

under Public Law 790, and makes an appropriate notation of his findings on the entry.

"(c) The certificate provided for in (b) (2) need not be verified unless, in the opinion of the collector, special circumstances necessitate that the certificate be under oath.

"(d) The entry requirements prescribed in the Tariff Act of 1930, as amended, or the Customs Regulations of 1937, as amended, are applicable to articles entitled to free entry under Public Law 790.

"(e) Customs invoices, including the invoices provided for in article 367, Customs Regulations of 1937 (J. R. 9a and 9b), shall not be required for shipments accorded free entry under Public Law 790, in whole or in part; nor shall the customs declarations or the statements of value provided for in article 367 (J. R. 9a and 9b) be required for such shipments.

"(f) Free entry shall be accorded under the act to articles entered, or withdrawn from warehouse, for consumption on and after December 6, 1942, and before the expiration of six months after the termination of hostilities as determined by proclamation of the President or by concurrent resolution of the Congress. (Act of December 5, 1942, Pub. Law 790, 77th Cong.)"

§ 847. Same; effective date; termination.

This Act shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption on or after the day following the date of its enactment and before the expiration of six months after the termination of hostilities as determined by proclamation of the President, or by concurrent resolution of the Congress. (Dec. 5, 1942, ch. 680, § 2, 56 Stat. 1041.)

EMERGENCY PRICE CONTROL ACT OF 1942 (New)

ACT JAN. 30, 1942, CH. 26, 56 STAT. 23

TITLE I.—GENERAL PROVISIONS AND AUTHORITY

Sec.

- 901. Purposes; time limit; applicability.
- 902. Prices, rents, and market and renting practices.
- 903. Agricultural commodities.
- 904. Prohibitions.
- 905. Voluntary agreements.

TITLE II.—ADMINISTRATION AND ENFORCEMENT

- 921. Administration.
- 922. Investigations; records; reports.
- 923. Procedure.
- 924. Review—Rules of Court.
- 925. Enforcement.
- 926. Saving provisions.

TITLE III.—MISCELLANEOUS

- 941. Quarterly report.
- 942. Definitions.
- 943. Separability.
- 944. Appropriations authorized.
- 945. Application of existing law.
- 946. Short title.

TITLE I.—GENERAL PROVISIONS AND AUTHORITY

§ 901. Purposes; time limit; applicability.

(a) It is hereby declared to be in the interest of the national defense and security and necessary to the effective prosecution of the present war, and the purposes of this Act are, to stabilize prices and to prevent speculative, unwarranted, and abnormal increases in prices and rents; to eliminate and prevent profiteering, hoarding, manipulation, speculation, and other disruptive practices resulting from

abnormal market conditions or scarcities caused by or contributing to the national emergency; to assure that defense appropriations are not dissipated by excessive prices; to protect persons with relatively fixed and limited incomes, consumers, wage earners, investors, and persons dependent on life insurance, annuities, and pensions, from undue impairment of their standard of living; to prevent hardships to persons engaged in business, to schools, universities, and other institutions, and to the Federal, State, and local governments, which would result from abnormal increases in prices; to assist in securing adequate production of commodities and facilities; to prevent a post emergency collapse of values; to stabilize agricultural prices in the manner provided in section 3 (section 903 of this appendix); and to permit voluntary cooperation between the Government and producers, processors, and others to accomplish the aforesaid purposes. It shall be the policy of those departments and agencies of the Government dealing with wages (including the Department of Labor and its various bureaus, the War Department, the Navy Department, the War Production Board, the National Labor Relations Board, the National Mediation Board, the National War Labor Board, and others heretofore or hereafter created), within the limits of their authority and jurisdiction, to work toward a stabilization of prices, fair and equitable wages, and cost of production.

(b) The provisions of this Act, and all regulations, orders, price schedules, and requirements thereunder, shall terminate on June 30, 1944, or upon the date of a proclamation by the President, or upon the date specified in a concurrent resolution by the two Houses of the Congress, declaring that the further continuance of the authority granted by this Act is not necessary in the interest of the national defense and security, whichever date is the earlier; except that as to offenses committed, or rights or liabilities incurred, prior to such termination date, the provisions of this Act and such regulations, orders, price schedules, and requirements shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense.

(c) The provisions of this Act shall be applicable to the United States, its Territories and possessions, and the District of Columbia. (Jan. 30, 1942, ch. 26, title I, § 1, 56 Stat. 23, as amended Oct. 2, 1942, ch. 578, § 7a, 56 Stat. 767.)

AMENDMENTS

1942—Subsec. (b) was amended by act Oct. 2, 1942, cited to text, which substituted "June 30, 1944" for "June 30, 1943". Termination of said act Oct. 2, 1942, see section 966 of this appendix.

EX. ORD. NO. 9250. PROVIDING FOR THE STABILIZING OF THE NATIONAL ECONOMY

Ex. Ord. No. 9250, Oct. 3, 1942, 7 F. R. 7871, provided: By virtue of the authority vested in me by the Constitution and the Statutes, and particularly by the Act of October 2, 1942 (sections 961–971 of this appendix), entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes", as President of the United States and Commander in Chief of the Army and Navy, and in order to

control so far as possible the inflationary tendencies and the vast dislocations attendant thereon which threaten our military effort and our domestic economic structure, and for the more effective prosecution of the war, it is hereby ordered as follows:

TITLE I.—ESTABLISHMENT OF AN OFFICE OF ECONOMIC STABILIZATION

1. There is established in the Office for Emergency Management of the Executive Office of the President an Office of Economic Stabilization at the head of which shall be an Economic Stabilization Director (hereinafter referred to as the Director).

2. There is established in the Office of Economic Stabilization an Economic Stabilization Board with which the Director shall advise and consult. The Board shall consist of the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Bureau of the Budget, the Price Administrator, the Chairman of the National War Labor Board, and two representatives each of labor, management, and farmers to be appointed by the President. The Director may invite for consultation the head of any other department or agency. The Director shall serve as Chairman of the Board.

3. The Director, with the approval of the President, shall formulate and develop a comprehensive national economic policy relating to the control of civilian purchasing power, prices, rents, wages, salaries, profits, rationing, subsidies, and all related matters—all for the purpose of preventing avoidable increases in the cost of living, cooperating in minimizing the unnecessary migration of labor from one business, industry, or region to another, and facilitating the prosecution of the war. To give effect to this comprehensive national economic policy the Director shall have power to issue directives on policy to the Federal departments and agencies concerned.

4. The guiding policy of the Director and of all departments and agencies of the Government shall be to stabilize the cost of living in accordance with the Act of October 2, 1942 (sections 961-971 of this appendix); and it shall be the duty and responsibility of the Director and of all departments and agencies of the Government to cooperate in the execution of such administrative programs and in the development of such legislative programs as may be necessary to that end. The administration of activities related to the national economic policy shall remain with the departments and agencies now responsible for such activities, but such administration shall conform to the directives on policy issued by the Director.

TITLE II.—WAGE AND SALARY STABILIZATION POLICY

1. No increases in wage rates, granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in wage rates, shall be authorized unless notice of such increases or decreases shall have been filed with the National War Labor Board, and unless the National War Labor Board has approved such increases or decreases.

2. The National War Labor Board shall not approve any increase in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

Provided, however, that where the National War Labor Board or the Price Administrator shall have reason to believe that a proposed wage increase will require a change in the price ceiling of the commodity or service involved, such proposed increase, if approved by the National War Labor Board, shall become effective only if also approved by the Director.

3. The National War Labor Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between January 1, 1942 and September 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

4. The National War Labor Board shall, by general regulation, make such exemptions from the provisions of this title in the case of small total wage increases or decreases as it deems necessary for the effective administration of this Order.

5. No increases in salaries now in excess of \$5,000 per year (except in instances in which an individual has been assigned to more difficult or responsible work), shall be granted until otherwise determined by the Director.

6. No decrease shall be made in the salary for any particular work below the highest salary paid therefor between January 1, 1942 and September 15, 1942 unless to correct gross inequities and to aid in the effective prosecution of the war.

7. In order to correct gross inequities and to provide for greater equality in contributing to the war effort, the Director is authorized to take the necessary action, and to issue the appropriate regulations, so that, insofar as practicable, no salary shall be authorized under Title III, Section 4 (of this Order) to the extent that it exceeds \$25,000 after the payment of taxes allocable to the sum in excess of \$25,000: *Provided, however,* that such regulations shall make due allowance for the payment of life insurance premiums on policies heretofore issued, and required payments on fixed obligations heretofore incurred, and shall make provision to prevent undue hardship.

8. The policy of the Federal Government, as established in Executive Order No. 9017 of January 12, 1942, to encourage free collective bargaining between employers and employees is reaffirmed and continued.

9. Insofar as the provisions of Clause (1) of section 302 (c) of the Emergency Price Control Act of 1942 (section 942 (c) of this appendix) are inconsistent with this Order, they are hereby suspended.

TITLE III.—ADMINISTRATION OF WAGE AND SALARY POLICY

1. Except as modified by this Order, the National War Labor Board shall continue to perform the powers, functions, and duties conferred upon it by Executive Order No. 9017, and the functions of said Board are hereby extended to cover all industries and all employees. The National War Labor Board shall continue to follow the procedures specified in said Executive Order.

2. The National War Labor Board shall constitute the agency of the Federal Government authorized to carry out the wage policies stated in this Order, or the directives on policy issued by the Director under this Order. The National War Labor Board is further authorized to issue such rules and regulations as may be necessary for the speedy determination of the propriety of any wage increases or decreases in accordance with this Order, and to avail itself of the services and facilities of such State and Federal departments and agencies as, in the discretion of the National War Labor Board, may be of assistance to the Board.

