

“(q) If the disabled person is shown to have had a service-incurred disability resulting from an active tuberculous disease, which disease in the judgment of the Administrator of Veterans’ Affairs has reached a condition of complete arrest, the monthly compensation shall be not less than \$67.”

43 Stat. 618.

SEC. 3. The rate of compensation provided by the last paragraph of section 202 (3) of the World War Veterans’ Act, 1924, as amended (38 U. S. C. 473), for the loss of the use of a creative organ or one or more feet or hands is hereby increased to \$47.

SEC. 4. The rate of compensation provided in section 202 (7) of the World War Veterans’ Act, 1924, as amended (38 U. S. C. 480), for arrested tuberculosis is hereby increased to \$67.

SEC. 5. All rates of compensation provided by the last two provisos of the first paragraph of section 202 (3) of the World War Veterans’ Act, 1924, as amended (38 U. S. C. 473), are hereby increased 11 per centum: *Provided*, That in any case the rate of compensation, as increased, shall be further adjusted upward or downward to the nearest dollar.

SEC. 6. The maximum additional sum authorized by section 202 (5), World War Veterans’ Act, 1924, as amended (38 U. S. C. 478), for the need of a nurse or attendant is hereby increased to \$67.

Effective date.

SEC. 7. The rates of compensation authorized by this Act shall be effective from the first day of the second calendar month following the date of approval of this Act.

Approved June 30, 1952.

Public Law 428

CHAPTER 526

JOINT RESOLUTION

June 30, 1952
[H. J. Res. 490]

To continue the effectiveness of certain statutory provisions until July 3, 1952.

Emergency powers.

Ante, pp. 54, 137.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled “Joint resolution to continue the effectiveness of certain statutory provisions until June 1, 1952”, approved April 14, 1952 (Public Law 313, Eighty-second Congress), as amended, is amended by striking out “June 30, 1952” wherever it appears in such joint resolution, as amended, and inserting in lieu thereof “July 3, 1952”.

Approved June 30, 1952.

Public Law 429

CHAPTER 530

AN ACT

June 30, 1952
[S. 2594]

To amend and extend the Defense Production Act of 1950 and the Housing and Rent Act of 1947, and for other purposes.

Defense Production Act Amendments of 1952.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Defense Production Act Amendments of 1952”.

TITLE I—AMENDMENTS TO DEFENSE PRODUCTION ACT
OF 1950, AS AMENDED

64 Stat. 798.
50 USC app.
2061.
50 USC app.
2071.

Meat or meat products.

SEC. 101. Section 101 of the Defense Production Act of 1950, as amended, is hereby amended by adding at the end thereof the following new sentence: “Nor shall any restriction or other limitation be

established or maintained upon the species, type, or grade of livestock killed by any slaughterer, nor upon the types of slaughtering operations, including religious rituals, employed by any slaughterer; nor shall any requirements or regulations be established or maintained relating to the allocation or distribution of meat or meat products unless, and for the period for which, the Secretary of Agriculture shall have determined and certified to the President that the over-all supply of meat and meat products is inadequate to meet the civilian or military needs therefor: *Provided*, That nothing in this Act shall be construed to prohibit the President from requiring the grading and grade marking of meat and meat products."

SEC. 102. Section 101 of the Defense Production Act of 1950, as amended, is amended by inserting "(a)" after "101.", and by adding at the end of such section the following new subsection:

"(b) When all requirements for the national security, for the stockpiling of critical and strategic materials, and for military assistance to any foreign nation authorized by any Act of Congress have been met through allocations and priorities it shall be the policy of the United States to encourage the maximum supply of raw materials for the civilian economy, including small business, thus increasing employment opportunities and minimizing inflationary pressures. No agreement shall be entered into by the United States limiting total United States consumption of any material unless such agreement authorizes domestic users in the United States to purchase the quantity of such material allocated to other countries participating in the International Materials Conference and not used by any such participating country. Nothing contained in this Act shall impair the authority of the President under this Act to exercise allocation and priorities controls over materials (both domestically produced and imported) and facilities through the controlled materials plan or other methods of allocation."

Critical and strategic materials.

