

§ 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[sections 245a to 245i of this title], and the joint resolution of January 8, 1937 [ch. 1, 50 Stat. 3], are hereby repealed; but offenses committed and penalties, forfeitures, or liabilities incurred under either of such joint resolutions prior to the date of enactment of this joint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.

marine is being attempted through the destruction of vessels, or into a port of any country where such blockade of the whole country is being so attempted: *Provided further*, That such American Red Cross vessel shall be on a mission of mercy only and carrying only Red Cross materials and personnel.

(b) Transport of refugee children

The provisions of sections 442(a) and 443¹ of this title shall not prohibit a vessel, in ballast, unarmed, and not under convoy, and transporting refugee children, under sixteen years of age, from war zones, or combat areas, and shall not prohibit such vessel entering into such war zones or combat areas for this purpose, together with such necessary American citizen adult personnel in charge as may be approved by the Secretary of State, subject to the provisions of the immigration laws, if such vessel is proceeding under safe conduct granted by all of the States named in the proclamations issued under the authority of section 441(a) of this title, and if such vessel has painted on a large scale prominently, distinctly, and unmistakably on each side thereof and upon the superstructure thereof plainly visible from the air an American flag and a statement to the effect that such vessel is a refugee-child rescue ship of the United States or under United States registry: *Provided*, That every such child so brought into the United States shall, previous to departure from the port of embarkation, have been so sponsored by some responsible American person, natural or corporate, that he will not become a public charge.

(Nov. 4, 1939, ch. 2, § 4, 54 Stat. 7; June 26, 1940, ch. 431, 54 Stat. 611; Aug. 27, 1940, ch. 695, 54 Stat. 866.)

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REFERENCES IN TEXT

Sections 442(a) and 443 of this title, referred to in subsecs. (a) and (b), were repealed by act Nov. 17, 1941, ch. 473, § 1, 55 Stat. 764.

AMENDMENTS

1940—Act June 26, 1940, inserted “unarmed and not under convoy”, inserted two proviso clauses and struck out “proceeding under safe conduct granted by states named in any proclamation issued under the authority of section 441(a) of this title” after “control of the American Red Cross”.

Act Aug. 27, 1940, designated existing provisions as subsec. (a) and added subsec. (b).

§ 445. Travel on vessels of belligerent states

(a) Proscription by Presidential proclamation

Whenever the President shall have issued a proclamation under the authority of section 441(a) of this title it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

(b) Revocation of proclamation; effect

Whenever any proclamation issued under the authority of section 441(a) of this title shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

(Nov. 4, 1939, ch. 2, § 5, 54 Stat. 7.)

§ 446. Repealed. Nov. 17, 1941, ch. 473, § 2, 55 Stat. 764

Section, Joint Res. Nov. 4, 1939, ch. 2, § 6, 54 Stat. 7, prohibited arming of American merchant vessels. Joint Res. Nov. 17, 1941, § 2, which repealed this section, was itself repealed, effective July 1, 1948, by Joint Res. July 25, 1947, ch. 327, § 2(a), 61 Stat. 451, which provided that it should remain in full force and effect until such date.

§ 447. Financial transactions

(a) Bonds, securities, or other obligations

Whenever the President shall have issued a proclamation under the authority of section 441(a) of this title, it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, or political subdivision thereof, issued after the date of such proclamation, or to make any loan or extend any credit (other than necessary credits accruing in connection with the transmission of telegraph, cable, wireless and telephone services) to any such government, political subdivision, or person. The provisions of this subsection shall also apply to the sale by any person within the United States to any person in a state named in any such proclamation of any articles or materials listed in a proclamation referred to in or issued under the authority of section 452(i)¹ of this title.

(b) Renewal or adjustment of indebtedness

The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such proclamation.

(c) Fine and imprisonment

Whoever shall knowingly violate any of the provisions of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

(d) Revocation of proclamation

Whenever any proclamation issued under the authority of section 441(a) of this title shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

(e) Wartime

This section shall not be operative when the United States is at war.

(Nov. 4, 1939, ch. 2, § 7, 54 Stat. 8; Feb. 21, 1942, ch. 104, 56 Stat. 95.)

Editorial Notes

REFERENCES IN TEXT

Section 452(i) of this title, referred to in subsec. (a), was repealed by act Aug. 26, 1954, ch. 937, title V,

¹ See References in Text note below.