

AMERICAN RED CROSS

SEC. 4. (a) The provisions of section 2(a) shall prohibit the transportation by vessels, unarmed and under convoy, under charter or other direction and 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 blockading power, no American Red Cross vessel shall enter a port where a blockade by aircraft, surface vessel, or submarine 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) The provisions of sections 2(a) and 3 shall not prohibit a vessel, in ballast, unarmed, and not under convoy, and transporting refugee children, under 16 years of age, from war zones, or combat areas, and shall not prohibit

prohibit such vessel entering into such war zones or areas for this purpose, together with such necessary can citizen adult personnel in charge as may be approved by the Secretary of State, subject to the provisions of immigration laws, if such vessel is proceeding under the conduct granted by all of the States named in the proclamations issued under the authority of section 1(a), if such vessel has painted on a large scale prominently and distinctly, and unmistakably on each side thereof and on the superstructure thereof plainly visible from the sea, an American flag and a statement to the effect that the vessel is a refugee-child rescue ship of the United States or under United States registry: Provided, that every child so brought into the United States shall, previous to his departure from the port of embarkation, have been sponsored by some responsible American person, natural or citizen, who shall certify, in writing, that he will not, become a public charge.

TRAVEL ON VESSELS OF BELLIGERENT STATES

SEC. 5. (a) Whenever the President shall have issued a proclamation under the authority of Section 1(a) with respect to the entry of vessels into the United States, thereafter be unlawful for any citizen of the United States to

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) Whenever any proclamation issued under the authority of Section 1 (a) shall have been revoked with respect to any state the provisions of this section thereupon cease to apply with respect to such state as to offenses committed prior to such revocation.

ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED

SEC. 6. Whenever the President shall have issued a proclamation under the authority of Section 1 (a), it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel, engaged in commerce with any foreign state to be armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.

FINANCIAL TRANSACTIONS

SEC. 7. (a) Whenever the President shall have

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a proclamation under the authority of Section 1 (a) shall thereafter be unlawful for any person within United States to purchase, sell, or exchange bonds, securities, or other obligations of the government, state named in such proclamation, or of any political subdivision of any such state, or of any person acting 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 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 12 (1).

(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as exist

exist on the date of such proclamation.

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

(d) Whenever any proclamation issued under the authority of Section 1 (a) shall have been revoked with respect to any state the provisions of this section thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

#### SOLICITATION AND COLLECTION OF FUNDS

##### AND CONTRIBUTIONS

Sec. 8, (a) Whenever the President shall have issued a proclamation under the authority of Section 1 (a), shall thereafter be unlawful for any person within the United States to solicit or receive any contribution or on behalf of the government of any state named in the proclamation or for or on behalf of any agent or instrumental

instrumentality of any such state.

(b) Nothing in this section shall be construed to prohibit the solicitation or collection of funds and contributions to be used for medical aid and assistance or for food and clothing to relieve human suffering, such solicitation or collection of funds and contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf of any government, but all such solicitations and collection of funds and contributions shall be in accordance with and subject to such rules and regulations as may be prescribed.

(c) Whenever any proclamation issued under the authority of Section 1 (a) 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.

AMERICAN REPUBLICS

SEC. 9. This joint resolution (except Section 1) shall not apply to any American republic engaged in war against a non-American state or states, provided the

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American republic is not cooperating with a non-American state or states in such war.

RESTRICTIONS ON USE OF AMERICAN PORTS

SEC. 10. (a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port or place under the jurisdiction of the United States, fuel, men, arms, or ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of Section 1 (c), but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by Section 1, Title V, Chapter 1 of the Act approved June 15, 1917 (40 Stat. 217, 221 U.S.C., 1934 edition, Title 18, Sec. 21), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States

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its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty, to require the owner, master, or commanding officer, in command thereof, before departing from a port or place within the jurisdiction of the United States, to give a bond, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of Section 1 (a).