SEC. 103. Section 104 of the Defense Production Act of 1950, as amended, is amended to read as follows:

65 Stat. 132.
50 USC app.
2074.

"SEC. 104. Import controls of fats and oils (including oil-bearing materials, fatty acids, and soap and soap powder, but excluding petroleum and petroleum products and coconuts and coconut products), peanuts, butter, cheese and other dairy products, and rice and rice products are necessary for the protection of the essential security interests and economy of the United States in the existing emergency in international relations, and imports into the United States of any such commodity or product, by types or varieties, shall be limited to such quantities as the Secretary of Agriculture finds would not (a) impair or reduce the domestic production of any such commodity or product below present production levels, or below such higher levels as the Secretary of Agriculture may deem necessary in view of domestic and international conditions, or (b) interfere with the orderly domestic storing and marketing of any such commodity or product, or (c) result in any unnecessary burden or expenditures under any Government price support program: *Provided, however*, That the Secretary of Agriculture after establishing import limitations, may permit additional imports of each type and variety of the commodities specified in this section, not to exceed 15 per centum of the import limitation with respect to each type and variety which he may deem necessary, taking into consideration the broad effects upon international relationships and trade. The President shall exercise the authority and powers conferred by this section."

Fats and oils,
etc.

Newsprint.
50 USC app.
2092.

SEC. 104. The first sentence of section 302 of the Defense Production Act of 1950, as amended, is amended by inserting before the period at the end thereof the following: “, and manufacture of newsprint”.

50 USC app.
2102.

SEC. 105. Paragraph (2) of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, is amended by inserting after the first sentence thereof the following new sentence: “No regulation or order shall be issued or remain in effect under this title which prohibits the payment or receipt of hourly wages at a rate of \$1 per hour or less.”

Agricultural
commodities.

SEC. 106. (a) Paragraph (3) of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, is amended by inserting in the fifth sentence thereof after “(1) the Agricultural Act of 1949,” the following: “except that under any price support program announced while this title is in effect the level of support to cooperators shall be 90 per centum of the parity price, or such higher level as may be established under section 402 of that Act, for any crop of any basic agricultural commodity with respect to which producers have not disapproved marketing quotas.”

50 USC app.
2102.

(b) Paragraph (3) of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following: “No ceiling prices for products resulting from the processing of agricultural commodities, including livestock, milk, and other dairy products, shall be established or maintained in any agricultural marketing area at levels which deny to any processor of such products the cost adjustments provided in paragraph (4) of this subsection and which deny to any distributor or seller of such products the customary margin or charge provided in subsection (k) of this section. Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be: *And provided further*, That in the case of prices of milk established by any State regulatory body, with respect to which price, parties may be deemed to contract, no ceiling price may be maintained under this title which is less than the price so established. No ceiling shall be established or maintained under this title for fruits or vegetables in fresh or processed form.”

Nonapplicabil-
ity.

SEC. 107. Paragraph (4) of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following: “The provisions of this paragraph shall not apply in the case of a seller of a material at retail or wholesale within the meaning of subsection (k) of this section.”

SEC. 108. Subsection (d) of section 402 of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following new paragraph:

Sale of fertilizer .

“(5) For the purpose of determining the applicable ceiling price under the general ceiling price regulation issued January 26, 1951, as amended, any sale of fertilizer to the ultimate user by a person who acquired it for resale shall be considered a retail sale.”

Prices and
wages not subject
to control.
50 USC app.
2102.

SEC. 109. (a) Subsection (e) of section 402 of the Defense Production Act of 1950, as amended, is amended by adding after the word “profession” in paragraph (ii) thereof the following: “; wages, salaries, and other compensation paid to professional engineers employed in a professional capacity; wages, salaries, and other compensation paid to professional architects employed in a professional capacity by an architect or firm of architects engaged in the practice of his or their profession; and wages, salaries, and other compensation paid to certified public accountants licensed to practice as such employed in a

professional capacity by a certified public accountant or firm of certified public accountants engaged in the practice of his or their profession”.

(b) Paragraph (v) of subsection (e) of section 402 of the Defense Production Act of 1950, as amended, is amended to read as follows:

“(v) (1) Rates and charges by any common carrier or other public utility, including rates charged by any person subject to the Shipping Act, 1916 (Public Law 260, Sixty-fourth Congress), as amended, and including compensation for the use by others of a common carrier’s cars or other transportation equipment, charges for the use of washroom and toilet facilities in terminals and stations, and charges for repairing cars or other transportation equipment owned by others; charges for the use of parking facilities operated by common carriers in connection with their common carrier operations; and (2) charges paid by common carriers for the performance of a part of their transportation services to the public, including the use of cars or other transportation equipment owned by a person other than a common carrier, protective service against heat or cold to property transported or to be transported, and pickup and delivery and local transfer services: *Provided*, That no common carrier or other public utility shall at any time after the President shall have issued any stabilization regulations and orders under subsection (b) make any increase in its charges for property or services sold by it for resale to the public, for which application is filed after the date of issuance of such stabilization regulations and orders, before the Federal, State, or municipal authority, if any, having jurisdiction to consider such increase, unless it first gives thirty days’ notice to the President, or such agency as he may designate, and consents to timely intervention by such agency before the Federal, State, or municipal authority, if any, having jurisdiction to consider such increase: *And provided further*, That the Office of Price Stabilization shall not intervene in any case involving increases in rates or charges proposed by any common carrier or other public utility except as provided in the preceding proviso;”.

