

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of November, in the year of our Lord nineteen hundred and sixty-two and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY.

MIDDLE EAST STABILIZATION

Pub. L. 85-7, §§ 1-6, Mar. 9, 1957, 71 Stat. 5, set out as chapter 24A (§1961 et seq.) of Title 22, Foreign Relations and Intercourse, authorizes the President to provide economic and military assistance, and, if he determines it necessary, to use armed forces under certain circumstances to maintenance of national independence in the Middle East.

PROTECTION OF SECURITY OF FORMOSA

Joint Res. Jan. 29, 1955, ch. 4, 8:42 A.M., 69 Stat. 7, which authorized the President of the United States to employ the Armed Forces of the United States for the purpose of securing and protecting Formosa and Pescadores against armed attack, was repealed by Pub. L. 93-475, § 3, Oct. 26, 1974, 88 Stat. 1439.

TRADING WITH THE ENEMY ACT OF 1917

ACT OCT. 6, 1917, CH. 106, 40 STAT. 411

- Sec.
1. Designation of Act.
 2. Definitions.
 3. Acts prohibited.
 4. Licenses to enemy or ally of enemy insurance or reinsurance companies; change of name; doing business in United States.
 5. Suspension of provisions relating to ally of enemy; regulation of transactions in foreign exchange of gold or silver, property transfers, vested interests, enforcement and penalties.
 6. Alien Property Custodian; general powers and duties.
 - 6a. Incurment of expenses by Office of Alien Property Custodian.
 - 6b. Omitted.
 7. Lists of enemy or ally of enemy officers, directors or stockholders of corporations in United States; acts constituting trade with enemy prior to passage of Act; conveyance of property to custodian; voluntary payment to custodian by holder; acts under order, rule, or regulation.
 8. Contracts, mortgages, or pledges against or with enemy or ally of enemy; abrogation of contracts; suspension of limitations.
 9. Claims to property transferred to custodian; notice of claim; filing; return of property; suits to recover; sale of claimed property in time of war or during national emergency.
 10. Acts permitted; applications for patents, or registration of trade-marks or copyrights; payment of tax in relation thereto; licenses under enemy owned patent or copyright; statements by licensees; term and cancellation; suits against licensees; restraining infringements; powers of attorney; keeping secret inventions.
 11. Importations prohibited.
 12. Property transferred to Alien Property Custodian.
 13. Statements by masters of vessels and owners of cargoes before granting clearances.
 14. False manifest; refusal of clearance; reports of gold or silver coin in cargoes for export.
 15. Omitted.

- Sec.
16. Offenses; punishment; forfeitures of property.
 17. Rules by district courts; appeals.
 18. Jurisdiction of courts of Philippines and Canal Zone of offenses.
 19. Print, newspaper or publication in foreign languages.
 20. Fees of agents, attorneys, or representatives.
 21. Claims of naturalized citizens as affected by expatriation.
 22. Fugitives from justice barred from recovery.
 23. Payment of income, etc., by Alien Property Custodian.
 24. Payment of taxes and expenses by Alien Property Custodian.
 25. Investments by Custodian in participating certificates issued by Secretary of the Treasury; transfers to and payments from German, Austrian or Hungarian special deposit accounts; allocation of payments.
 26. Allocation of "unallocated interest fund".
 27. Return by Custodian, to United States, of payments under licenses, assignments or sales of patents.
 28. "Unallocated interest fund" defined.
 29. Waiver by Custodian of demand for property; acceptance of less amount; approval of Attorney General.
 30. Attachment or garnishment of funds or property held by Custodian.
 31. "Member of the former ruling family" defined.
 32. Return of property.
 33. Notice of claim; institution of suits; computation of time.
 34. Payment of debts.
 35. Hearings on claims; rules and regulations; delegation of powers.
 36. Taxes.
 37. Insurance of property.
 38. Shipment of relief supplies; definitions.
 39. Retention of properties or interests of Germany and Japan and their nationals; proceeds covered into Treasury; ex gratia payment to Switzerland.
 40. Intercustodial conflicts involving enemy property; authority of President to conclude; delegation of authority.
 41. Divestment of estates, trusts, insurance policies, annuities, remainders, pensions, workmen's compensation and veterans' benefits; exceptions; notice of divestment.
 42. Claims for proceeds from sale of certain certificates: jurisdiction, limitations; divestment of copyrights: "copyrights" defined, rights of licensees and assignees, reproduction rights of United States, transfer of interests, payment of royalties to Attorney General, suits for infringement.
 43. Divestment of trademarks.
 44. Motion picture prints, transfer of title.