3. No provision with respect to wages contained in any labor agreement between employers and employees (including the Shipbuilding Stabilization Agreements as amended on May 16, 1942, and the Wage Stabilization Agreement of the Building Construction Industry arrived at May 22, 1942) which is inconsistent with the policy herein enunciated or hereafter formulated by the Director shall be enforced except with the approval of the National War Labor Board within the provisions of this Order. The National War Labor Board shall permit the Shipbuilding Stabilization Committee and the Wage Adjustment Board for the Building Construction Industry, both of which are provided for in the foregoing agreements, to continue to perform their functions therein set forth, except insofar as any of them is inconsistent with the terms of this Order.

4. In order to effectuate the purposes and provisions of this Order and the Act of October 2, 1942 (sections 961-971 of this appendix), any wage or salary payment made in contravention thereof shall be disregarded by the Executive Departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942 (sections 901-946 of this appendix) or any maximum price regulation thereof, or for the purpose of calculating deductions under the Revenue Laws of the United States or for the purpose of deter-

mining costs or expenses under any contract made by or on behalf of the Government of the United States.

TITLE IV.—PRICES OF AGRICULTURAL COMMODITIES

1. The prices of agricultural commodities and of commodities manufactured or processed in whole or substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on September 15, 1942 and in compliance with the Act of October 2, 1942 (sections 961-971 of this appendix).

2. In establishing, maintaining or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity, appropriate deductions shall be made from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, and governmental subsidies.

3. Subject to the directives on policy of the Director, the price of agricultural commodities shall be established or maintained or adjusted jointly by the Secretary of Agriculture and the Price Administrator; and any disagreement between them shall be resolved by the Director. The price of any commodity manufactured or processed in whole or in substantial part from an agricultural commodity shall be established or maintained or adjusted by the Price Administrator, in the same administrative manner provided for under the Emergency Price Control Act of 1942 (sections 901-946 of this appendix).

4. The provisions of sections 3 (a) and 3 (c) of the Emergency Price Control Act of 1942 (section 903 (a), (c) of this appendix) are hereby suspended to the extent that such provisions are inconsistent with any or all prices established under this Order for agricultural commodities, or commodities manufactured or processed in whole or in substantial part from an agricultural commodity.

TITLE V.—PROFITS AND SUBSIDIES

1. The Price Administrator in fixing, reducing, or increasing prices, shall determine price ceilings in such a manner that profits are prevented which in his judgment are unreasonable or exorbitant.

2. The Director may direct any Federal department or agency including, but not limited to, the Department of Agriculture (including the Commodity Credit Corporation and the Surplus Marketing Administration), the Department of Commerce, the Reconstruction Finance Corporation, and other corporations organized pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended (sections 606b, 609j of Title 15), to use its authority to subsidize and to purchase for resale, if such measures are necessary to insure the maximum necessary production and distribution of any commodity, or to maintain ceiling prices, or to prevent a price rise inconsistent with the purposes of this Order.

TITLE VI.—GENERAL PROVISIONS

1. Nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act (section 201 et seq. of Title 29), the National Labor Relations Act (section 151 et seq. of Title 29), the Walsh-Healey Act (sections 35-45 of Title 41), the Davis-Bacon Act (section 276a of Title 40), or the adjustment procedure of the Railway Labor Act (section 181 et seq. of Title 45).

2. Salaries and wages under this Order shall include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to, bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount as determined by the Director); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees. "Salaries" as used in this Order means remuneration

for personal services regularly paid on a weekly, monthly or annual basis.

3. The Director shall, so far as possible, utilize the information, data, and staff services of other Federal departments and agencies which have activities or functions related to national economic policy. All such Federal departments and agencies shall supply available information, data, and services required by the Director in discharging his responsibilities.

4. The Director shall be the agency to receive notice of any increase in the rates or charges of common carriers or other public utilities as provided in the aforesaid Act of October 2, 1942 (sections 961-971 of this appendix).

5. The Director may perform the functions and duties, and exercise the powers, authority, and discretion conferred upon him by this Order through such officials or agencies, and in such manner, as he may determine. The decision of the Director as to such delegation and the manner of exercise thereof shall be final.

6. The Director, if he deems it necessary, may direct that any policy formulated under this Order shall be enforced by any other department or agency under any other power or authority which may be provided by any of the laws of the United States.

7. The Director, who shall be appointed by the President, shall receive such compensation as the President shall provide, and within the limits of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities and services necessary to discharge his responsibilities.

§ 902. Prices, rents, and market and renting practices.

(a) Whenever in the judgment of the Price Administrator (provided for in section 201 (section 921 of this appendix)) the price or prices of a commodity or commodities have risen or threaten to rise to an extent or in a manner inconsistent with the purposes of this Act, he may by regulation or order establish such maximum price or maximum prices as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act. So far as practicable, in establishing any maximum price, the Administrator shall ascertain and give due consideration to the prices prevailing between October 1 and October 15, 1941 (or if, in the case of any commodity, there are no prevailing prices between such dates, or the prevailing prices between such dates are not generally representative because of abnormal or seasonal market conditions or other cause, then to the prices prevailing during the nearest two-week period in which, in the judgment of the Administrator, the prices for such commodity are generally representative), for the commodity or commodities included under such regulation or order, and shall make adjustments for such relevant factors as he may determine and deem to be of general applicability, including the following: Speculative fluctuations, general increases or decreases in costs of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the commodity or commodities, during and subsequent to the year ended October 1, 1941. Every regulation or order issued under the foregoing provisions of this subsection shall be accompanied by a statement of the considerations involved in the issuance of such regulation or order. As used in the foregoing provisions of this subsection, the term "regulation or order" means a regulation or order of general applicability and effect. Before issuing any regulation or order under the foregoing provisions of this subsection, the Administrator shall, so

far as practicable, advise and consult with representative members of the industry which will be affected by such regulation or order. In the case of any commodity for which a maximum price has been established, the Administrator shall, at the request of any substantial portion of the industry subject to such maximum price, regulation, or order of the Administrator, appoint an industry advisory committee, or committees, either national or regional or both, consisting of such number of representatives of the industry as may be necessary in order to constitute a committee truly representative of the industry, or of the industry in such region, as the case may be. The committee shall select a chairman from among its members, and shall meet at the call of the chairman. The Administrator shall from time to time, at the request of the committee, advise and consult with the committee with respect to the regulation or order, and with respect to the form thereof, and classifications, differentiations, and adjustments therein. The committee may make such recommendations to the Administrator as it deems advisable. Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act, he may, without regard to the foregoing provisions of this subsection, issue temporary regulations or orders establishing as a maximum price or maximum prices the price or prices prevailing with respect to any commodity or commodities within five days prior to the date of issuance of such temporary regulations or orders; but any such temporary regulation or order shall be effective for not more than sixty days, and may be replaced by a regulation or order issued under the foregoing provisions of this subsection.

(b) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area. If within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act. So far as practicable, in establishing any maximum rent for any defense-area housing accommodations, the Administrator shall ascertain, and give due consideration to the rents prevailing for such accommodations, or comparable accommodations, on or about April 1, 1941 (or if, prior or subsequent to April 1, 1941, defense activities shall have resulted or threatened to result in increases in rents for housing accommodations in such area inconsistent with the purposes of this Act, then on or about a date (not earlier than April 1, 1940), which in the judgment of the Administrator, does not re-

fect such increases), and he shall make adjustments for such relevant factors as he may determine and deem to be of general applicability in respect of such accommodations, including increases or decreases in property taxes and other costs. In designating defense-rental areas, in prescribing regulations and orders establishing maximum rents for such accommodations, and in selecting persons to administer such regulations and orders, the Administrator shall, to such extent as he determines to be practicable, consider any recommendations which may be made by State and local officials concerned with housing or rental conditions in any defense-rental area.

(c) Any regulation or order under this section may be established in such form and manner, may contain such classifications and differentiations, and may provide for such adjustments in reasonable exceptions, as in the judgment of the Administrator are necessary or proper in order to effectuate the purposes of this Act. Any regulation or order under this section which establishes a maximum price or maximum rent may provide for a maximum price or maximum rent below the price or prices prevailing for the commodity or commodities, or below the rent or rents prevailing for the defense-area housing accommodations, at the time of the issuance of such regulation or order.

(d) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act, he may, by regulation or order, regulate or prohibit speculative or manipulative practices (including practices relating to changes in form or quality) or hoarding, in connection with any commodity, and speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any defense-area housing accommodations, which in his judgment are equivalent to or are likely to result in price or rent increases, as the case may be, inconsistent with the purposes of this Act.

(e) Whenever the Administrator determines that the maximum necessary production of any commodity is not being obtained or may not be obtained during the ensuing year, he may, on behalf of the United States, without regard to the provisions of law requiring competitive bidding, buy or sell at public or private sale, or store or use, such commodity in such quantities and in such manner and upon such terms and conditions as he determines to be necessary to obtain the maximum necessary production thereof or otherwise to supply the demand therefor, or make subsidy payments to domestic producers of such commodity in such amounts and in such manner and upon such terms and conditions as he determines to be necessary to obtain the maximum necessary production thereof: *Provided*, That in the case of any commodity which has heretofore or may hereafter be defined as a strategic or critical material by the President pursuant to section 5d of the Reconstruction Finance Corporation Act, as amended (Title 15, §§ 606b, 609j), such determinations shall be made by the Federal Loan Administrator, with the approval of the Presi-

dent, and, notwithstanding any other provision of this Act or of any existing law, such commodity may be bought or sold, or stored or used, and such subsidy payments to domestic producers thereof may be paid, only by corporations created or organized pursuant to such section 5d (Title 15, §§ 606b, 609j); except that in the case of the sale of any commodity by any such corporation, the sale price therefor shall not exceed any maximum price established pursuant to subsection (a) of this section which is applicable to such commodity at the time of sale or delivery, but such sale price may be below such maximum price or below the purchase price of such commodity, and the Administrator may make recommendations with respect to the buying or selling, or storage or use, of any such commodity. In any case in which a commodity is domestically produced, the powers granted to the Administrator by this subsection shall be exercised with respect to importations of such commodity only to the extent that, in the judgment of the Administrator, the domestic production of the commodity is not sufficient to satisfy the demand therefor. Nothing in this section shall be construed to modify, suspend, amend, or supersede any provision of the Tariff Act of 1930, as amended (see Tables, Act June 17, 1930, ch. 497, 46 Stat. 590), and nothing in this section, or in any existing law, shall be construed to authorize any sale or other disposition of any agricultural commodity contrary to the provisions of the Agricultural Adjustment Act of 1938, as amended (Title 7, §§ 1281-1407; Title 16, §§ 590h, 590o), or to authorize the Administrator to prohibit trading in any agricultural commodity for future delivery if such trading is subject to the provisions of the Commodity Exchange Act, as amended (Title 7, § 1 et seq.).