Charges by common carrier, etc.

39 Stat. 728.
46 USC 842.

Notice of increase.
50 USC app. 2102.

Nonintervention by OPS.

(c) Subsection (e) of section 402 of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following new paragraphs:

“(viii) Rates, fees, and charges for materials or services supplied directly by the States, Territories, and possessions of the United States, and their political subdivisions and municipalities, the District of Columbia, and any agency of any of the foregoing.

“(ix) Wages, salaries, or other compensation of persons employed in small-business enterprises as defined in this paragraph: *Provided, however*, That the President may from time to time exclude from this exemption such enterprises on the basis of industries, types of business, occupations, or areas, if their exemption would be unstabilizing with respect to wages, salaries, or other compensation, prices, or manpower, or would otherwise be contrary to the purposes of this Act. A small-business enterprise, for the purpose of this paragraph, is any enterprise in which a total of eight or less persons are employed in all its establishments, branches, units, or affiliates. This paragraph shall become effective thirty days after its enactment.

Employees of small-business enterprises.

“(x) Prices charged and wages paid by bowling alleys.

“(xi) Wages paid for agricultural labor.”

SEC. 110. The first sentence of section 402 (k) of the Defense Production Act of 1950, as amended, is amended to read as follows: “No rule, regulation, order, or amendment thereto shall be issued or remain in effect under this title, which shall deny sellers of materials at retail or wholesale their customary percentage margins over costs of the

65 Stat. 136.
50 USC app. 2102.

Percentage margins.

materials or their customary charges during the period May 24, 1950, to June 24, 1950, or on such other nearest representative date determined under section 402 (c), as shown by their records during such period, except as to any one specific item of a line of material sold by such sellers which is in short supply as evidenced by specific government action to encourage production of the item in question: *Provided, however,* That if the antitrust laws of any State have been construed to prohibit adherence by sellers of materials at wholesale or retail to uniform suggested retail resale prices, the President shall issue regulations giving full consideration to the customary percentage margins of such sellers during the period hereinbefore set forth".

50 USC app.
2102.

SEC. 111. Section 402 of the Defense Production Act of 1950, as amended, is further amended by adding at the end thereof the following new subsections:

Prohibitions.

"(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law.

"(m) No rule, regulation, order, or amendment thereto shall be issued or maintained under this title, which shall deny to any hotel supply house or combination distributor, affiliated with any slaughterer or slaughtering establishment, or to any wholesaler so affiliated but whose affiliation does not amount to an interest or equity of more than 50 per centum, the same ceiling price or prices for meat accorded to hotel supply houses, combination distributors, or wholesalers which are not so affiliated.

Margin controls.

"(n) Notwithstanding any other provision of this Act, whenever price ceilings are declared in effect on any agricultural commodity at the farm level, the Director of Price Stabilization must at the same time put into effect margin controls on processors, wholesalers, and retailers, such margin controls to allow the processors, wholesalers, and retailers the normal mark-ups as provided under this Act, except that under no circumstances are the sellers to be allowed greater than their normal margins of profit."

50 USC app.
2103.

SEC. 112. Section 403 of the Defense Production Act of 1950, as amended, is amended by inserting "(a)" after "403." and by adding at the end thereof the following new subsections:

Wage Stabilization Board.

"(b) (1) There is hereby created, in the present Economic Stabilization Agency, or any successor agency, a Wage Stabilization Board (hereinafter in this subsection referred to as the 'Board'), which shall be composed, in equal numbers, of members representative of the general public, members representative of labor, and members representative of business and industry. The number of offices on the Board shall be established by Executive order.

Members.

"(2) The members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate a Chairman and Vice Chairman of the Board from among the members representative of the general public.

"(3) The term of office of the members of the Board shall terminate on May 1, 1953. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(4) Each member representative of the general public shall receive compensation at the rate of \$15,000 a year, and while a member of the Board shall engage in no other business, vocation, or employment. Each member representative of labor, and each member representative of business and industry, shall receive \$50 for each day he is actually

engaged in the performance of his duties as a member of the Board, and in addition he shall be paid his actual and necessary travel and subsistence expenses in accordance with the Travel Expense Act of 1949 while so engaged away from his home or regular place of business. The members representative of labor, and the members representative of business and industry, shall, in respect of their functions on the Board, be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (5 U. S. C. 99).