TERMINATION OF WORLD WAR AND EMERGENCY

The Trading with the enemy Act was expressly excepted from the operation and effect of Joint Res. Mar. 3, 1921, ch. 136, 41 Stat. 1359, declaring that certain Acts of Congress, joint resolutions, and proclamations should be construed as though the World War had ended and the then present or existing emergency expired.

§ 1. Designation of Act

This Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] shall be known as the "Trading with the enemy¹ Act."

(Oct. 6, 1917, ch. 106, § 1, 40 Stat. 411.)

¹ So in original. Probably should be capitalized.

States, for the protection of all policyholders in the United States;

AND WHEREAS, the nature of marine and war risk insurance is such that those conducting it must of necessity be in touch with the movements of ships and cargoes, and it has been considered by the Government of great importance that this information should not be obtained by alien enemies;

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, by virtue of the powers vested in me as such, hereby declare and proclaim that such branch establishments of German insurance companies now engaged in the transaction of business in the United States pursuant to the laws of the several States are hereby prohibited from continuing the transaction of the business of marine and war risk insurance either as direct insurers or re-insurers; and all individuals, firms, and insurance companies incorporated under the laws of any of the States or Territories of the United States, or of any foreign country, and established pursuant to the laws of such States and now engaged in the United States in the business of marine and war risk insurance either as direct insurers or re-insurers are hereby prohibited from reinsuring with companies incorporated under the laws of the German Empire, no matter where located; and all persons in the United States are prohibited from insuring against marine or war risks with insurance companies incorporated under the laws of the German Empire or with individuals, firms, and insurance companies incorporated under the laws of any of the States or Territories of the United States or of any foreign country and now engaged in the business of marine or war risk insurance in the United States, which re-insure business originating in the United States with companies incorporated under the laws of the German Empire, no matter where located.

The foregoing prohibitions shall extend and operate as to all existing contracts for insurance and re-insurance which are hereby suspended for the period of the war, except that they shall not operate to vitiate or prevent the insurance or re-insurance of, and the payment or receipt of, premiums on insurance or re-insurance under existing contracts on vessels or interest at risk on the date of this proclamation, and such insurance or re-insurance, if for a voyage, shall continue in force until arrival at destination, and if for time, until thirty days from the date of this proclamation.

§ 5. Suspension of provisions relating to ally of enemy; regulation of transactions in foreign exchange of gold or silver, property transfers, vested interests, enforcement and penalties

(a) The President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] so far as they apply to an ally of enemy, and he may revoke or renew such suspension from time to time; and the President may grant licenses, special or general, temporary or otherwise, and for such period of time and containing such provisions and conditions as he shall prescribe, to any person or class of persons to do business as provided in subsection (a) of section four hereof [section 4(a) of this Appendix], and to perform any act made unlawful without such license in section three hereof [section 3 of this Appendix], and to file and prosecute applications under subsection (b) of section ten hereof [section 10(b) of this Appendix]; and he may revoke or renew such licenses from time to time, if he shall be of opinion that such grant or revocation or renewal shall be compat-

ible with the safety of the United States and with the successful prosecution of the war; and he may make such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out the provisions of this Act [said sections]; and the President may exercise any power or authority conferred by this Act [said sections] through such officer or officers as he shall direct.

If the President shall have reasonable cause to believe that any act is about to be performed in violation of section three hereof [section 3 of this Appendix] he shall have authority to order the postponement of the performance of such act for a period not exceeding ninety days, pending investigation of the facts by him.