(f) No power conferred by this section shall be construed to authorize any action contrary to the provisions and purposes of section 3 (section 903 of this Appendix), and no agricultural commodity shall be sold within the United States pursuant to the provisions of this section by any governmental agency at a price below the price limitations imposed by section 3 (a) of this Act (section 903 (a) of this appendix) with respect to such commodity.

(g) Regulations, orders, and requirements under this Act may contain such provisions as the Administrator deems necessary to prevent the circumvention or evasion thereof.

(h) The powers granted in this section shall not be used or made to operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, established in any industry, except to prevent circumvention or evasion of any regulation, order, price schedule, or requirement under this Act.

(i) No maximum price shall be established for any fishery commodity below the average price of such commodity in the year 1941. (Jan. 30, 1942, ch. 26, title I, § 2, 56 Stat. 24.)

§ 903. Agricultural commodities.

(a) No maximum price shall be established or maintained for any agricultural commodity below the highest of any of the following prices, as deter-

mined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price for such commodity, adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials, or, in case a comparable price has been determined for such commodity under subsection (b), 110 per centum of such comparable price, adjusted in the same manner, in lieu of 110 per centum of the parity price so adjusted; (2) the market price prevailing for such commodity on October 1, 1941; (3) the market price prevailing for such commodity on December 15, 1941; or (4) the average price for such commodity during the period July 1, 1919, to June 30, 1929.

(b) For the purposes of this Act, parity prices shall be determined and published by the Secretary of Agriculture as authorized by law. In the case of any agricultural commodity other than the basic crops corn, wheat, cotton, rice, tobacco, and peanuts, the Secretary shall determine and publish a comparable price whenever he finds, after investigation and public hearing, that the production and consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities.

(c) No maximum price shall be established or maintained for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to producers of such agricultural commodity a price for such agricultural commodity equal to the highest price therefor specified in subsection (a).

(d) Nothing contained in this Act shall be construed to modify, repeal, supersede, or affect the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Title 7, §§ 601, 602, 608a-608c, 608d, 608e, 610, 612, 614, 624, 671-674), or to invalidate any marketing agreement, license, or order, or any provision thereof or amendment thereto, heretofore or hereafter made or issued under the provisions of such Act.

(e) Notwithstanding any other provision of this or any other law, no action shall be taken under this Act by the Administrator or any other person with respect to any agricultural commodity without the prior approval of the Secretary of Agriculture; except that the Administrator may take such action as may be necessary under section 202 and section 205 (a) and (b) (sections 922 and 925 (a), (b), of this appendix) to enforce compliance with any regulation, order, price schedule or other requirement with respect to an agricultural commodity which has been previously approved by the Secretary of Agriculture.

(f) No provision of this Act or of any existing law shall be construed to authorize any action contrary to the provisions and purposes of this section. (Jan. 30, 1942, ch. 26, title I, § 3, 56 Stat. 27.)

INCONSISTENT LAWS

Provisions of this section insofar as they are inconsistent with provisions of Ex. Ord. No. 9250, Oct. 3, 1942, set out under section 901 of this appendix, are suspended by paragraph 4 of title IV of said order.

SUSPENSION OF SUBSECS. (A), (C)

Suspension of subsecs. (a) and (c) by President, see section 962 of this appendix.

§ 904. Prohibitions.

(a) It shall be unlawful, regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, for any person to sell or deliver any commodity, or in the course of trade or business to buy or receive any commodity, or to demand or receive any rent for any defense-area housing accommodations, or otherwise to do or omit to do any act, in violation of any regulation or order under section 2 (section 902 of this appendix), or of any price schedule effective in accordance with the provisions of section 206 (section 926 of this appendix), or of any regulation, order, or requirement under section 202 (b) or section 205 (f) (sections 922 (b) or 925 (f) of this appendix), or to offer, solicit, attempt, or agree to do any of the foregoing.

(b) It shall be unlawful for any person to remove or attempt to remove from any defense-area housing accommodations the tenant or occupant thereof or to refuse to renew the lease or agreement for the use of such accommodations, because such tenant or occupant has taken, or proposes to take, action authorized or required by this Act or any regulation, order, or requirement thereunder.

(c) It shall be unlawful for any officer or employee of the Government, or for any adviser or consultant to the Administrator in his official capacity, to disclose, otherwise than in the course of official duty, any information obtained under this Act, or to use any such information, for personal benefit.

(d) Nothing in this Act shall be construed to require any person to sell any commodity or to offer any accommodations for rent. (Jan. 30, 1942, ch. 26, title I, § 4, 56 Stat. 28.)

§ 905. Voluntary agreements.

In carrying out the provisions of this Act, the Administrator is authorized to confer with producers, processors, manufacturers, retailers, wholesalers, and other groups having to do with commodities, and with representatives and associations thereof, to cooperate with any agency or person, and to enter into voluntary arrangements or agreements with any such persons, groups, or associations relating to the fixing of maximum prices, the issuance of other regulations or orders, or the other purposes of this Act, but no such arrangement or agreement shall modify any regulation, order, or price schedule previously issued which is effective in accordance with the provisions of section 2 or section 206 (section 902 or 926 of this appendix). The Attorney General shall be promptly furnished with a copy of each such arrangement or agreement. (Jan. 30, 1942, ch. 26, title I, § 5, 56 Stat. 28.)

TITLE II.—ADMINISTRATION AND ENFORCEMENT

§ 921. Administration.

(a) There is hereby created an Office of Price Administration, which shall be under the direction

of a Price Administrator (referred to in this Act as the "Administrator"). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$12,000 per annum. The Administrator may, subject to the civil-service laws, appoint such employees as he deems necessary in order to carry out his functions and duties under this Act, and shall fix their compensation in accordance with the Classification Act of 1923, as amended (Title 5, §§ 661-673, 674). The Administrator may utilize the services of Federal, State, and local agencies and may utilize and establish such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may appear for and represent the Administrator in any case in any court. In the appointment, selection, classification, and promotion of officers and employees of the Office of Price Administration, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency.

(b) The principal office of the Administrator shall be in the District of Columbia, but he or any duly authorized representative may exercise any or all of his powers in any place. The President is authorized to transfer any of the powers and functions conferred by this Act upon the Office of Price Administration with respect to a particular commodity or commodities to any other department or agency of the Government having other functions relating to such commodity or commodities, and to transfer to the Office of Price Administration any of the powers and functions relating to priorities or rationing conferred by law upon any other department or agency of the Government with respect to any particular commodity or commodities; but, notwithstanding any provision of this or any other law, no powers or functions conferred by law upon the Secretary of Agriculture shall be transferred to the Office of Price Administration or to the Administrator, and no powers or functions conferred by law upon any other department or agency of the Government with respect to any agricultural commodity, except powers and functions relating to priorities or rationing, shall be so transferred.

(c) The Administrator shall have authority to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere; for lawbooks and books of reference; and for paper, printing, and binding) as he may deem necessary for the administration and enforcement of this Act. The provisions of section 3709 of the Revised Statutes (Title 41, § 5) shall not apply to the purchase of supplies and services by the Administrator where the aggregate amount involved does not exceed \$250.

(d) The Administrator may, from time to time, issue such regulations and orders as he may deem necessary or proper in order to carry out the purposes and provisions of this Act. (Jan. 30, 1942, ch. 26, title II, § 201, 56 Stat. 29.)

§ 922. Investigations; records; reports.

(a) The Administrator is authorized to make such studies and investigations and to obtain such information as he deems necessary or proper to assist him in prescribing any regulation or order under this Act, or in the administration and enforcement of this Act and regulations, orders, and price schedules thereunder.

(b) The Administrator is further authorized, by regulation or order, to require any person who is engaged in the business of dealing with any commodity, or who rents or offers for rent or acts as broker or agent for the rental of any housing accommodations, to furnish any such information under oath or affirmation or otherwise, to make and keep records and other documents, and to make reports, and he may require any such person to permit the inspection and copying of records and other documents, the inspection of inventories, and the inspection of defense-area housing accommodations. The Administrator may administer oaths and affirmations and may, whenever necessary, by subpoena require any such person to appear and testify or to appear and produce documents, or both, at any designated place.

(c) For the purpose of obtaining any information under subsection (a), the Administrator may by subpoena require any other person to appear and testify or to appear and produce documents, or both, at any designated place.

(d) The production of a person's documents at any place other than his place of business shall not be required under this section in any case in which, prior to the return date specified in the subpoena issued with respect thereto, such person either has furnished the Administrator with a copy of such documents (certified by such person under oath to be a true and correct copy), or has entered into a stipulation with the Administrator as to the information contained in such documents.

(e) In case of contumacy by, or refusal to obey a subpoena served upon, any person referred to in subsection (c), the district court for any district in which such person is found or resides or transacts business, upon application by the Administrator, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The provisions of this subsection shall also apply to any person referred to in subsection (b), and shall be in addition to the provisions of section 4 (a) (section 904 (a) of this appendix).

(f) Witnesses subpoenaed under this section shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(g) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (U. S. C., 1934 edition, Title 49,

sec. 46), shall apply with respect to any individual who specifically claims such privilege.

(h) The Administrator shall not publish or disclose any information obtained under this Act that such Administrator deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless he determines that the withholding thereof is contrary to the interest of the national defense and security. (Jan. 30, 1942, ch. 26, title II, § 202, 56 Stat. 30.)

§ 923. Procedure.

