

protective equipment and sanitizing and disinfecting products, are not hoarded. Accordingly, I am delegating to the Secretary my authority under section 102 of the Act (50 U.S.C. 4512) to prevent hoarding of health and medical resources necessary to respond to the spread of COVID-19 within the United States. I am also delegating to the Secretary my authority under the Act to implement any restrictions on hoarding, including my authority under section 705 of the Act (50 U.S.C. 4555) to gather information, such as information about how supplies of such resources are distributed throughout the Nation.

SEC. 2. Delegation of Authority to Prevent Hoarding.

(a) The Secretary is delegated the following:

(i) the authority of the President conferred by section 102 of the Act to prevent hoarding of health and medical resources necessary to respond to the spread of COVID-19 within the United States, including the authority to prescribe conditions with respect to the accumulation of such resources, and to designate any material as a scarce material, or as a material the supply of which would be threatened by persons accumulating the material either in excess of reasonable demands of business, personal, or home consumption, or for the purpose of resale at prices in excess of prevailing market prices; and

(ii) the authority of the President to implement the Act contained in subchapter III [50 U.S.C. 4551 et seq.] of chapter 55 of title 50, United States Code (50 U.S.C. 4554, 4555, 4556, and 4560).

(b) In exercising the authority delegated under this section, the Secretary shall consult the Administrator of the Federal Emergency Management Agency.

(c) The Secretary shall adopt and revise appropriate rules and regulations as may be necessary to implement this order.

SEC. 3. Secretarial Duty Concerning Notices of Withdrawal of Designation. The Secretary shall periodically consider whether the designations made pursuant to section 2 of this order remain necessary. Upon finding that the need for such designation of material is no longer necessary, the Secretary shall promptly publish a notice of withdrawal of the designation in the Federal Register, and in such other manner as the Secretary deems appropriate.

SEC. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 4513. Penalties

Any person who willfully performs any act prohibited, or willfully fails to perform any act required, by the provisions of this subchapter or any rule, regulation, or order thereunder, shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(Sept. 8, 1950, ch. 932, title I, §103, 64 Stat. 799.)

TERMINATION OF SECTION

For termination of section, see section 4564(a) of this title.

Editorial Notes

CODIFICATION

Section was formerly classified to section 2073 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4514. Limitation on actions without congressional authorization

(a) Wage or price controls

No provision of this chapter shall be interpreted as providing for the imposition of wage or price controls without the prior authorization of such action by a joint resolution of Congress.

(b) Chemical or biological weapons

No provision of this subchapter shall be exercised or interpreted to require action or compliance by any private person to assist in any way in the production of or other involvement in chemical or biological warfare capabilities, unless authorized by the President (or the President's designee who is serving in a position at level I of the Executive Schedule in accordance with section 5312 of title 5) without further re-delegation.

(Sept. 8, 1950, ch. 932, title I, §104, as added Pub. L. 102-558, title I, §112, Oct. 28, 1992, 106 Stat. 4202.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning act Sept. 8, 1950, ch. 932, 64 Stat. 798, known as the Defense Production Act of 1950, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4501 of this title and Tables.

CODIFICATION

Section was formerly classified to section 2074 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 104 of act Sept. 8, 1950, ch. 932, title I, as added July 31, 1951, ch. 275, title I, §101(c), 65 Stat. 132; amended June 30, 1952, ch. 530, §103, 66 Stat. 297, related to limitations on imports of fats and oils, prior to termination at close of June 30, 1953, pursuant to section 4564(a) of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section deemed to have become effective Mar. 1, 1992, see section 304 of Pub. L. 102-558, set out as an Effective Date of 1992 Amendment note under section 4502 of this title.

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under subsec. (b) of this section delegated to Secretary of Defense, without authority to redelegate, by section 204 of Ex. Ord. No. 13603, Mar. 16, 2012, 77 F.R. 16653, set out as a note under section 4553 of this title.

§ 4515. Presidential power to ration gasoline among classes of end-users unaffected

Nothing in this chapter shall be construed to authorize the President to institute, without the

approval of the Congress, a program for the rationing of gasoline among classes of end-users.