“(5) The Board shall, under the supervision and direction of the Economic Stabilization Administrator—

“(A) formulate, and recommend to such Administrator for promulgation, general policies and general regulations relating to the stabilization of wages, salaries, and other compensation; and

“(B) upon the request of (i) any person substantially affected thereby, or (ii) any Federal department or agency whose functions, as provided by law, may be affected thereby or may have an effect thereon, advise as to the interpretation, or the application to particular circumstances, of policies and regulations promulgated by such Administrator which relate to the stabilization of wages, salaries, and other compensation.

For the purposes of this Act, stabilization of wages, salaries, and other compensation means prescribing maximum limits thereon. Except as provided in clause (B) of this paragraph, the Board shall have no jurisdiction with respect to any labor dispute or with respect to any issue involved therein. Labor disputes, and labor matters in dispute, which do not involve the interpretation or application of such regulations or policies shall be dealt with, if at all, insofar as the Federal Government is concerned, under the conciliation, mediation, emergency, or other provisions of laws heretofore or hereafter enacted by the Congress.

“(6) Paragraph (5) of this subsection shall take effect thirty days after the date on which this subsection is enacted. The Wage Stabilization Board created by Executive Order Numbered 10161, and reconstituted by Executive Order Numbered 10233, as amended by Executive Order Numbered 10301, is hereby abolished, effective at the close of the twenty-ninth day following the date on which this subsection is enacted. After June 27, 1952, the present Wage Stabilization Board shall issue no regulation or order except with respect to individual cases pending before the Board prior to such date.

“(c) Notwithstanding any other provision of this section, the stabilization of the salaries and other compensation of persons (not represented in their relationships or eligible to be so represented with their employer by duly certified or recognized labor organizations) employed as outside salesmen or in bona fide executive, administrative, or professional capacities, as such terms are defined in the regulations issued in pursuance of section 13 (a) (1) of the Fair Labor Standards Act of 1938, as amended, or as supervisors, as defined by the Labor Management Relations Act, 1947, as amended, shall be administered by the Salary Stabilization Board and the Office of Salary Stabilization as presently established within the Economic Stabilization Agency, or any successor agency, subject to the supervision and direction of the Economic Stabilization Administrator.

“(d) It shall be the express duty, obligation, and function of the present Economic Stabilization Agency, or any successor agency, to coordinate the relationship between prices and wages, and to stabilize prices and wages.”

SEC. 113. (a) (1) The first sentence of subsection (a) of section 407 of the Defense Production Act of 1950, as amended, is amended by

63 Stat. 166.
5 USC 835 note.

62 Stat. 697.
703, 793.

Functions.

Labor disputes.

50 USC app.
2071 note.

3 CFR, 1951
Supp., pp. 425,
513.

Salary Stabiliza-
tion Board.

52 Stat. 1067.
29 USC 213.
61 Stat. 136.
29 USC 141.

Economic Stabi-
lization Agency.

50 USC app.
2107.

striking out "relating to price controls under this title" and inserting in lieu thereof "relating to price controls under this title or rent controls under the Housing and Rent Act of 1947, as amended"; and by striking out "relating to price controls" after "any such regulation or order".

(2) Subsection (b) of section 407 of the Defense Production Act of 1950, as amended, is amended by inserting after "this title" the following: "and the Housing and Rent Act of 1947, as amended,"; and by inserting after "section 705 of this Act" the following: " , or section 206 of the Housing and Rent Act of 1947, as amended, as the case may be".

(b) Section 408 of the Defense Production Act of 1950, as amended, is amended to read as follows:

"SEC. 408. (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 specifying his objections and praying that the regulation or order protested be enjoined or set aside in whole or in part. A copy of such complaint shall forthwith be served on the President, 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 President has taken official notice. Upon such filing, the court shall have exclusive jurisdiction of the proceeding and of all questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper; to permanently enjoin or set aside, in whole or in part, the regulation or order or the amendment of or supplement to the regulation or order protested; to make and enter upon the pleadings, evidence, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the President; to dismiss the petition; or to remand the proceeding to the President for further action in accordance with the court's decree: *Provided*, That the regulation or order may be modified or rescinded by the President at any time notwithstanding the pendency of such complaint. No objection to such regulation or order, 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. The findings of the President with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If application is made to the court by either party for leave to introduce additional evidence which was either offered to the President and not admitted, or which could not reasonably have been offered to the President or included by the President in such proceedings, and the court determines that such evidence should be admitted, the court shall order the evidence to be presented to the President. The President 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 or order as a result thereof; except that on request by the President, any such evidence shall be presented directly to the court.