(b)(1) During the time of war, the President may, through any agency that he may designate, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest there-

in, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof: *Provided, however,* That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision. As used in this subdivision the term "person" means an individual, partnership, association, or corporation.

(4) The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly, the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 5 of the Export Administration Act of 1979 [section 2404 of this Appendix], or under section 6 of that Act [section 2405 of this Appendix] to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18, United States Code.

(Oct. 6, 1917, ch. 106, § 5, 40 Stat. 415; Sept. 24, 1918, ch. 176, § 5, 40 Stat. 966; Mar. 9, 1933, ch. 1, § 2, 48 Stat. 1; May 7, 1940, ch. 185, § 1, 54 Stat. 179; Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; Pub. L. 95-223, title I, §§ 101(a), 102, 103(b), Dec. 28, 1977, 91 Stat. 1625, 1626; Pub. L. 100-418, title II, § 2502(a)(1), Aug. 23, 1988, 102 Stat. 1371; Pub. L. 103-236, title V, § 525(b)(1), Apr. 30, 1994, 108 Stat. 474.)

CODIFICATION

Words "including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States of all cases, civil or criminal, arising upon the high seas" following "to the jurisdiction thereof:" in subsec. (b)(3) were omitted upon the authority of 1946 Proc. No. 2695, which granted the Philippine Islands independence, and which was issued pursuant to section 1394 of Title 22, Foreign Relations and Intercourse. Proc. No. 2695 is set out as a note under section 1394 of Title 22.

Subsec. (b) is also classified to section 95a of Title 12, Banks and Banking.

AMENDMENTS

1994—Subsec. (b)(4). Pub. L. 103-236 amended par. (4) generally. Prior to amendment, par. (4) read as follows: "The authority granted to the President in this subsection does not include the authority to regulate or prohibit, directly or indirectly, the importation from any country, or the exportation to any country, whether commercial or otherwise, of publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, or other informational materials, which are not otherwise controlled for export under section 5 of the Export Administration Act of 1979 or with respect to which no acts are prohibited by chapter 37 of title 18, United States Code."

1988—Subsec. (b)(4). Pub. L. 100-418 added par. (4).

1977—Subsec. (b)(1). Pub. L. 95-223, §§ 101(a), 102, substituted "During the time of war, the President may, through any agency that he may designate, and under such rules and regulations" for "During the time of war or during any other period of national emergency declared by the President, the President may, through any agency, that he may designate, or otherwise, and under such rules and regulations" in provisions preceding subpar. (A), and, in provisions following subpar. (B), struck out "; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision" after "control of such person".

Subsec. (b)(3). Pub. L. 95-22, § 103(b), struck out provisions that whoever willfully violated any of the provisions of this subdivision or of any license, order, rule, or regulation issued thereunder, could be fined not more than \$10,000, or, if a natural person, could be imprisoned for not more than ten years, or both; and that any officer, director, or agent of any corporation who knowingly participated in that violation could be punished by a like fine, imprisonment, or both.

1941—Subsec. (b). Act Dec. 18, 1941, considerably broadened the powers of the President to take, administer, control, use and liquidate foreign-owned property and added a flexibility of control which enabled the President and the agencies designated by him to cope with the problems surrounding alien property, its ownership or control, on the basis of the particular facts in each case.

1940—Subsec. (b). Act May 7, 1940, included dealings in evidences of indebtedness or ownership of property in which foreign states, nationals or political subdivisions thereof have an interest.

1933—Subsec. (b). Act Mar. 9, 1933, among other things, extended President's power to any time of war national emergency, permitted regulations to be issued by any agency designated by President, provided for furnishing under oath of complete information relative to transactions under the subsection, and placed sanctions on violations to the extent of a \$10,000 fine or ten years imprisonment.

1918—Subsec. (b). Act Sept. 24, 1918, inserted provisions relating to hoarding or melting of gold or silver coin or bullion or currency and to regulation of transactions in bonds or certificates of indebtedness.