(Sept. 8, 1950, ch. 932, title I, §105, as added Pub. L. 96-294, title I, §103, June 30, 1980, 94 Stat. 617.)

TERMINATION OF SECTION

For termination of section, see section 4564(a) of this title.

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning act Sept. 8, 1950, ch. 932, 64 Stat. 798, known as the Defense Production Act of 1950, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4501 of this title and Tables.

CODIFICATION

Section was formerly classified to section 2075 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective June 30, 1980, see section 107 of Pub. L. 96-294, set out as an Effective Date of 1980 Amendment note under section 4502 of this title.

§ 4516. Designation of energy as a strategic and critical material

For purposes of this chapter, “energy” shall be designated as a “strategic and critical material” after June 30, 1980: *Provided*, That no provision of this chapter shall, by virtue of such designation¹ grant any new direct or indirect authority to the President for the mandatory allocation or pricing of any fuel or feedstock (including, but not limited to, crude oil, residual fuel oil, any refined petroleum product, natural gas, or coal) or electricity or any other form of energy.

(Sept. 8, 1950, ch. 932, title I, §106, as added Pub. L. 96-294, title I, §103, June 30, 1980, 94 Stat. 617; amended Pub. L. 111-67, §5, Sept. 30, 2009, 123 Stat. 2009.)

TERMINATION OF SECTION

For termination of section, see section 4564(a) of this title.

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning act Sept. 8, 1950, ch. 932, 64 Stat. 798, known as the Defense Production Act of 1950, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4501 of this title and Tables.

CODIFICATION

Section was formerly classified to section 2076 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2009—Pub. L. 111-67 substituted “such designation” for “such designation—” and “energy.” for “energy;”

¹ So in original. Probably should be followed by a comma.

or”, struck out par. (1) designation before “grant any new direct or indirect authority to the President for”, and struck out par. (2) which read as follows: “grant any new direct or indirect authority to the President to engage in the production of energy in any manner whatsoever (such as oil and gas exploration and development, or any energy facility construction), except as expressly provided in sections 305 and 306 [of act Sept. 8, 1950, ch. 932] for synthetic fuel production.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective June 30, 1980, see section 107 of Pub. L. 96-294, set out as an Effective Date of 1980 Amendment note under section 4502 of this title.

§ 4517. Strengthening domestic capability

(a) In general

Utilizing the authority of subchapter II of this chapter or any other provision of law, the President may provide appropriate incentives to develop, maintain, modernize, restore, and expand the productive capacities of domestic sources for critical components, critical technology items, materials, and industrial resources essential for the execution of the national security strategy of the United States.

(b) Critical components and critical technology items

(1) Maintenance of reliable sources of supply

The President shall take appropriate actions to assure that critical components, critical technology items, essential materials, and industrial resources are available from reliable sources when needed to meet defense requirements during peacetime, graduated mobilization, and national emergency.

(2) Appropriate action

For purposes of this subsection, appropriate action may include—

(A) restricting contract solicitations to reliable sources;

(B) restricting contract solicitations to domestic sources pursuant to—

(i) section 3203(a)(1)(B) or 3204(a)(3) of title 10;

(ii) section 3303(a)(1)(B) or 3304(a)(3) of title 41; or

(iii) other statutory authority;

(C) stockpiling critical components; and

(D) developing substitutes for a critical component or a critical technology item.

(Sept. 8, 1950, ch. 932, title I, §107, as added Pub. L. 102-558, title I, §111, Oct. 28, 1992, 106 Stat. 4201; amended Pub. L. 111-67, §6, Sept. 30, 2009, 123 Stat. 2009; Pub. L. 117-81, div. A, title XVII, §1702(k)(4), Dec. 27, 2021, 135 Stat. 2160.)

TERMINATION OF SECTION

For termination of section, see section 4564(a) of this title.

Editorial Notes

CODIFICATION

Section was formerly classified to section 2077 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

In subsec. (b)(2)(B)(ii), “section 3303(a)(1)(B) of title 41 or section 3304(a)(3) of title 41” substituted for “section