"(b) The Emergency Court of Appeals is hereby continued for the purpose of the exercise of the jurisdiction granted by this title, with the powers herein specified, together with the powers heretofore granted by law to such court which are not inconsistent with the provisions of this title. The court shall have the powers of a district court with respect to the jurisdiction conferred on it by this title. So far as

61 Stat. 193.
50 USC app. 1881
note.

50 USC app.
1896.

50 USC app.
2108.

Filing of com-
plaint with Emer-
gency Court of
Appeals.

Powers of Emer-
gency Court of
Appeals.

necessary to decision the court shall decide all relevant questions of law, interpret constitutional and statutory provisions, interpret the meaning or applicability of the terms of any official action under this title or under this Act, as amended, of which this title is a part and with respect to this title, or under the Housing and Rent Act of 1947, as amended. 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 title.

61 Stat. 193.
50 USC app. 1881
note.

“(c) 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 United States court of appeals as provided in section 1254 of title 28, United States Code. 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 such regulation or order issued under this title, or under the Housing and Rent Act of 1947, as amended. 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 or order, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this title, or the Housing and Rent Act of 1947, as amended, authorizing the issuance of such regulations or orders, or any provision of any such regulation or order, or to restrain or enjoin the enforcement of any such provision.

Review by Su-
preme Court.

62 Stat. 928.

“(d) (1) Within thirty days after arraignment, or such additional time as the court may allow for good cause shown, in any criminal proceeding, and within five days after judgment in any civil or criminal proceeding, brought pursuant to section 409 or 706 of this Act, section 205 or 206 of the Housing and Rent Act of 1947, as amended, or section 371 of title 18, United States Code, involving alleged violation of any provision of any such regulation or order, the defendant may apply to the court in which the proceeding is pending for leave to file in the Emergency Court of Appeals a complaint against the President setting forth objections to the validity of any provision which the defendant is alleged to have violated or conspired to violate. The court in which the proceeding is pending shall grant such leave with respect to any objection which it finds is made in good faith and with respect to which it finds there is reasonable and substantial excuse for the defendant's failure to present such objection in a protest filed in accordance with section 407 of this title. Upon the filing of a complaint pursuant to and within thirty days from the granting of such leave, the Emergency Court of Appeals shall have jurisdiction to enjoin or set aside in whole or in part the provision of the regulation or order complained of or to dismiss the complaint. The court may authorize the introduction of evidence, either to the President or directly to the court, in accordance with subsection (a) of this section. The provisions of subsections (b) and (c) of this section shall be applicable with respect to any proceeding instituted in accordance with this subsection.

50 USC app.
2109, 2156, 1895,
1896.
62 Stat. 701

50 USC app.
2107.

“(2) In any proceeding brought pursuant to section 409 or 706 of this Act, section 205 or 206 of the Housing and Rent Act of 1947, as amended, or section 371 of title 18, United States Code, involving an alleged violation of any provision of any such regulation or order, the court shall stay the proceeding—

Stay of proceed-
ing.
50 USC app.
2109, 2156, 1895,
1896.
62 Stat. 701.

“(i) during the period within which a complaint may be filed in the Emergency Court of Appeals pursuant to leave granted under paragraph (1) of this subsection with respect to such provision;

50 USC app.
2107.

“(ii) during the pendency of any protest properly filed by the defendant under section 407 of this title prior to the institution of the proceeding under section 409 or 706 of this Act, section 205 or 206 of the Housing and Rent Act of 1947, as amended, or section 371 of title 18, United States Code, setting forth objections to the validity of such provision which the court finds to have been made in good faith; and

“(iii) during the pendency of any judicial proceeding instituted by the defendant under this section with respect to such protest or instituted by the defendant under paragraph (1) of this subsection with respect to such provision, and until the expiration of the time allowed in this section for the taking of further proceedings with respect thereto.

Temporary in-
junction, etc.