(a) Within a period of sixty days after the issuance of any regulation or order under section 2 (section 902 of this appendix), or in the case of a price schedule, within a period of sixty days after the effective date thereof specified in section 206 (section 926 of this appendix), any person subject to any provision of such regulation, order, or price schedule may, in accordance with regulations to be prescribed by the Administrator, file a protest specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections. At any time after the expiration of such sixty days any persons subject to any provision of such regulation, order, or price schedule may file such a protest based solely on grounds arising after the expiration of such sixty days. Statements in support of any such regulation, order, or price schedule may be received and incorporated in the transcript of the proceedings at such times and in accordance with such regulations as may be prescribed by the Administrator. Within a reasonable time after the filing of any protest under this subsection, but in no event more than thirty days after such filing or ninety days after the issuance of the regulation or order (or in the case of a price schedule, ninety days after the effective date thereof specified in section 206 (section 926 of this appendix)) in respect of which the protest is filed, whichever occurs later, the Administrator shall either grant or deny such protest in whole or in part, notice such protest for hearing, or provide an opportunity to present further evidence in connection therewith. In the event that the Administrator denies any such protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice.

(b) In the administration of this Act the Administrator may take official notice of economic data and other facts, including facts found by him as a result of action taken under section 202 (section 902 of this appendix).

(c) Any proceedings under this section may be limited by the Administrator to the filing of affidavits, or other written evidence, and the filing of briefs. (Jan. 30, 1942, ch. 26, title II, § 203, 56 Stat. 31.)

§ 924. Review.

(a) Any person who is aggrieved by the denial or partial denial of his protest may, within thirty days

after such denial, file a complaint with the Emergency Court of Appeals, created pursuant to subsection (c), specifying his objections and praying that the regulation, order, or price schedule protested be enjoined or set aside in whole or in part. A copy of such complaint shall forthwith be served on the Administrator, who shall certify and file with such court a transcript of such portions of the proceedings in connection with the protest as are material under the complaint. Such transcript shall include a statement setting forth, so far as practicable, the economic data and other facts of which the Administrator has taken official notice. Upon the filing of such complaint the court shall have exclusive jurisdiction to set aside such regulation, order, or price schedule, in whole or in part, to dismiss the complaint, or to remand the proceeding: *Provided*, That the regulation, order, or price schedule may be modified or rescinded by the Administrator at any time notwithstanding the pendency of such complaint. No objection to such regulation, order, or price schedule, and no evidence in support of any objection thereto, shall be considered by the court, unless such objection shall have been set forth by the complainant in the protest or such evidence shall be contained in the transcript. If application is made to the court by either party for leave to introduce additional evidence which was either offered to the Administrator and not admitted, or which could not reasonably have been offered to the Administrator or included by the Administrator in such proceedings, and the court determines that such evidence should be admitted, the court shall order the evidence to be presented to the Administrator. The Administrator shall promptly receive the same, and such other evidence as he deems necessary or proper, and thereupon he shall certify and file with the court a transcript thereof and any modification made in the regulation, order, or price schedule as a result thereof; except that on request by the Administrator, any such evidence shall be presented directly to the court.

(b) No such regulation, order, or price schedule shall be enjoined or set aside, in whole or in part, unless the complainant establishes to the satisfaction of the court that the regulation, order, or price schedule is not in accordance with law, or is arbitrary or capricious. The effectiveness of a judgment of the court enjoining or setting aside, in whole or in part, any such regulation, order, or price schedule shall be postponed until the expiration of thirty days from the entry thereof, except that if a petition for a writ of certiorari is filed with the Supreme Court under subsection (d) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the case by the Supreme Court.

(c) There is hereby created a court of the United States to be known as the Emergency Court of Appeals, which shall consist of three or more judges to be designated by the Chief Justice of the United States from judges of the United States district

courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Emergency Court of Appeals, and may, from time to time, designate additional judges for such court and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. The court shall have the powers of a district court with respect to the jurisdiction conferred on it by this Act; except that the court shall not have power to issue any temporary restraining order or interlocutory decree staying or restraining, in whole or in part, the effectiveness of any regulation or order issued under section 2 (section 902 of this appendix) or any price schedule effective in accordance with the provisions of section 206 (section 926 of this appendix). The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases of which it has jurisdiction under this Act. The court may fix and establish a table of costs and fees to be approved by the Supreme Court of the United States, but the costs and fees so fixed shall not exceed with respect to any item the costs and fees charged in the Supreme Court of the United States. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper.

(d) Within thirty days after entry of a judgment or order, interlocutory or final, by the Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a circuit court of appeals as provided in section 240 of the Judicial Code, as amended (U. S. C., 1934 edition, Title 28, sec. 347). The Supreme Court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this subsection. The Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Emergency Court of Appeals, shall have exclusive jurisdiction to determine the validity of any regulation or order issued under section 2 (section 902 of this appendix), of any price schedule effective in accordance with the provisions of section 206 (section 926 of this appendix), and of any provision of any such regulation, order, or price schedule. Except as provided in this section, no court, Federal, State, or Territorial, shall have jurisdiction or power to consider the validity of any such regulation, order, or price schedule, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this Act authorizing the issuance of such regulations or orders, or making effective any such price schedule, or any provision of any such regulation, order, or price schedule, or to restrain or enjoin the enforcement of any such provision. (Jan. 30, 1942, ch. 26, title II, § 204, 56 Stat. 31.)

**RULES—UNITED STATES EMERGENCY COURT
OF APPEALS**

Adopted May 12, 1942; effective May 20, 1942

TABLE OF RULES

- Rule No.
1. Name of Court.
 2. Seal.
 3. Divisions of the Court.
 4. Sessions.
 - (a) Court Always Open—Place and Time of Sessions.
 - (b) Judges Who Shall Preside.
 5. Quorum—Interlocutory Orders.
 - (a) Quorum.
 - (b) Interlocutory Orders.
 6. Clerk.
 - (a) Office Location—Duties.
 - (b) Bond.
 - (c) Shall Attend Sessions.
 - (d) Office Hours.
 - (e) Records.
 - (f) Keeper of Seal.
 - (g) Deputy Clerks.
 - (h) Fees to be paid prior to Filing.
 7. Court Employees not to Practice Law.
 8. Attorneys—Qualifications—Admission to Practice.
 9. Practice, Process and Service.
 - (a) Practice.
 - (b) Process.
 - (c) Service.
 10. Filing and Docketing Complaint—Appearance.
 - (a) Filing and Docketing.
 - (b) Deposit for Costs.
 - (c) Time for filing Appearance.
 11. Form and Contents of Complaint.
 - (a) Form.
 - (b) Contents.
 12. Form and Size of Papers Generally. Number of Copies to be Filed.
 - (a) Legibility.
 - (b) Caption.
 - (c) Papers to be Signed—Effect of Signature.
 - (d) Form of Printed Papers.
 - (e) Form of Typewritten Papers.
 - (f) Number of Copies to be Filed by Complainant.
 - (g) Number of Copies to be Filed by Price Administrator.
 - (h) Number of Copies of Printed Papers to be Filed.
 13. Motion to Dismiss.
 14. Motions Generally.
 - (a) Form of Motions.
 - (b) Objections or Answer.
 - (c) No Oral Argument Thereof.
 15. Transcript.
 - (a) Certification and Filing.
 - (b) Supplemental Transcript.
 - (c) Ten Copies to be Filed.
 - (d) Correction.
 - (e) Transcript Need not be Printed.
 16. Answer.
 17. Amendment to Pleadings.
 18. Application for Leave to Introduce Additional Evidence.
 - (a) Form and Contents.
 - (b) Manner of Taking Evidence.
 19. Consolidating Similar Cases.
 20. Dismissal by Agreement.
 21. Briefs.
 - (a) Time of Filing Complainant's Brief.
 - (b) Contents of Complainant's Brief.
 - (c) Time of Filing Price Administrator's Brief.
 - (d) Contents of Price Administrator's Brief.
 - (e) Complainant's Reply Brief.
 - (f) Briefs Shall be Bound—Length.
 - (g) Objections not Presented.
 - (h) Briefs After Argument.
 - (i) Filing after Time.

- Rule No.
22. Time.
 - (a) Manner of Computing.
 - (b) Computation of Time.
 - (c) Enlargement.
 23. Hearing Calendar.
 - (a) Cases placed on Calendar by Clerk.
 - (b) Notice to Parties.
 24. Hearing.
 - (a) Time Allowed.
 - (b) Number of Counsel.
 - (c) Submission on Briefs.
 - (d) Failure of Counsel to Appear.
 - (e) Failure of One Party to Appear.
 - (f) When Brief for Complainant Only is Filed and no Counsel Appears. Case Submitted.
 - (g) When Case Called and no Brief filed by Complainant, Case May be Dismissed.
 25. Opinions of the Court.
 - (a) Printed—Rendered by Filing With Clerk.
 - (b) Deposit for Printing.
 - (c) Recorded When Bound.
 26. Entry of Orders and Judgments.
 27. Rehearing.
 28. Death of a Party—Substitution.
 - (a) Generally.
 - (b) Public Officer.
 29. Fees and Costs.
 - (a) Table of Fees.
 - (b) No Costs for or Against Price Administrator.
 - (c) Transcript to Supreme Court.
 30. Effective Date.

RULE 1. NAME OF COURT

The court adopts "United States Emergency Court of Appeals"¹ as the title of the court.

RULE 2. SEAL

The seal shall contain the words "United States" on the upper part of the outer edge; the word "Emergency" in the center; and the words "Court of Appeals" on the lower part of the outer edge, running from left to right.

RULE 3. DIVISIONS OF THE COURT

The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. Emergency Price Control Act of 1942, Sec. 204 (c).²

RULE 4. SESSIONS

(a) *Court always open. Place and Time of Sessions.* The court shall have no stated terms but shall always be open for the transaction of business. The court or its divisions shall hold sessions in Washington in the District of Columbia, or in other places designated by the chief judge, and at such times as may be fixed by the chief judge from time to time.