(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of Section 1 (a), he may prohibit the departure of such vessel during the duration of the war.

(c)



(c) Whenever the President shall have issued proclamation under Section 1 (a) he may, while such proclamation is in effect, require the owner, master or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient sureties, in an amount as he shall deem proper, conditioned that no seaman who arrived on such vessel shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time pursuant to Section 33 of the Immigration Act of February 5, 1917 (U.S.C., Title 8, Sec. 168). Notwithstanding the provisions of said Section 33, the President may issue such regulations with respect to the landing of such seamen as he deems necessary to insure their departure on such vessel or another vessel at the expense of the owner, master, or person in command.

SUBMARINES AND ARMED MERCHANT VESSELS

SEC. 11. Whenever, during any war in which the United States is neutral, the President shall find that any restriction

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restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except on such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.

NATIONAL MUNITIONS CONTROL BOARD

SEC. 12. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board")

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"Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in a proclamation referred to in subsection (i) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name or business name, principal place of business, and place of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the name, principal place of business, or place of business, or of any arms, ammunition, or implements of war which he exports, imports,

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manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for a period of five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of \$100; but valid certificates of registration (including amended certificates) issued under the authority of Section 2 of the joint resolution of August 31, 1935, or Section 2 of the joint resolution of August 31, 1935, as amended, without payment of any additional registration fee, be considered to be valid certificates of registration issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

(d) It shall be unlawful for any person to export or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed

a proclamation referred to in or issued under the authority of subsection (i) of this section, or to import, or attempt to import, to the United States from any other state, or of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Secretary of State the name of the purchaser and the terms of sale and having obtained a license therefor.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, permanent records of manufacture for export, importation and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(f) Licenses shall be issued by the Secretary of State to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued; but a valid license issued under the authority

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Section 2 of the joint resolution of August 31, 1935, Section 5 of the joint resolution of August 31, 1935, amended, shall be considered to be a valid license in effect under this subsection, and shall remain valid for the period as if this joint resolution had not been enacted.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

(h) The Board shall make a report to Congress on January 3 and July 3 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of question connected with the control of the sale of arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under such license. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning

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the licenses issued hereunder, including the name of purchaser and the terms of sale made under any such license.

(i) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition and implements of war for the purposes of this section, but the proclamation Numbered 2237, of May 1, 1937 (50 Stat. 1834), defining the term "arms, ammunition, and implements of war"<sup>1</sup> shall, until it is revoked, have full force and effect as if issued under the authority of this subsection.

REGULATIONS

SEC. 13. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

UNLAWFUL USE OF THE AMERICAN FLAG

SEC. 14. (a) It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign

<sup>1</sup>Printed in the JOURNAL, Supplement, Vol. 31 (1937), p. 100.

foreign state to use the flag of the United States thereon or to make use of any distinctive signs or markings, indicating that the same is an American vessel.

(b) Any vessel violating the provisions of subsection (a) of this section shall be denied for a period of three months the right to enter the ports of territorial waters of the United States except in cases of force majeure.

GENERAL PENALTY PROVISION

SEC. 15. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

DEFINITIONS

SEC. 16. For the purposes of this joint resolution

(a) The term "United States", when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

(b)



(b) The term "person" includes a partnership, association, or corporation; as well as a natural person.

(c) The term "vessel" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(d) The term "American vessel" means any vessel registered, and any aircraft registered or licensed, under the laws of the United States.

(e) The term "state" shall include nation, government, and country.

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section.

SEPARABILITY OF PROVISIONS

SEC. 17. If any of the provisions of this joint resolution, or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application thereof to persons and circumstances, shall not be affected thereby.

resolution, and the application of such provision to persons or circumstances, shall not be affected there

APPROPRIATIONS

SEC. 18. There is hereby authorized to be approved from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this resolution.

REPEALS

SEC. 19. The joint resolution of August 31, 1935, as amended, and the joint resolution of January 8, 1937, 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 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.