Notwithstanding the provisions of this paragraph, stays shall be granted thereunder in civil proceedings only after judgment and upon application made within five days after judgment. Notwithstanding the provisions of this paragraph, in the case of a proceeding under section 409 (a) or 706 (a) of the Act or section 206 (b) of the Housing and Rent Act of 1947, as amended, the court granting a stay under this paragraph shall issue a temporary injunction or restraining order enjoining or restraining, during the period of the stay, violations by the defendant of any provision of the regulation or order involved in the proceeding. If any provision of a regulation or order is determined to be invalid by judgment of the Emergency Court of Appeals which has become effective in accordance with section 408 (b) of this title, any proceeding pending in any court shall be dismissed, and any judgment in such proceeding vacated, to the extent that such proceeding or judgment is based upon violation of such provision. Except as provided in this subsection, the pendency of any protest under section 407 of this title, or judicial proceeding under this section, shall not be grounds for staying any proceeding brought pursuant to section 409 or 706 of this Act, section 205 or 206 of the Housing and Rent Act of 1947, as amended, or section 371 of title 18, United States Code; nor, except as provided in this subsection, shall any retroactive effect be given to any judgment setting aside a provision of a regulation or order issued under this title.”

50 USC app.
2108.

50 USC app.
2101-2110.

Below-ceiling
prices.

SEC. 114. Title IV of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following new sections:

“SEC. 411. In the administration of this title, no person shall be required to furnish any reports or other information with respect to sales of materials or services at prices which are below ceiling, if such person certifies to the President that such sales were made at such prices.

“SUSPENSION OF CONTROLS

“SEC. 412. It is hereby declared to be the policy of the Congress that the President shall use the price, wage, and other powers conferred by this Act, as amended, to promote the earliest practicable balance between production and the demand therefor of materials and services, and that the general control of wages and prices shall be terminated as rapidly as possible consistent with the policies and purposes set forth in this Act; and that pending such termination, in order to avoid burdensome and unnecessary reporting and record keeping which retard rather than assist in the achievement of the

purposes of this Act, price or wage regulations and orders, or both, shall be suspended in the case of any material or service or type of employment where such factors as condition of supply, existence of below ceiling prices, historical volatility of prices, wage pressures and wage relationships, or relative importance in relation to business costs or living costs will permit, and to the extent that such action will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect. It is further the policy of the Congress that when the President finds that the termination of the suspension and the restoration of ceilings on the sales or charges for such material or service, or the further stabilization of such wages, salaries, and other compensation, or both, is necessary in order to effectuate the purposes of this Act, he shall by regulation or order terminate the suspension."

SEC. 115. Section 503 of the Defense Production Act of 1950, as amended, is hereby amended by adding at the end thereof the following: "It is the sense of the Congress that, by reason of the work stoppage now existing in the steel industry, the national safety is imperiled, and the Congress therefore requests the President to invoke immediately the national emergency provisions (sections 206 to 210, inclusive) of the Labor-Management Relations Act, 1947, for the purpose of terminating such work stoppage."

SEC. 116. (a) Section 601 of the Defense Production Act of 1950, as amended, is hereby repealed. The heading of title VI of the Defense Production Act of 1950, as amended, is amended to read as follows: "TITLE VI—CONTROL OF REAL ESTATE CREDIT", and the subheading of such title is amended to read as follows: "This title authorizes the regulation of real estate construction credit only". The table of contents in the first section of the Defense Production Act of 1950, as amended, is amended by striking out "consumer and".

(b) Title VI of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following new section:

"SEC. 607. Notwithstanding the provisions of sections 602 and 605 of this title, the authority of the President which is derived from said sections to impose credit regulations relative to residential property shall not be exercised with respect to extensions of credit made during any 'period of residential credit control relaxation', as that term is herein defined, in such manner as to impose any down payment requirement in excess of 5 per centum of the transaction price. The President shall cause to be made estimates of the number of permanent, non-farm, family dwelling units, the construction of which has been started during each calendar month and, on the basis of such estimates, he shall cause to be made estimates of the annual rate of construction starts during each such month, after making reasonable allowance for seasonal variations in the rate of construction. If for any three consecutive months the annual rate of construction starts so found for each of the three months falls to a level below an annual rate of 1,200,000 starts per year, the President shall cause to be published in the Federal Register an announcement of the beginning of a 'period of residential credit control relaxation', which period shall begin not later than the first day of the second calendar month following such three consecutive months. Each such relaxation period may be terminated by the President at any time after the annual rate of construction starts thereafter estimated for each of any three consecutive months exceeds the level referred to in the preceding sentence."

(c) Section 708 of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following new subsection:

"(f) After the date of enactment of the Defense Production Act Amendments of 1952, no voluntary program or agreement for the control of credit shall be approved or carried out under this section."

Steel industry
work stoppage.
50 USC app.
2123.

61 Stat. 155.
29 USC 176-180.

Real Estate
Credit.
50 USC app.
2131.

