Nov. 4, 1939, ch. 2, §3, 54 Stat. 7, related to combat areas.

Executive Documents

DEFINITION OF COMBAT AREAS

Proc. No. 2376, Nov. 4, 1939, 3 p.m., 4 F.R. 4495, 54 Stat. 2673; Proc. No. 2394, Apr. 10, 1940, 5 F.R. 1400, 54 Stat. 2693; Proc. No. 2410, June 11, 1940, 5:20 p.m. E.S.T., 5 F.R. 2209, 54 Stat. 2708, as modified by Proc. No. 2474, Apr. 10, 1941, 6 F.R. 1905, 55 Stat. 1628, defined various combat areas.

§ 444. American Red Cross vessels

(a) Transport of officers, American Red Cross personnel, medical personnel, medical supplies, food and clothing

The provisions of section 442(a)¹ of this title shall not prohibit the transportation by vessels, unarmed and not under convoy, under charter or other direction and control of the American Red Cross of officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing, for the relief of human suffering: *Provided*, That where permission has not been given by the blockading power, no American Red Cross vessel shall enter a port where a blockade by aircraft, surface vessel, or sub-

¹ See References in Text note below.