DELEGATION OF FUNCTIONS

Delegation of President's powers under subsec. (b) of this section to Secretary of the Treasury and Alien Property Custodian; and transfer of Alien Property Custodian's powers to Attorney General, see Ex. Ord. Nos. 9095 and 9788, set out under section 6 of this Appendix.

Powers conferred upon President by subsec. (b) of this section delegated to Secretary of the Treasury by Memorandum of President dated Feb. 12, 1942, 7 F.R. 1409.

LIMITATION ON EXERCISE OF EMERGENCY AUTHORITIES

Section 525(b)(2) of Pub. L. 103-236 provided that: "The authorities conferred upon the President by sec-

tion 5(b) of the Trading With the Enemy Act [subsec. (b) of this section], which were being exercised with respect to a country on July 1, 1977, as a result of a national emergency declared by the President before such date, and are being exercised on the date of the enactment of this Act [Apr. 30, 1994], do not include the authority to regulate or prohibit, directly or indirectly, any activity which, under section 5(b)(4) of the Trading With the Enemy Act, as amended by paragraph (1) of this subsection, may not be regulated or prohibited.”

Section 2502(a)(2) of Pub. L. 100-418 provided that: “The authorities conferred upon the President by section 5(b) of the Trading With the Enemy Act [subsec. (b) of this section], which were being exercised with respect to a country on July 1, 1977, as a result of a national emergency declared by the President before such date, and are being exercised on the date of the enactment of this Act [Aug. 23, 1988], do not include the authority to regulate or prohibit, directly or indirectly, any activity which, under section 5(b)(4) of the Trading With the Enemy Act, as added by paragraph (1) of this subsection, may not be regulated or prohibited.”

EXTENSION AND TERMINATION OF NATIONAL EMERGENCY POWERS UNDER THE TRADING WITH THE ENEMY ACT

Section 101(b), (c) of Pub. L. 95-223 provided that:

“(b) Notwithstanding the amendment made by subsection (a) [amending subsec. (b)(1) of this section], the authorities conferred upon the President by section 5(b) of the Trading With the Enemy Act [subsec. (b) of this section], which were being exercised with respect to a country on July 1, 1977, as a result of a national emergency declared by the President before such date, may continue to be exercised with respect to such country, except that, unless extended, the exercise of such authorities shall terminate (subject to the savings provisions of the second sentence of section 101(a) of the National Emergencies Act [section 1601(a) of this title]) at the end of the two-year period beginning on the date of enactment of the National Emergencies Act [Sept. 14, 1976]. The President may extend the exercise of such authorities for one-year periods upon a determination for each such extension that the exercise of such authorities with respect to such country for another year is in the national interest of the United States.

“(c) The termination and extension provisions of subsection (b) of this section supersede the provisions of section 101(a) [section 1601(a) of this title] and of title II [section 1621 et seq. of this title] of the National Emergencies Act to the extent that the provisions of subsection (b) of this section are inconsistent with those provisions.”

CONTINUATION OF THE EXERCISE OF CERTAIN AUTHORITIES UNDER THE TRADING WITH THE ENEMY ACT

Determination of President of the United States, No. 2006-23, Sept. 13, 2006, 71 F.R. 54399, provided:

Memorandum for the Secretary of State [and] the Secretary of the Treasury

Under section 101(b) of Public Law 95-223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), and a previous determination on September 12, 2005 (70 Fed. Reg. 54607), the exercise of certain authorities under the Trading with the Enemy Act is scheduled to terminate on September 14, 2006.

I hereby determine that the continuation for 1 year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, consistent with the authority vested in me by section 101(b) of Public Law 95-223, I continue for 1 year, until September 14, 2007, the exercise of those authorities with respect to countries affected by:

- (1) the Foreign Assets Control Regulations, 31 C.F.R. part 500;
- (2) the Transaction Control Regulations, 31 C.F.R. part 505; and
- (3) the Cuban Assets Control Regulations, 31 C.F.R. part 515.

The Secretary of the Treasury is authorized and directed to publish this determination in the Federal Register.

GEORGE W. BUSH.