50 USC app.
2132, 2135.

Publication in
Federal Register.

50 USC app.
2158.

Voluntary pro-
grams.

- 50 USC app. 2155. SEC. 117. Section 705 of the Defense Production Act of 1950, as amended, is amended by adding thereto the following new subsection:
“(f) Any person subpoenaed under this section shall have the right to make a record of his testimony and to be represented by counsel.”
- 50 USC app. 2157. SEC. 118. The first sentence of section 707 of the Defense Production Act of 1950, as amended, is amended by striking out the word “his”.
- 50 USC app. 2162. SEC. 119. Subsection (b) of section 712 of the Defense Production Act of 1950, as amended, is amended by striking out the first sentence thereof and inserting in lieu thereof the following: “It shall be the function of the Committee to make a continuous study of the programs and of the fairness to consumers of the prices authorized by this Act and to review the progress achieved in the execution and administration thereof.”
- 65 Stat. 144.
50 USC app. 2166. SEC. 120. Section 717 of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following new subsection:
“(d) No action for the recovery of any cooperative payment made to a cooperative association by a Market Administrator under an invalid provision of a milk marketing order issued by the Secretary of Agriculture pursuant to the Agricultural Marketing Agreement Act of 1937 shall be maintained unless such action is brought by producers specifically named as party plaintiffs to recover their respective share of such payments within ninety days after the date of enactment of the Defense Production Act Amendments of 1952 with respect to any cause of action heretofore accrued and not otherwise barred, or within ninety days after accrual with respect to future payments, and unless each claimant shall allege and prove (1) that he objected at the hearing to the provisions of the order under which such payments were made and (2) that he either refused to accept payments computed with such deduction or accepted them under protest to either the Secretary or the Administrator. The district courts of the United States shall have exclusive original jurisdiction of all such actions regardless of the amount involved. This subsection shall not apply to funds held in escrow pursuant to court order. Notwithstanding any other provision of this Act, no termination date shall be applicable to this subsection.”
- Certain recovery actions.
50 Stat. 246.
7 USC 674. SEC. 121. (a) Paragraph (4) of subsection (a) of section 714 of the Defense Production Act of 1950, as amended, is amended by striking out “1952” and inserting in lieu thereof “1953”.
(b) Section 717 (a) of the Defense Production Act of 1950, as amended, is amended to read as follows:
“(a) Titles I, II, III, VI, and VII of this Act and all authority conferred thereunder shall terminate at the close of June 30, 1953; and titles IV and V of this Act and all authority conferred thereunder shall terminate at the close of April 30, 1953.”
- Jurisdiction.
- SDPA.
50 USC app. 2163a. (b) Section 717 (a) of the Defense Production Act of 1950, as amended, is amended to read as follows:
“(a) Titles I, II, III, VI, and VII of this Act and all authority conferred thereunder shall terminate at the close of June 30, 1953; and titles IV and V of this Act and all authority conferred thereunder shall terminate at the close of April 30, 1953.”
- 50 USC app. 2166. (b) Section 717 (a) of the Defense Production Act of 1950, as amended, is amended to read as follows:
“(a) Titles I, II, III, VI, and VII of this Act and all authority conferred thereunder shall terminate at the close of June 30, 1953; and titles IV and V of this Act and all authority conferred thereunder shall terminate at the close of April 30, 1953.”
- Termination dates.

TITLE II—AMENDMENTS TO HOUSING AND RENT ACT OF 1947, AS AMENDED

- 61 Stat. 193.
50 USC app. 1881 note. SEC. 201. (a) Subsection (e) of section 4 of the Housing and Rent Act of 1947, as amended, is amended by striking out “June 30, 1952” and inserting in lieu thereof “April 30, 1953”.
- 50 USC app. 1884. (b) Subsection (f) of section 204 of the Housing and Rent Act of 1947, as amended, is amended to read as follows:
“(f) (1) The provisions of this title shall cease to be in effect at the close of September 30, 1952, except that they shall cease to be in effect at the close of April 30, 1953—
“(A) in any area which prior to or subsequent to September 30, 1952, is certified under subsection (1) of section 204 of this Act as a critical defense housing area;
- Termination.
50 USC app. 1894.

“(B) in any incorporated city, town, or village which, at a time when maximum rents under this title are in effect therein, and prior to September 30, 1952, declares (by resolution of its governing body adopted for that purpose, or by popular referendum in accordance with local law) that a substantial shortage of housing accommodations exists which requires the continuance of federal rent control in such city, town, or village; and

“(C) in any unincorporated locality in a defense-rental area in which one or more incorporated cities, towns, or villages constituting the major portion of the defense-rental area have made the declaration specified in subparagraph (B) at a time when maximum rents under this title were in effect in such unincorporated locality.