(b) *Judges who shall Preside.* At all sessions of the court and of its divisions the chief judge shall preside if he is in attendance. In his absence the circuit judge senior in commission shall preside and if no circuit judge is in attendance the district judge senior in commission shall preside.

¹ Created by the Emergency Price Control Act, approved January 30, 1942, Pub. No. 421, ch. 26, 56 Stat. 28, 50 U. S. C. Appendix, § 924.

² 50 U. S. C. Appendix, § 924.

RULE 5. QUORUM—INTERLOCUTORY ORDERS

(a) *Quorum.* Three judges shall constitute a quorum of the court and of each division thereof. If a quorum does not attend on any day appointed for holding a session of the court or of a division thereof, the judge or judges who do attend may adjourn the court or division from time to time, or, if no judge is present, the clerk or his deputy in attendance may adjourn the court or division from day to day.

(b) *Interlocutory Orders.* The chief judge or, in his absence from the District of Columbia, the senior judge there present, in chambers may make all necessary orders of a purely procedural nature relating to any complaint or proceeding pending in the court, preparatory to the hearing or decision thereof.

RULE 6. CLERK

(a) *Office Location—Duties.* The clerk shall maintain his office in Washington, in the District of Columbia. His duties shall be such as are prescribed by these rules and by the court from time to time.

(b) *Bond.* The clerk shall give bond in such form and amount as the court may determine to be satisfactory, for the faithful performance of his duties.

(c) *Shall Attend Sessions.* The clerk or his deputy shall attend in person the sessions of the court and of each division thereof.

(d) *Office Hours.* The clerk shall keep his office open for the transaction of business from 9 o'clock a. m. until 4 o'clock p. m. on week days not holidays, except that on Saturday it shall close at noon.

(e) *Records.* The files and records of the court shall be kept in the custody of the clerk, and original papers and documents shall not be withdrawn from his custody except upon order of the court or a judge thereof, *provided, however,* that a copy of the transcript on file may be delivered by the clerk to a party for use in preparing briefs.

(f) *Keeper of Seal.* The clerk shall be the keeper of the seal, and shall apply the same upon all process issued from this court; and in the authentication of all records of the proceedings of the court and the transcripts thereof, and certificates proper to be issued by him, the seal shall be applied by the clerk as the means of proper authentication.

(g) *Deputy Clerks.* The court may appoint one or more deputy clerks. Each deputy clerk shall give bond in such form and amount as the court may determine to be satisfactory, for the faithful performance of the duties, to be assigned to him from time to time by the clerk. The deputy clerks may sign the name of the clerk to any official act required by law or by the practice of the court to be performed by the clerk, and may authenticate said signature by affixing the seal of the court thereto when the impress of the seal is necessary to its authentication. In such case the signature shall be—

-----, Clerk
By: -----
Deputy Clerk.

(h) *Fees to be paid prior to filing.* The clerk shall not be required to file any paper or record in his office or docket any proceeding until payment of the required fee has been made.

RULE 7. COURT EMPLOYEES NOT TO PRACTICE LAW

No one employed in any capacity under this court shall engage in the practice of law while continuing in such position; nor shall he after separating from that position practice as an attorney in connection with any case pending in this court during his term of service, or permit his name to appear on a brief filed in connection with any such case.

RULE 8. ATTORNEYS. QUALIFICATIONS—ADMISSION TO PRACTICE

Any person who is a member in good standing of the bar of the Supreme Court of the United States, or of any circuit court of appeals of the United States, including the United States Court of Appeals for the District of Columbia, or of any district court of the United States, or of the highest appellate court of any State or Territory, shall be entitled, while he maintains such good standing, to practice before this court or any division thereof after filing written application with the clerk, accompanied by a certificate from the clerk of the proper court showing that the applicant possesses the foregoing qualifications, and, after approval of such application by the clerk, upon subscribing the oath (or affirmation) prescribed by Rule 2 of the Supreme Court of the United States. A person who may not be eligible under the foregoing provision, but who is appointed by the Price Administrator as an attorney under Sec. 201 (a) of the Emergency Price Control Act of 1942,¹ may appear for and represent the Administrator in any case in this court upon filing with the clerk suitable written authority from the Administrator to represent him generally or in a particular case or cases.

¹ 50 U. S. C. Appendix, § 921.

RULE 9. PRACTICE, PROCESS AND SERVICE

(a) *Practice.* Except as otherwise provided by law or by these rules the practice shall conform to that followed in a United States district court of three judges convened in the District of Columbia under the Act of October 22, 1913, ch. 32, 38 Stat. 220 (28 U. S. C. § 47).

(b) *Process.* All process of the court shall be in the name of the President of the United States, and shall contain the given names, as well as the surnames, of the parties. It shall bear teste of the Chief Justice of the United States.

(c) *Service.* Service of all papers shall be made by the clerk unless the party filing the same shall file therewith a written acknowledgment or acceptance of service thereof by the other party, showing the date of such acknowledgment or acceptance. Five copies of all papers shall be served on the Price Administrator and one copy on all other parties.

Service by the clerk on the Price Administrator shall be made by mailing the copies to him at Washington in the District of Columbia. Service by the clerk on each other party shall be made by mailing the copy to his attorney of record or, if the party is not represented by an attorney, then to the party at his address shown on the complaint. The clerk shall note on his docket the names of the parties to whom he mails copies, with date of mailing. (See also Rule 22 (b).)

RULE 10. FILING AND DOCKETING COMPLAINT—APPEARANCE

(a) *Filing and Docketing.* All cases in the court shall be begun by filing a complaint in the clerk's office. Upon the filing of a complaint and nine conformed copies thereof and the payment of the filing fee, the clerk shall enter the case upon the docket in his office and shall assign a file number to it. The file number shall be noted on the docket and on the complaint and all papers subsequently filed in the case.

(b) *Deposit for Costs.* The complainant shall at the time of docketing the case make a deposit with the clerk of \$35.00 on account of fees and costs to be incurred by him in this court, any unexpended amount to be returned to the complainant after final disposition of the case.

(c) *Time for Filing Appearance.* Counsel for the complainant shall enter his appearance at the time that the complaint is filed. Counsel for the Price Administrator shall enter his appearance at or before the time of filing his answer or any preliminary motion in the case.

RULE 11. FORM AND CONTENTS OF COMPLAINT

(a) *Form.* The complaint shall contain a caption setting forth the name of the court; and the title of the case, giving the name of the complainant, versus the person holding the office of Price Administrator, as respondent, e. g.,

John Doe, Complainant,

v.

Leon Henderson,

Price Administrator, Respondent.

(b) *Contents.* Each complaint shall specify in separate paragraphs (a) the regulation or order or price schedule protested and the date of issuance of such regulation or order and, in the case of a price schedule, its effective date; (b) the date on which the protest of such regulation or order or price schedule was filed with the Price Administrator and the disposition made of such protest by the Price Administrator together with the date of such disposition; (c) in what manner the complainant has been aggrieved by the denial or partial denial of his protest; (d) each objection asserted against the regulation, order or price schedule protested and intended to be relied upon; each objection, separately paragraphed and numbered consecutively, to be stated concisely, and the grounds in support of each to be briefly set forth in the same paragraph;

and (e) the nature of the relief requested. The complaint need not be verified but shall be signed by the complainant or his attorney of record in this court in his individual name. Following the signature an address shall be stated at which papers may be served upon the complainant or his attorney.

RULE 12. FORM AND SIZE OF PAPERS GENERALLY. NUMBER OF COPIES TO BE FILED

(a) *Legibility.* All pleadings, motions, briefs and other papers filed in a case shall be clearly legible and either printed, typewritten, or prepared by means of a conventional duplicating process, such as mimeograph or multilith.

(b) *Caption.* All papers filed in a case shall be captioned in the manner set forth in Rule 11 (a).

(c) *Papers to be Signed. Effect of Signature.* Every pleading or other paper filed in a case shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall himself sign such papers and shall state his address. Pleadings need not be verified or accompanied by an affidavit. The signature of an attorney constitutes a certificate by him that he has read the paper signed, that to the best of his knowledge, information and belief, there is good ground to support it, and that it is not interposed for delay.

(d) *Form of Printed Papers.* Printed papers shall be on opaque unglazed white paper of such form and size that they can be conveniently bound so as to make an ordinary octavo volume, having pages $6\frac{1}{2}$ inches by $9\frac{1}{4}$ inches and typed matter $4\frac{1}{2}$ inches by $7\frac{1}{2}$ inches. They and all quotations contained therein and the matter appearing on the covers shall be printed in clear type (never smaller than small pica or 11 point type) adequately leaded.

(e) *Form of Typewritten Papers.* Typewritten papers shall be on one side only of opaque unglazed white paper (papers prepared by a duplicating process to be on standard duplicating paper), not larger than 8 inches by $10\frac{1}{2}$ inches in size, and shall be bound on the left margin. They shall be double-spaced except for quotations, which may be single-spaced and indented. The clerk shall refuse to file typewritten carbon copies which are not clearly legible.

(f) *Number of Copies to be Filed by Complainant.* The complainant shall file with the clerk an original and at least nine copies of every pleading, brief, or other paper filed by him unless he shall file an acknowledgment or acceptance of service of the same, in which event only four copies (in addition to the original) need be filed. The copies before filing shall be conformed to the original thereof.

(g) *Number of Copies to be Filed by Price Administrator.* The Price Administrator shall file with the clerk an original and at least four copies of every pleading, brief, or other paper filed by him, unless he shall file an acknowledgment or acceptance of service of the same, in which event only three copies (in addition to the original) need be filed. The copies before filing shall be conformed to the original thereof.

(h) *Number of Copies of Printed Papers to be Filed.* If a pleading, brief or other paper is printed at least thirty copies shall be filed with the clerk, instead of the number specified in paragraphs (f) and (g) of this rule. One of the printed copies shall bear the signature of the party filing same, or his counsel of record.