Prior extensions were contained in the following:
 Determination of President of the United States, No. 2005-35, Sept. 12, 2005, 70 F.R. 54607.
 Determination of President of the United States, No. 2004-45, Sept. 10, 2004, 69 F.R. 55497.
 Determination of President of the United States, No. 2003-36, Sept. 12, 2003, 68 F.R. 54325.
 Determination of President of the United States, No. 02-31, Sept. 13, 2002, 67 F.R. 58681.
 Determination of President of the United States, No. 2001-26, Sept. 12, 2001, 66 F.R. 47943.
 Determination of President of the United States, No. 2000-29, Sept. 12, 2000, 65 F.R. 55883.
 Determination of President of the United States, No. 99-36, Sept. 10, 1999, 64 F.R. 51885.
 Determination of President of the United States, No. 98-35, Sept. 11, 1998, 63 F.R. 50455.
 Determination of President of the United States, No. 97-32, Sept. 12, 1997, 62 F.R. 48729.
 Determination of President of the United States, No. 96-43, Aug. 27, 1996, 61 F.R. 46529.
 Determination of President of the United States, No. 95-41, Sept. 8, 1995, 60 F.R. 47659.
 Determination of President of the United States, No. 94-46, Sept. 8, 1994, 59 F.R. 47229.
 Determination of President of the United States, No. 93-38, Sept. 13, 1993, 58 F.R. 51209.
 Determination of President of the United States, No. 92-45, Aug. 28, 1992, 57 F.R. 43125.
 Determination of President of the United States, No. 91-52, Sept. 13, 1991, 56 F.R. 48415.
 Determination of President of the United States, No. 90-38, Sept. 5, 1990, 55 F.R. 37309.
 Determination of President of the United States, No. 89-25, Aug. 28, 1989, 54 F.R. 37089.
 Determination of President of the United States, No. 88-22, Sept. 8, 1988, 53 F.R. 35289.
 Memorandum of President of the United States, Aug. 27, 1987, 51 F.R. 33397.
 Memorandum of President of the United States, Aug. 20, 1986, 51 F.R. 30201.
 Memorandum of President of the United States, Sept. 5, 1985, 50 F.R. 36563.
 Memorandum of President of the United States, Sept. 11, 1984, 49 F.R. 35927.
 Memorandum of President of the United States, Sept. 7, 1983, 48 F.R. 40695.
 Memorandum of President of the United States, Sept. 8, 1982, 47 F.R. 39797.
 Memorandum of President of the United States, Sept. 10, 1981, 46 F.R. 45321.
 Memorandum of President of the United States, Sept. 8, 1980, 45 F.R. 59549.
 Memorandum of President of the United States, Sept. 12, 1979, 44 F.R. 53153.
 Memorandum of President of the United States, Sept. 8, 1978, 43 F.R. 40449.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Reestablishment and termination of Office of Alien Property Custodian during World War II, see notes set out under section 6 of this Appendix.

APPROVAL OF REGULATIONS

Act Mar. 9, 1933, ch. 1, title I, §1, 48 Stat. 1, provided that: “The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the act of October 6, 1917, as amended [section 5(b) of this Appendix], are hereby approved and confirmed.”

EXECUTIVE ORDERS

Ex. Ord. No. 6260, as amended, respecting hoarding, export, and earmarking of gold coin, bullion, or cur-

rency and transactions in foreign exchange; Ex. Ord. No. 6560, as amended, respecting transactions in foreign exchange, transfers of credit, and export of coin and currency; Ex. Ord. No. 8389, as amended, regulating transactions in foreign exchange and foreign-owned property and providing for the reporting of all foreign-owned property; Ex. Ord. No. 9747, respecting continuance of functions of Alien Property Custodian and Treasury Department in Philippines; Ex. Ord. No. 9760, respecting diplomatic property of Germany and Japan; and Ex. Ord. No. 10348, continuing in force orders and regulations relating to blocked property, see notes set out under section 95a of Title 12, Banks and Banking, and section 6 of this Appendix.