“(2) Any incorporated city, town, or village which makes the declarations specified in paragraph (1) (B) of this subsection shall notify the President in writing of such action promptly after it has been taken.

“(3) Notwithstanding any provision of paragraph (1) of this subsection, the provisions of this title shall cease to be in effect 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 title is not necessary because of the existence of an emergency, whichever date is the earlier.

“(4) Notwithstanding any provision of paragraph (1) or (3) of this subsection, the provisions of this title and regulations, orders, and requirements thereunder shall be treated as still remaining in force for the purpose of sustaining any proper suit or action with respect to any right or liability incurred prior to the termination date specified in such paragraph.”

SEC. 202. Section 204 of the Housing and Rent Act of 1947, as amended, is amended by adding at the end thereof the following new subsections:

“(p) Except in the case of action taken after full compliance with subsection (k) of this section, the President shall not reestablish maximum rents in any defense-rental area, including any community owned and operated by the Federal Government, which has previously been decontrolled under this Act until a public hearing, after thirty days' notice, has been held in such area.

“(q) Consistent with the other provisions of this Act, all affected agencies, departments, and establishments of the Federal Government shall, by July 15, 1952, establish and administer rents and service charges for quarters supplied to Federal employees and members of the Uniformed Services furnished quarters on a rental basis in accordance with regulations promulgated by the Bureau of the Budget: *Provided, however,* That the provisions of this subsection shall not apply to housing units under the jurisdiction of the Atomic Energy Commission where Federal rent control is now in effect.”

SEC. 203. The Director of Defense Mobilization is hereby authorized to appoint a Defense Areas Advisory Committee to advise him in connection with the exercise of any function or authority vested in him by section 204 (1) of the Housing and Rent Act of 1947, as amended, or section 101 of the Defense Housing and Community Facilities and Services Act of 1951, as amended, or by delegation thereunder, with respect to determining any area to be a critical defense housing area. Any committee so appointed shall consist, in addition to a chairman, of representatives of the Department of Defense, the Housing and Home Finance Agency, and the Office of Rent Stabiliza-

Certain defense-rental areas.
65 Stat. 145.
50 USC app. 1894.

Quarters supplied to Federal employees, etc.

Defense Areas Advisory Committee.

65 Stat. 293.
42 USC 1591.

tion. Any Federal agency shall, to the fullest practicable extent, furnish such information in its possession to the Defense Areas Advisory Committee as such Committee may request from time to time relevant to its operations.

TITLE III—MISCELLANEOUS

PUBLIC CONTRACTS

49 Stat. 2036.

SEC. 301. The Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (41 U. S. C. 35-45), is amended (1) by redesignating sections 10 and 11 as sections 11 and 12, respectively, and (2) by inserting immediately following section 9 a new section 10 as follows:

60 Stat. 238.
5 USC 1003.

"SEC. 10. (a) Notwithstanding any provision of section 4 of the Administrative Procedure Act, such Act shall be applicable in the administration of sections 1 to 5 and 7 to 9 of this Act.

Wage determina-
tions.
41 USC 35.

"(b) All wage determinations under section 1 (b) of this Act shall be made on the record after opportunity for a hearing. Review of any such wage determination, or of the applicability of any such wage determination, may be had within ninety days after such determination is made in the manner provided in section 10 of the Administrative Procedure Act by any person adversely affected or aggrieved thereby, who shall be deemed to include any manufacturer of, or regular dealer in, materials, supplies, articles or equipment purchased or to be purchased by the Government from any source, who is in any industry to which such wage determination is applicable.

5 USC 1009.

Judicial review.

"(c) Notwithstanding the inclusion of any stipulations required by any provision of this Act in any contract subject to this Act, any interested person shall have the right of judicial review of any legal question which might otherwise be raised, including, but not limited to, wage determinations and the interpretation of the terms 'locality', 'regular dealer', 'manufacturer', and 'open market'."

Approved June 30, 1952, 9:36 a. m., E. D. T.

Public Law 430

CHAPTER 531

AN ACT

June 30, 1952
[H. R. 7397]

To amend and extend the provisions of the District of Columbia Emergency Rent Act of 1951.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (b) of the District of Columbia Emergency Rent Act of 1951 (Public Law 63, Eighty-second Congress) is hereby amended by striking "June 30, 1952" and inserting in lieu thereof "April 30, 1953"

65 Stat. 99.

Approved June 30, 1952.