RULE 13. MOTION TO DISMISS

Within ten (10) days after the service of the complaint the Price Administrator may file a motion to dismiss the complaint or to strike any portion thereof, for (a) lack of jurisdiction or (b) the failure of the complaint to state a claim upon which relief can be granted. No such objection shall be waived by the failure to file such a motion, but such objections and prayer may be included in any answer filed under Rule 16.

RULE 14. MOTIONS GENERALLY

(a) *Form of Motions.* All motions shall briefly and clearly set forth the relief sought and the grounds upon which the motion is based.

(b) *Objections or Answer.* Within five (5) days after service of any motion the other party may file objections in which shall be clearly set forth the reasons why the granting of the motion is opposed, or may file an answer.

(c) *No Oral Argument Thereof.* Motions shall be determined without oral argument unless otherwise ordered.

RULE 15. TRANSCRIPT

(a) *Certification and Filing.* A transcript of such portions of the proceedings in connection with the protest as are material under the complaint, including a statement setting forth so far as practicable the economic data and other facts of which the Price Administrator has taken official notice, shall be certified by the Price Administrator and filed with the clerk as promptly as practicable and in no event later than twenty days after the service of the complaint upon the Price Administrator. *Provided*, that if a motion to dismiss the complaint is filed by the Price Administrator pursuant to Rule 13, such transcript shall be filed in no event later than fifteen (15) days after service upon the Price Administrator of the order disposing of such motion. As amended Oct. 20, 1942.

(b) *Supplemental Transcript.* If, upon order of the court, as provided in Rule 18, additional evidence is presented to and received by the Price Administrator, a supplemental transcript of such additional evidence and such other evidence as the Price Administrator shall have deemed necessary or proper to be received, together with any modification made in the regulation, order, or price schedule as a result thereof, shall be certified by the Price Administrator and filed with the clerk within ten days after such evidence shall have been received or modification made in the regulation, order or price schedule.

(c) *Ten Copies to be Filed.* Unless otherwise ordered by the court, ten clearly legible copies of such transcript and supplemental transcript, if any, shall be filed with the clerk, and one copy thereof shall be served upon the complainant by the clerk as provided in Rule 9 (c).

(d) *Correction.* If anything material to either party is omitted from the transcript or supplemental transcript of proceedings by error or accident or is misstated therein, the parties by stipulation, or this court, on a proper suggestion or of its own initiative, may direct that the omission or misstatement shall be corrected, and if necessary that a supplemental transcript shall be certified and transmitted by the Price Administrator.

(e) *Transcript Need Not Be Printed.* It shall be unnecessary in this court to print the transcript of the proceedings filed by the Price Administrator.

RULE 16. ANSWER

Simultaneously with the filing of the transcript the Price Administrator shall file an answer to the complaint. The answer may include objections to the jurisdiction of the court, to the legal sufficiency of the complaint, and shall include admissions or denials of the facts alleged in the complaint. Facts alleged in the complaint and not denied in the answer may be taken as admitted.

RULE 17. AMENDMENT TO PLEADINGS

Pleadings may be amended before final judgment upon leave of court granted when justice so requires, provided that no complaint may be amended to specify objections that were not set forth by the complainant in his protest filed with the Administrator.

RULE 18. APPLICATION FOR LEAVE TO INTRODUCE ADDITIONAL EVIDENCE

(a) *Form and Contents.* Within ten days after service of the transcript the complainant or the Price Administrator may file an application for leave to introduce additional evidence. Such application shall contain (1) an offer of proof with respect to the additional evidence sought to be introduced, setting forth the character and form of such evidence and a summary of what such evidence would show if admitted; (2) a statement showing either that such evidence was offered to the Price Administrator and not admitted (with appropriate references to the transcript), or that such evidence could not reasonably have been offered to the Price Administrator or included by the Price Administrator in such proceedings; and (3) a statement showing that such evidence is necessary to a proper disposition of the case. Within five days after service of the application any party affected may file objections thereto. The application, together with any objections thereto, shall be submitted to the court without oral argument, unless otherwise directed by the court. A copy of the order disposing of the application shall be served by the clerk upon the parties as provided in Rule 9 (c).

(b) *Manner of Taking Evidence.* Whenever additional evidence shall be ordered presented directly to the court on request of the Price Administrator, the court of its own initiative or on the request of the Price Administrator shall determine whether such evidence shall be taken in open court, by deposition, written interrogatories, or affidavits.

RULE 19. CONSOLIDATING SIMILAR CASES

When complaints involving common questions of law or of fact are pending, the court on motion or of its own initiative may order all such cases consolidated for hearing, and may make such further orders concerning proceedings therein as may tend to avoid unnecessary costs or delays.

RULE 20. DISMISSAL BY AGREEMENT

Whenever, after a case has been docketed in this court and prior to the hearing thereof, the complainant and respondent shall, by their attorneys of record, sign and file with the clerk an agreement in writing directing the case to be dismissed, and shall pay to the clerk any fees that may be due him, it shall be the duty of the clerk to enter such dismissal and to transmit forthwith a certified copy of the agreement to the Price Administrator, but no process shall issue without an order of the court.

RULE 21. BRIEFS

(a) *Time of Filing Complainant's Brief.* Except as provided in subparagraphs 1 and 2 hereof, the Complainant shall file his brief in support of the complaint within twenty (20) days after service upon him of the transcript.

(1) When application for leave to introduce additional evidence is filed pursuant to Rule 18 and the same is denied by the Court, Complainant shall file his brief within fifteen (15) days after service of the order of denial.

(2) When additional evidence is ordered to be taken pursuant to Rule 18, the Complainant shall file his brief within fifteen (15) days after service of the supplementary transcript if such evidence is presented to the Administrator, or within such time as the court may direct if such evidence is presented to the court. As amended Oct. 20, 1942.

(b) *Contents of Complainant's Brief.* The complainant's brief shall contain:

(1) A table of contents and a table of citations, the latter alphabetically arranged.

(2) A statement of the case, which shall consist of a concise, chronological, non-argumentative statement, in narrative form, of all the facts which should be known in order to determine the points in controversy. In the statement reference shall be made to the pages of the transcript relied upon to support the facts stated.

(3) Preceding the argument, a concise summary of the argument, suitably paraphrased.

NOTE: The summary of the argument should be a succinct, but accurate and clear, picture of the argument actually made in the brief concerning the points in controversy. Because the summary of argument if properly

prepared is most helpful to the court in following the oral argument and will often render unnecessary the making of inquiries by the court which consume time allowed for argument, counsel are urged to prepare the summary with great care.

(4) An argument, which shall be divided, under appropriate headings distinctively arranged, into as many parts as there are points to be argued. All cases shall be cited to the official reports, if any, and also to the National Reporter System, if reported therein. Statutes shall be cited to the volume and page of the statutes at large or other session laws, and also to an official or standard code, revision or compilation where they may be found. Citations to text-books, treatises and other publications shall include the edition and year of publication.

(c) *Time of Filing Price Administrator's Brief.* The Price Administrator shall file his brief within twenty days after service upon him of the complainant's brief.

(d) *Contents of Price Administrator's Brief.* The Price Administrator's brief shall contain:

(1) A table of contents and a table of citations, the latter alphabetically arranged.

(2) A counter-statement of the case conforming to the requirements of paragraph (b) (2) of this rule, if he disagrees with the statement of the complainant.

(3) Preceding the argument, a concise summary of the argument, suitably paraphrased.

NOTE: The summary of the argument should be a succinct, but accurate and clear, picture of the argument actually made in the brief concerning the points in controversy. Because the summary of argument if properly prepared is most helpful to the court in following the oral argument and will often render unnecessary the making of inquiries by the court which consume time allowed for argument, counsel are urged to prepare the summary with great care.

(4) An argument, which shall conform to the requirements of paragraph (b) (4) of this rule.

(e) *Complainant's Reply Brief.* The complainant may file a reply brief within ten days after the service upon him of the Price Administrator's brief.

(f) *Briefs Shall Be Bound—Length.* All briefs shall be bound in suitable covers and shall not exceed fifty pages in length except by special permission of the court; but this limitation shall not apply to the table of contents and table of citations.

(g) *Objections Not Presented.* Objections stated in the complaint but not presented in the brief may be disregarded by the court.

(h) *Briefs After Argument.* No brief or memorandum will be received, through the clerk or otherwise, after a case has been argued or submitted, except by leave of court at the time of argument or on written motion filed with the clerk.

(i) *Filing After Time.* No brief shall be filed after the expiration of the time allowed, except by leave of court for extraordinary reasons shown.

RULE 22. TIME

(a) *Manner of Computing.* In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the

day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday or a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

(b) *Computation of Time.* When under these rules the time for doing an act is to run from the time of service of any pleading or paper, the time shall be computed

(1) If served by the clerk by mailing, from the third day after the date of mailing as noted on his docket.

(2) If service is acknowledged or accepted by a party, from the date of such acknowledgment or acceptance.

(c) *Enlargement.* When by these rules or by order of this court an act is required or allowed to be done at or within a specified time, the court or a judge thereof for cause shown may (except where the time is also fixed by statute), at any time in the discretion of the court or a judge thereof, (1) upon motion order the period enlarged if application therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion permit the act to be done after the expiration of the specified period where the failure to act was the result of excusable neglect.

RULE 23. HEARING CALENDAR

(a) *Cases placed on Calendar by Clerk.* After the expiration of the time for filing the main briefs of the parties, the case shall be placed upon the hearing calendar by the clerk.

(b) *Notice to Parties.* After a case has been placed upon the hearing calendar the clerk will, whenever possible not less than ten days in advance, notify the parties of the time and place of hearing.

RULE 24. HEARING

(a) *Time allowed.* At the hearing the complainant and the Price Administrator shall each be allowed not more than one hour for oral argument, unless for good cause shown the court shall enlarge the time. The complainant shall be entitled to open and conclude the oral argument.

(b) *Number of Counsel.* Not more than two counsel shall be heard for each side, complainant and respondent, in the argument of the case, except by special leave of the court, upon sufficient reason shown.

(c) *Submission on Briefs.* Any case may be submitted on briefs, when reached in regular order, if counsel choose to submit it in that manner.