§ 6. Alien Property Custodian; general powers and duties

The President is authorized to appoint, prescribe the duties of, and fix the salary of an official to be known as the alien property custodian, who shall be empowered to receive all money and property in the United States due or belonging to an enemy, or ally of enemy, which may be paid, conveyed, transferred, assigned, or delivered to said custodian under the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix]; and to hold, administer, and account for the same under the general direction of the President and as provided in this Act [said sections]. The President may further employ in the District of Columbia and elsewhere and fix the compensation of such clerks, attorneys, investigators, accountants, and other employees as he may find necessary for the due administration of the provisions of this Act [said sections]; *Provided*, That such clerks, investigators, accountants, and other employees shall be appointed from lists of eligibles to be supplied by the Civil Service Commission¹ and in accordance with the civil-service law.

(Oct. 6, 1917, ch. 106, § 6, 40 Stat. 415; Pub. L. 92-310, title II, § 235, June 6, 1972, 86 Stat. 214; Pub. L. 94-273, § 11(5), Apr. 21, 1976, 90 Stat. 378; Pub. L. 100-418, title II, § 2501(b), Aug. 23, 1988, 102 Stat. 1371.)

REFERENCES IN TEXT

The civil-service law, referred to in text, is set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

Provisions that limited the salary of the alien property custodian to not more than \$5,000 per annum have been omitted as obsolete and superseded. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees. Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

AMENDMENTS

1988—Pub. L. 100-418 struck out before period at end “: *Provided further*. That the President shall cause a detailed report to be made to Congress on the first day of April of each year of all proceedings had under this Act

during the year preceding. Such report shall contain a list of all persons appointed or employed, with the salary or compensation paid to each, and a statement of the different kinds of property taken into custody and the disposition made thereof”.

1976—Pub. L. 94-273 substituted “April” for “January”.

1972—Pub. L. 92-310 struck out provisions which required the Alien Property Custodian to give a bond.

TRANSFER OF FUNCTIONS

Functions vested by statute in United States Civil Service Commission transferred to Director of Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Reorg. Plan No. 1 of 1947, § 101, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 951, transferred functions vested by law in Alien Property Custodian or Office of Alien Property Custodian to Attorney General, except that those relating to property or interests in Philippines transferred to President. For text of this plan and provisions relating to transfer of records, property, personnel, and funds, see the text of the plan, set out in the Appendix to Title 5.

Previous office of Alien Property Custodian abolished and functions and personnel transferred to Department of Justice by Ex. Ord. No. 6694, eff. July 1, 1934.

EXPENSES AND COMPENSATION OF ALIEN PROPERTY CUSTODIAN

Act May 16, 1928, ch. 580, § 1, 45 Stat. 574, contained the following provision: “All expenses of the office of the Alien Property Custodian authorized by * * * [the Trading With the Enemy Act], including compensation of the Alien Property Custodian at not to exceed \$10,000 per annum; shall be paid from interest and collections on trust funds and other properties under the control of such Custodian.”

REPORT TO CONGRESS; INCLUSION OF CLAIMS FILED UNDER SECTION 32(a)(2)(D) OF THIS APPENDIX

Act Sept. 29, 1950, ch. 1108, § 2, 64 Stat. 1081, provided that: “There shall be included in the report made to Congress pursuant to section 6 of the Trading With the Enemy Act, as amended [this section], a statement of (1) the names and nationalities of persons who have filed notice of claim for the return of any property or interest under section 1 of this Act [section 32(a)(2)(D) of this Appendix], the date of the filing of such notice of claim, and the estimated value of the property or interest, and (2) the names and nationalities of persons to whom returns have been made of any property or interest under section 1 of this Act [section 32(a)(2)(D) of this Appendix] and the value of such property or interest.”