SHORT TITLE

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SHORT TITLE

SEC. 20. This joint resolution may be cited as  
"Neutrality Act of 1939".

Approved, November 4, 1939, 12:04p.m.

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AUTHORIZING A PROCLAIMED LIST OF CERTAIN BLOKED  
NATIONALS AND CONTROLLING CERTAIN EXPORTS  
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by Section 5 (b) of the Act of October 6, 1917 (40 Stat. 415) as amended and Section 1 of the Act of July 2, 1940 (54 Stat. 714) as amended and by virtue of all other authority vested in me, and by virtue of the existence of a period of unlimited national emergency and finding that this Proclamation is necessary in the interest of national defense, do hereby order and proclaim the following:

SECTION 1. The Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Export Control, and the Coordinator of Commercial and Cultural Relations Between the American Republics,

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from time to time cause to be prepared an appropriate list of

(a) certain persons deemed to be, or to have been acting or purporting to act, directly or indirectly for the benefit of, or under the direction of, or under the jurisdiction of, or on behalf of, or in collaboration with Germany or Italy or a national thereof;

(b) certain persons to whom, or on whose behalf, or for whose account, the exportation directly or indirectly of any article or material exported from the United States, is deemed to be detrimental to the interest of national defense.

In similar manner and in the interest of national defense, additions to and deletions from such list shall be made from time to time. Such list and any additions thereto or deletions therefrom shall be filed pursuant to the provisions of the Federal Register Act and such list shall be known as "The Proclaimed List of Certain Blocked Nationals".

Section 2. Any person, so long as his name

appears

appears in such list, shall, for the purpose of Section 5 (b) of the Act of October 6, 1917, as amended, and for the purpose of this Proclamation, be deemed to be a national of a foreign country, and shall be treated on all purposes under Executive Order No. 8389, as amended, as though he were a national of Germany or Italy. The terms and provisions of Executive Order No. 8389, as amended, shall be applicable to any such person so long as his name appears in such list, and to any property in which any such person has or has had an interest, to the same extent that such terms and provisions are applicable to nationals of Germany or Italy, and to property in which nationals of Germany or Italy have or have had an interest.

SECTION 3. The exportation from the United States directly or indirectly to, or on behalf of, or for the account of any person, so long as his name appears on such list, of any article or material the exportation of which is prohibited or curtailed by any proclamation heretofore or hereafter issued under the authority

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authority of Section 6 of the Act of July 2, 1940, as amended, or of any other military equipment or munitions or component parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, is hereby prohibited. Section 6 of the Act of July 2, 1940, as amended, shall apply (1) when authorized in each case by a license as provided for in Proclamation No. 2413 of July 2, 1940, or in Proclamation No. 2465 of March 4, 1941, as the case may be, and (2) when the Administrator of Export Control under my direction has determined that such prohibition of exportation would work an unusual hardship on American interests.

SECTION 4. The term "person" as used herein means any individual, partnership, association, corporation, or other organization.

The term "United States" as used herein means the United States and any place subject to the jurisdiction thereof, including the Philippine Islands, the Canal Zone, and the District of Columbia and any other

territory

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territory, dependency or possession of the United States

SECTION 5. Nothing herein contained shall be deemed in any manner to limit or restrict the provisions of said Executive Order No. 8389, as amended, or the authority vested thereby in the Secretary of the Treasury and the Attorney General. So far as the said Executive Order No. 8389, as amended, is concerned, "The Proclaimed List of Certain Blocked Nationals", authorized by this Proclamation, is merely a list of certain persons with respect to whom and with respect to whose property interests the public is specifically put on notice that the provisions of such Executive Order are applicable. The fact that any person is not named in such list shall in no wise be deemed to mean that such person is not a national of a foreign country designated in such order within the meaning thereof, or to affect in any manner the application of such order to such person or to the property interests of such person.

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

DONE