(d) *Failure of Counsel to Appear.* When a case is reached on the regular call, if briefs have been filed and no counsel appear to present oral argu-

ment, the case will be regarded as submitted on briefs.

(e) *Failure of One Party to Appear.* Where one party after filing brief fails to appear when the case is called for hearing, the court may hear argument on behalf of the party appearing and give judgment according to the right of the case.

(f) *When Brief for Complainant Only is Filed and no Counsel Appears, Case Submitted.* When a case is reached on the hearing calendar, if a brief has been filed for complainant only and no counsel appears to present oral argument, the case will be regarded as submitted.

(g) *When Case Called and no Brief filed by Complainant, Case May be Dismissed.* When a case is called for hearing and no brief has been filed for the complainant, the court at the instance of the Price Administrator or on its own motion may have the complainant called and the case dismissed.

RULE 25. OPINIONS OF THE COURT

(a) *Printed—Rendered by Filing With Clerk.* All opinions of the court shall be printed, unless otherwise ordered, under the supervision of the judge writing the opinion, and shall be rendered by being filed with the clerk. The clerk shall preserve the original opinions.

(b) *Deposit for Printing.* On demand by the clerk the complainant shall, within five days thereof, deposit with the clerk a sum estimated by him to cover the cost of printing the opinion, the unexpended balance of such deposit to be refunded after final disposition of the case.

(c) *Recorded When Bound.* Opinions need not be copied by the clerk into the minute book of the court, but he shall from time to time cause copies of the opinions to be bound in a substantial manner into volumes and when so bound they shall be deemed to have been recorded.

RULE 26. ENTRY OF ORDERS AND JUDGMENTS

All orders and judgments, interlocutory or final, shall be entered on the date such orders or judgments are filed with the clerk.

RULE 27. REHEARING

Petitions for rehearing or modification of judgment shall be made in writing and filed with the clerk of the court within ten days after the judgment is entered. An answer or objections thereto may be filed within five days after service thereof. All such petitions will be acted upon without oral argument, unless otherwise ordered.

RULE 28. DEATH OF A PARTY—SUBSTITUTION

(a) *Generally.* Where, during the pendency of a case in this court, the complainant shall die, the representatives of such deceased party may voluntarily enter their appearances and on motion be admitted as parties. If such representatives shall not voluntarily become parties, then the Price Administrator may suggest the death on the record, and proceedings shall be had as the court directs.

(b) *Public Officer.* Where a public officer, by or against whom a suit is brought, dies or ceases to hold the office while the suit is pending in this court, the matter of abatement and substitution is covered by Sec. 11 of the Act of Feb. 13, 1925, ch. 229 (43 Stat. 941), U. S. C., Title 28, sec. 780.

RULE 29. FEES AND COSTS

(a) *Table of Fees.* The following table of fees to be charged by the clerk of this court (approved by the Supreme Court) is hereby fixed and established:

| Item No. | | |
|----------|--|---------|
| 1. | Filing a complaint and docketing a case (which shall also include the subsequent filing and indorsing of the transcript of proceedings) | \$10.00 |
| 2. | Entering an appearance..... | .25 |
| 3. | Entering a continuance..... | .25 |
| 4. | Filing a motion, order, or other paper (including the required copies thereof) | .25 |
| 5. | (a) Entering any rule, or making or copying any record or other paper, for each one hundred words..... | .20 |
| | (b) Making a transcript of record for use in the Supreme Court of the United States, for each one hundred words..... | .20 |
| | (c) For comparing any transcript, copy of record, or other paper not made by the Clerk, with the original thereof, for each folio of one hundred words..... | .05 |
| | (d) Furnishing a typewritten or photostatic copy of any opinion of the court or any judge thereof certified under seal, 20 cents for each one hundred words (but not less than one dollar and not to exceed five dollars in the whole for any copy). | |
| 6. | Transferring a case to the hearing docket.... | 1.00 |
| 7. | Entering a judgment..... | 1.00 |
| 8. | Every search of the records of the court..... | 1.00 |
| 9. | Affixing a certificate and a seal to any paper.... | 1.00 |
| 10. | For an admission to the bar and certificate under seal, including filing of application and preliminary certificate and administering oath..... | 3.00 |
| 11. | Issuing a subpoena or other writ or process.... | .50 |
| 12. | Issuing a certified copy of judgment to Price Administrator on disposition of case..... | 2.00 |
| 13. | Filing required copies of each brief, for each party appearing..... | 5.00 |
| 14. | Furnishing a copy of a printed opinion of the Court or any Judge thereof, certified under seal..... | 2.00 |

(b) *No Costs for or Against Price Administrator.* No costs shall be allowed in this court for or against the Price Administrator, nor shall the Price Administrator be required to pay or make deposit for any of the fees herein provided for.

(c) *Transcript to Supreme Court.* In all cases removed to the Supreme Court by certiorari the fees of the Clerk of this Court shall be paid before a transcript of the record shall be delivered.

RULE 30. EFFECTIVE DATE

These rules shall become effective on May 20, 1942.

§ 925. Enforcement.

(a) Whenever in the judgment of the Administrator any person has engaged or is about to engage in any acts or practices which constitute

or will constitute a violation of any provision of section 4 of this Act (section 904 of this appendix), he may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Administrator that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

(b) Any person who willfully violates any provision of section 4 of this Act (section 904 of this appendix), and any person who makes any statement or entry false in any material respect in any document or report required to be kept or filed under section 2 or section 202 (sections 902 or 922 of this appendix), shall, upon conviction thereof, be subject to a fine of not more than \$5,000, or to imprisonment for not more than two years in the case of a violation of section 4 (c) (section 904 of this appendix) and for not more than one year in all other cases, or to both such fine and imprisonment. Whenever the Administrator has reason to believe that any person is liable to punishment under this subsection, he may certify the facts to the Attorney General, who may, in his discretion, cause appropriate proceedings to be brought.

(c) The district courts shall have jurisdiction of criminal proceedings for violations of section 4 of this Act (section 904 of this appendix), and, concurrently with State and Territorial courts, of all other proceedings under section 205 of this Act (this section). Such criminal proceedings may be brought in any district in which any part of any act or transaction constituting the violation occurred. Except as provided in section 205 (f) (2) (this section), such other proceedings may be brought in any district in which any part of any act or transaction constituting the violation occurred, and may also be brought in the district in which the defendant resides or transacts business, and process in such cases may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found. Any such court shall advance on the docket and expedite the disposition of any criminal or other proceedings brought before it under this section. No costs shall be assessed against the Administrator or the United States Government in any proceeding under this Act.

(d) No person shall be held liable for damages or penalties in any Federal, State, or Territorial court, on any grounds for or in respect of anything done or omitted to be done in good faith pursuant to any provision of this Act or any regulation, order, price schedule, requirement, or agreement thereunder, or under any price schedule of the Administrator of the Office of Price Administration or of the Administrator of the Office of Price Administration and Civilian Supply, notwithstanding that subsequently such provision, regulation, order, price schedule, requirement, or agreement may be modified, rescinded, or determined to be invalid. In any suit or action wherein a party relies for ground of relief

or defense upon this Act or any regulation, order, price schedule, requirement, or agreement thereunder, the court having jurisdiction of such suit or action shall certify such fact to the Administrator. The Administrator may intervene in any such suit or action.

(e) If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, the person who buys such commodity for use or consumption other than in the course of trade or business may bring an action either for \$50 or for treble the amount by which the consideration exceeded the applicable maximum price, whichever is the greater, plus reasonable attorney's fees and costs as determined by the court. For the purposes of this section the payment or receipt of rent for defense-area housing accommodations shall be deemed the buying or selling of a commodity, as the case may be. If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, and the buyer is not entitled to bring suit or action under this subsection, the Administrator may bring such action under this subsection on behalf of the United States. Any suit or action under this subsection may be brought in any court of competent jurisdiction, and shall be instituted within one year after delivery is completed or rent is paid. The provisions of this subsection shall not take effect until after the expiration of six months from the date of enactment of this Act.

(f) (1) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act and to assure compliance with and provide for the effective enforcement of any regulation or order issued or which may be issued under section 2 (section 902 of this appendix), or of any price schedule effective in accordance with the provisions of section 206 (section 926 of this appendix), he may by regulation or order issue to or require of any person or persons subject to any regulation or order issued under section 2 (section 902 of this appendix), or subject to any such price schedule, a license as a condition of selling any commodity or commodities with respect to which such regulation, order, or price schedule is applicable. It shall not be necessary for the Administrator to issue a separate license for each commodity or for each regulation, order, or price schedule with respect to which a license is required. No such license shall contain any provision which could not be prescribed by regulation, order, or requirement under section 2 or section 202 (sections 902 or 922 of this appendix): *Provided*, That no such license may be required as a condition of selling or distributing (except as waste or scrap) newspapers, periodicals, books, or other printed or written material, or motion pictures, or as a condition of selling radio time: *Provided further*, That no license may be required of any farmer as a condition of selling any agricultural commodity produced by him, and no license may be required of any fisherman as a condition of selling any fish-

ery commodity caught or taken by him: *Provided further*, That in any case in which such a license is required of any person, the Administrator shall not have power to deny to such person a license to sell any commodity or commodities, unless such person already has such a license to sell such commodity or commodities, or unless there is in effect under paragraph (2) of this subsection with respect to such person an order of suspension of a previous license to the extent that such previous license authorized such person to sell such commodity or commodities.