EXECUTIVE ORDER NO. 9095

Ex. Ord. No. 9095, Mar. 11, 1942, 7 F.R. 1971, as amended by Ex. Ord. No. 9193, July 6, 1942, 7 F.R. 5205; Ex. Ord. No. 9567, June 8, 1945, 10 F.R. 6917, which established the Office of the World War II Alien Property Custodian and provided for the compensation, functions, etc., of the Alien Property Custodian, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

EX. ORD. NO. 9142. TRANSFER OF CERTAIN FUNCTIONS, PROPERTY AND PERSONNEL FROM DEPARTMENT OF JUSTICE TO ALIEN PROPERTY CUSTODIAN

Ex. Ord. No. 9142, Apr. 21, 1942, 7 F.R. 2985, provided: 1. All authority, rights, privileges, powers, duties, and functions transferred or delegated to the Department of Justice, to be administered under the supervision of the Attorney General, by Executive Order No. 6694 of May 1, 1934, or vested in, transferred or delegated to, the Attorney General or the Assistant Attor-

¹ See Transfer of Functions note below.

ors of the cargo of such vessels shall in like manner deliver to the collector like statement under oath as to the cargo or the parts thereof laden or shipped by them, respectively, which statement shall contain also the names and addresses of the actual consignees of the cargo, or if the shipment is made to a bank or other broker, factor, or agent, the names and addresses of the persons who are the actual consignees on whose account the shipment is made. The master or person in control of the vessel shall, on reaching port of destination of any of the cargo, deliver a copy of the manifest and of the said master's, owner's shipper's, or consignor's statement to the American consular officer of the district in which the cargo is unladen.

(Oct. 6, 1917, ch. 106, § 13, 40 Stat. 424.)

REFERENCES IN TEXT

The amendment by act June 15, 1917, referred to in text, probably means the amendment made by section 4 of title V of act June 15, 1917, ch. 30, 40 Stat. 222.

Section 4198 of the Revised Statutes, referred to in text, which was classified to section 94 of former Title 46, Shipping, was repealed by Pub. L. 103-182, title VI, § 690(a)(8), Dec. 8, 1993, 107 Stat. 2223.

Section 4200 of the Revised Statutes, referred to in text, which was classified to section 92 of former Title 46, was repealed by Pub. L. 87-826, § 3, Oct. 15, 1962, 76 Stat. 953.

CODIFICATION

In text, "section 60105 of title 46, and sections" substituted for "sections forty-one hundred and ninety-seven," on authority of Pub. L. 109-304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 60105 of Title 46, Shipping.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in Bureau of Customs of Department of the Treasury to which appointments were required to be made by President with advice and consent of Senate ordered abolished with such offices to be terminated not later than Dec. 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 14. False manifest; refusal of clearance; reports of gold or silver coin in cargoes for export

During the present war, whenever there is reasonable cause to believe that the manifest or the additional statements under oath required by the preceding section [section 13 of this Appendix] are false or that any vessel, domestic or foreign, is about to carry out of the United States any property to or for the account or benefit of an enemy, or ally of enemy, or any property or person whose export, taking out, or transport will be in violation of law, the collector of customs for the district in which such vessel is located is authorized and empowered subject to review by the President to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by

law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart.

The collector of customs shall, during the present war, in each case report to the President the amount of gold or silver coin or bullion or other moneys of the United States contained in any cargo intended for export. Such report shall include the names and addresses of the consignors and consignees, together with any facts known to the collector with reference to such shipment and particularly those which may indicate that such gold or silver coin or bullion or moneys of the United States may be intended for delivery or may be delivered, directly or indirectly, to an enemy or an ally of enemy.

(Oct. 6, 1917, ch. 106, § 14, 40 Stat. 424.)

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in Bureau of Customs of Department of the Treasury to which appointments were required to be made by President with advice and consent of Senate ordered abolished with such offices to be terminated not later than Dec. 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 15. Omitted

CODIFICATION

Section, act Oct. 6, 1917, ch. 106, § 15, 40 Stat. 425, made an appropriation of \$450,000 for purpose of carrying out the Act during fiscal year ending June 30, 1918.

§ 16. Offenses; punishment; forfeitures of property

(a) Whoever shall willfully violate any of the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of the Act [said sections] shall, upon conviction, be fined not more than \$1,000,000, or if a natural person, be fined not more than \$100,000, or imprisoned for not more than ten years or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall, upon conviction, be fined not more than \$100,000 or imprisoned for not more than ten years or both.