(2) Whenever in the judgment of the Administrator a person has violated any of the provisions of a license issued under this subsection, or has violated any of the provisions of any regulation, order, or requirement under section 2 or section 202 (b) (sections 902 or 922 of this appendix), or any of the provisions of any price schedule effective in accordance with the provisions of section 206 (section 926 of this appendix), which is applicable to such person, a warning notice shall be sent by registered mail to such person. If the Administrator has reason to believe that such person has again violated any of the provisions of such license, regulation, order, price schedule, or requirement after receipt of such warning notice, the Administrator may petition any State or Territorial court of competent jurisdiction, or a district court subject to the limitations hereinafter provided, for an order suspending the license of such person for any period of not more than twelve months. If any such court finds that such person has violated any of the provisions of such license, regulation, order, price schedule, or requirement after the receipt of the warning notice, such court shall issue an order suspending the license to the extent that it authorizes such person to sell the commodity or commodities in connection with which the violation occurred, or to the extent that it authorizes such person to sell any commodity or commodities with respect to which a regulation or order issued under section 2 (section 902 of this appendix), or a price schedule effective in accordance with the provisions of section 206 (section 926 of this appendix), is applicable; but no such suspension shall be for a period of more than twelve months. For the purposes of this subsection, any such proceedings for the suspension of a license may be brought in a district court if the licensee is doing business in more than one State, or if his gross sales exceed \$100,000 per annum. Within thirty days after the entry of the judgment or order of any court either suspending a license, or dismissing or denying in whole or in part the Administrator's petition for suspension, an appeal may be taken from such judgment or order in like manner as an appeal may be taken in other cases from a judgment or order of a State, Territorial, or district court, as the case may be. Upon good cause shown, any such order of suspension may be stayed by the appropriate court or any judge thereof in accordance with the applicable practice; and upon written stipulation of the parties to the proceeding for suspension, approved by the trial court, any such order of suspension may be modified, and the license which has been suspended

may be restored, upon such terms and conditions as such court shall find reasonable. Any such order of suspension shall be affirmed by the appropriate appellate court if, under the applicable rules of law, the evidence in the record supports a finding that there has been a violation of any provision of such license, regulation, order, price schedule, or requirement after receipt of such warning notice. No proceedings for suspension of a license, and no such suspension, shall confer any immunity from any other provision of this Act. (Jan. 30, 1942, ch. 26, title II, § 205, 56 Stat. 33.)

§ 926. Saving provisions.

Any price schedule establishing a maximum price or maximum prices, issued by the Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply, prior to the date upon which the Administrator provided for by section 201 of this Act (section 921 of this appendix) takes office, shall, from such date, have the same effect as if issued under section 2 of this Act (section 902 of this appendix) until such price schedule is superseded by action taken pursuant to such section 2 (section 902 of this appendix). Such price schedules shall be consistent with the standards contained in section 2 (section 902 of this appendix) and the limitations contained in section 3 of this Act (section 903 of this appendix), and shall be subject to protest and review as provided in section 203 and section 204 of this Act (sections 923 and 924 of this appendix). All such price schedules shall be reprinted in the Federal Register within ten days after the date upon which such Administrator takes office. (Jan. 30, 1942, ch. 26, title II, § 206, 56 Stat. 35.)

TITLE III.—MISCELLANEOUS

§ 941. Quarterly report.

The Administrator from time to time, but not less frequently than once every ninety days, shall transmit to the Congress a report of operations under this Act. If the Senate or the House of Representatives is not in session, such reports shall be transmitted to the Secretary of the Senate, or the Clerk of the House of Representatives, as the case may be. (Jan. 30, 1942, ch. 26, title III, § 301, 56 Stat. 36.)

§ 942. Definitions.

As used in this Act—

(a) The term "sale" includes sales, dispositions, exchanges, leases, and other transfers, and contracts and offers to do any of the foregoing. The terms "sell", "selling", "seller", "buy", and "buyer", shall be construed accordingly.

(b) The term "price" means the consideration demanded or received in connection with the sale of a commodity.

(c) The term "commodity" means commodities, articles, products, and materials (except materials furnished for publication by any press association or feature service, books, magazines, motion pictures, periodicals and newspapers, other than as waste or scrap), and it also includes services ren-

dered otherwise than as an employee in connection with the processing, distribution, storage, installation, repair, or negotiation of purchases or sales of a commodity, or in connection with the operation of any service establishment for the servicing of a commodity: *Provided*, That nothing in this Act shall be construed to authorize the regulation of (1) compensation paid by an employer to any of his employees, or (2) rates charged by any common carrier or other public utility, or (3) rates charged by any person engaged in the business of selling or underwriting insurance, or (4) rates charged by any person engaged in the business of operating or publishing a newspaper, periodical, or magazine, or operating a radio-broadcasting station, a motion-picture or other theater enterprise, or outdoor advertising facilities, or (5) rates charged for any professional services.

(d) The term "defense-rental area" means the District of Columbia and any area designated by the Administrator as an area where defense activities have resulted or threaten to result in an increase in the rents for housing accommodations inconsistent with the purposes of this Act.

(e) The term "defense-area housing accommodations" means housing accommodations within any defense-rental area.

(f) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes) together with all privileges, services, furnishings, furniture, and facilities connected with the use or occupancy of such property.

(g) The term "rent" means the consideration demanded or received in connection with the use or occupancy or the transfer of a lease of any housing accommodations.

(h) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Act shall apply to the United States, or to any such government, political subdivision, or agency.

(i) The term "maximum price", as applied to prices of commodities means the maximum lawful price for such commodities, and the term "maximum rent" means the maximum lawful rent for the use of defense-area housing accommodations. Maximum prices and maximum rents may be formulated, as the case may be, in terms of prices, rents, margins, commissions, fees, and other charges, and allowances.

(j) The term "documents" includes records, books, accounts, correspondence, memoranda, and other documents, and drafts and copies of any of the foregoing.

(k) The term "district court" means any district court of the United States, and the United States Court for any Territory or other place subject to the jurisdiction of the United States; and the term "circuit courts of appeals" includes the United States Court of Appeals for the District of Columbia. (Jan. 30, 1942, ch. 26, title III, § 302, 56 Stat. 36.)

INCONSISTENT LAWS

Provisions of clause (1) of subsection (c) of this section insofar as they are inconsistent with provisions of Ex. Ord. No. 9250, Oct. 3, 1942, set out under section 901 of this appendix, are suspended by paragraph 9 of title II of said Order.

SUSPENSION OF SUBSEC. (c) (1)

Suspension of subsec. (c) (1) by President, see section 962 of this appendix.

§ 943. Separability.

If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Jan. 30, 1942, ch. 26, title III, § 303, 56 Stat. 37.)

§ 944. Appropriations authorized.

There are authorized to be appropriated such sums as may be necessary or proper to carry out the provisions and purposes of this Act. (Jan. 30, 1942, ch. 26, title III, § 304, 56 Stat. 37.)

§ 945. Application of existing law.

No provision of law in force on the date of enactment of this Act shall be construed to authorize any action inconsistent with the provisions and purposes of this Act. (Jan. 30, 1942, ch. 26, title III, § 305, 56 Stat. 37.)

§ 946. Short title.

This Act may be cited as the "Emergency Price Control Act of 1942". (Jan. 30, 1942, ch. 26, title III, § 306, 56 Stat. 37.)

INFLATION CONTROL ACT OF 1942 (New)

ACT OCT. 2, 1942, CH. 578, 56 STAT. 765

- | | |
|------|---|
| Sec. | |
| 961. | Stabilization by President of prices, wages, and salaries affecting cost of living; public utility rate increases. |
| 962. | Regulations; delegation of authority; suspension of certain provisions of Emergency Price Control Act of 1942. |
| 963. | Maximum prices for agricultural commodities and products. |
| 964. | Wages and salaries; limitations on control. |
| 965. | Same; prohibition of violation of regulations; employer's reduction of salaries over \$5,000; regulation of payment of double time. |
| 966. | Termination of act. |
| 967. | Emergency Price Control Act of 1942; amendment; applicability of, and construction with this act. |
| 968. | Crop loans. |
| 969. | Amendment of provision relating to encouragement of production of non-basic agricultural commodities. |
| 970. | Definition of wages and salaries. |
| 971. | Violations; penalties. |

§ 961. Stabilization by President of prices, wages, and salaries affecting cost of living; public utility rate increases.

In order to aid in the effective prosecution of the war, the President is authorized and directed, on or before November 1, 1942, to issue a general order stabilizing prices, wages, and salaries, affecting the cost of living; and, except as otherwise provided in this Act, such stabilization shall so far as practicable be on the basis of the levels which existed on September 15, 1942. The President may, except as otherwise provided in this Act, thereafter provide for making adjustments with respect to prices, wages, and salaries, to the extent that he finds necessary to aid in the effective prosecution of the war or to correct gross inequities: *Provided*, That no common carrier or other public utility shall make any general increase in its rates or charges which were in effect on September 15, 1942, unless it first gives thirty days notice to the President, or such agency as he may designate, and consents to the timely intervention by such agency before the Federal, State, or municipal authority having jurisdiction to consider such increase. (Oct. 2, 1942, ch. 578, § 1, 56 Stat. 765.)

§ 962. Regulations; delegation of authority; suspension of certain provisions of Emergency Price Control Act of 1942.

The President may, from time to time, promulgate such regulations as may be necessary and proper to carry out any of the provisions of this Act; and may exercise any power or authority conferred upon him by this Act through such department, agency, or officer as he shall direct. The President may suspend the provisions of sections 3 (a) and 3 (c), and clause (1) of section 302 (c), of the Emergency Price Control Act of 1942 (sections 903 (a), 903 (c), and 942 (c) (1) of this appendix) to the extent that such sections are inconsistent with the provisions of this Act, but he may not under the authority of this Act suspend any other law or part thereof. (Oct. 2, 1942, ch. 578, § 2, 56 Stat. 765.)

§ 963. Maximum prices for agricultural commodities and products.

No maximum price shall be established or maintained for any agricultural commodity under authority of this Act or otherwise below a price which will reflect to producers of agricultural commodities the higher of the following prices, as determined and published by the Secretary of Agriculture—

(1) The parity price for such commodity (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials) or, in case a comparable price has been determined for such commodity under and in accordance with the provisions of section 3 (b) of the Emergency Price Control Act of 1942 (section 903 (b) of this appendix), such comparable price (adjusted in the same manner), or

(2) The highest price received by such producers for such commodity between January 1, 1942, and September 15, 1942 (adjusted by the Secretary of Agriculture for grade, location, and seasonal differ-