(b)(1) A civil penalty of not to exceed \$50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix].

(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be forfeited to the United States Government.

(3) The penalties provided under this subsection may be imposed only on the record after

opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

(4) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.

(c) Upon conviction, any property, funds, securities, papers, or other articles or documents, or any vessel, together with tackle, apparel, furniture, and equipment, concerned in any violation of subsection (a) may be forfeited to the United States.

(Oct. 6, 1917, ch. 106, §16, 40 Stat. 425; Pub. L. 95-223, title I, §103(a), Dec. 28, 1977, 91 Stat. 1626; Pub. L. 102-393, title VI, §628, Oct. 6, 1992, 106 Stat. 1772; Pub. L. 102-484, div. A, title XVII, §1710(c), Oct. 23, 1992, 106 Stat. 2580; Pub. L. 104-114, title I, §102(d), Mar. 12, 1996, 110 Stat. 792.)

AMENDMENTS

1996—Pub. L. 104-114, §102(d)(3)(A), made technical amendment inserting section designation in original.

Subsec. (a). Pub. L. 104-114, §102(d)(3)(B), substituted “participates” for “participants”.

Subsec. (b). Pub. L. 104-114, §102(d)(1), amended subsec. (b), as added by Pub. L. 102-484, generally. Prior to amendment, subsec. (b) read as follows:

“(b)(1) The Secretary of the Treasury may impose a civil penalty of not more than \$50,000 on any person who violates any license, order, rule, or regulation issued under this Act.

“(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

“(3) The penalties provided under this subsection may not be imposed for—

“(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

“(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

“(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

“(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.”

Pub. L. 104-114, §102(d)(2), struck out subsec. (b), as added by Pub. L. 102-393, which read as follows:

“(b)(1) A civil penalty of not to exceed \$50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

“(2) The penalties provided under this subsection may not be imposed for—

“(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

“(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.”

1992—Pub. L. 102-484, which directed substitution of “(a) Whoever” for “That whoever” and addition of subsec. (b) at end, was executed to reflect the probable intent of Congress in light of the intervening general

amendment by Pub. L. 102-393 (see below), by adding subsec. (b) after subsec. (a).

Pub. L. 102-393 amended section generally, substituting subsecs. (a) to (c) for former undesignated provisions which read as follows: “Whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act shall, upon conviction, be fined not more than \$50,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States.”

1977—Pub. L. 95-223 substituted “\$50,000” for “\$10,000”.

§ 17. Rules by district courts; appeals

The district courts of the United States are given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix], with a right of appeal from the final order or decree of such court as provided in sections one hundred and twenty-eight and two hundred and thirty-eight of the Act of March third, nineteen hundred and eleven, entitled “An Act to codify, revise, and amend the laws relating to the judiciary.”

(Oct. 6, 1917, ch. 106, §17, 40 Stat. 425.)

REFERENCES IN TEXT

Sections one hundred and twenty-eight and two hundred and thirty-eight of the Act of March third, nineteen hundred and eleven, entitled “An Act to codify, revise, and amend the laws relating to the judiciary”, referred to in text, enacted sections 225 and 345 of former Title 28, Judicial Code and Judiciary, respectively. Section 225 of former Title 28 was repealed by act June 25, 1948, ch. 646, §39, 62 Stat. 992, and reenacted as sections 1291, 1292, 1293, and 1294 of Title 28, Judiciary and Judicial Procedure. Section 345 of former Title 28 was repealed by act June 25, 1948, ch. 646, §39, 62 Stat. 992.

§ 18. Jurisdiction of courts of Philippines and Canal Zone of offenses

The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this Act [said sections] committed upon the high seas and of conspiracies to commit such offenses as defined by section thirty-seven of the Act entitled “An Act to codify, revise, and amend the penal laws of the United States,” approved March fourth, nineteen hundred and nine, and the provisions of such section for the purpose of this Act [said sections] are extended to the Philippine Islands and to the Canal Zone.

(Oct. 6, 1917, ch. 106, §18, 40 Stat. 425.)