AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Cavalry in the Army, and to place him upon the retired list with the pay of a retired second lieutenant of Cavalry.

Col. S. E. Tillman, retired.
Promotion to brigadier general, retired, authorized.

That the President is hereby authorized, in his discretion, to promote Colonel S. E. Tillman, retired, Superintendent of the Military Academy, to the rank of brigadier general on the retired list of the Army.

Hotel.
Erection, etc., on Reservation, authorized.

The Secretary of War is hereby authorized to allow any corporation, company, or individual to erect on the United States Military Academy reservation at West Point, New York, a hotel, in accordance with plans and specifications to be approved by the Superintendent of the United States Military Academy and to enjoy the revenue therefrom for a period of fifty years; after which time said hotel shall become the property of the United States: *Provided*, That the title and ownership of said hotel may be accepted by the Secretary of War on the behalf of the United States at any time. That said hotel shall be conducted under such regulations including the rates and the charges for accommodations thereat as may be promulgated by the Superintendent of the United States Military Academy under the direction of the Secretary of War.

Proviso.
Title, etc.

Regulations, etc.

Col. L. Mervin Maus.
Appointment as brigadier general, retired, authorized.

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Colonel L. Mervin Maus to the grade of brigadier general in the United States Army, and place him on the retired list.

Approved, March 4, 1919.

March 4, 1919.
[H. R. 15796.]
[Public, No. 348.]

CHAP. 125.—An Act To enable the President to carry out the price guaranties made to producers of wheat of the crops of nineteen hundred and eighteen and nineteen hundred and nineteen and to protect the United States against undue enhancement of its liabilities thereunder.

Wheat.
Means created to maintain guaranteed price of crops of 1918 and 1919.
Post, pp. 1749, 1844.
Ante, p. 281.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That by reason of the emergency growing out of the war with Germany and in order to carry out the guaranties made to producers of wheat of the crops of nineteen hundred and eighteen and nineteen hundred and nineteen by the two proclamations of the President of the United States dated, respectively, the twenty-first day of February, nineteen hundred and eighteen, and the second day of September, nineteen hundred and eighteen, pursuant to section fourteen of "An Act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August tenth, nineteen hundred and seventeen, and to protect the United States against undue enhancement of its liabilities under said guaranties, the instrumentalities, means, methods, power, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed.

Effective powers conferred on the President.

SEC. 2. That, in carrying out the provisions of this Act, the President is authorized to make such regulations and issue such orders as may be necessary, to enter into any voluntary arrangements or agreements, to use any existing agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, including the Food Administration Grain Corporation, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds.

Purchase of crops of 1918 and 1919 for cash at guaranteed price.

SEC. 3. That whenever the President shall find it essential, in order to carry out the guaranties aforesaid or to protect the United States against undue enhancement of its liabilities thereunder, he is authorized to buy, or contract for the purchase of, wheat of said crops of nineteen hundred and eighteen and nineteen hundred and nineteen

at the places designated for the delivery of the same by the President's proclamations or such other places as he may designate, for cash at the said guaranteed prices and he is authorized thereafter to buy or contract for the purchase of, for cash, or sell, consign, or contract for the sale of, for cash or on credit, wheat of the said crops of nineteen hundred and eighteen and nineteen hundred and nineteen and flour produced therefrom at the said guaranteed prices or at such other prices and on such terms or conditions as may be necessary to carry out the purposes of this Act and to enable the people of the United States to purchase wheat products at a reasonable price; to make reasonable compensation for handling, transportation, insurance, and other charges with respect to wheat and wheat flour of said crops, and for storage thereof in elevators, on farms, and elsewhere; to take such steps, to make such arrangements, and to adopt such methods as may be necessary to maintain and assure an adequate and continuous flow of wheat and wheat flour in the channels of trade, including the protection or indemnification of millers, wholesalers, jobbers, bakers, and retail merchants who purchase in carload lots against actual loss by them on account of abnormal fluctuations in the price of wheat and wheat flour of said crops due to the action of the Government; to borrow such sums of money as may be secured by the property or other assets acquired under this Act; to lease and utilize storage facilities for, and to store, such wheat and wheat flour; and to requisition storage facilities therefor. He shall ascertain and pay a just compensation for facilities so requisitioned. If the compensation so ascertained by the President be not satisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of such amount and shall be entitled to sue the United States to recover such further sum as, added to said seventy-five per centum, will make up such amount as will be just compensation for such facilities; and jurisdiction is hereby conferred on the United States district courts to hear and determine all such controversies.

Sale of wheat and flour, purchased.

Handling, storage, etc.

Protection against loss by abnormal fluctuations, etc.

Borrowing money.

Requisition of storage facilities, etc.

Compensation. Suit if amount unsatisfactory.

SEC. 4. That whenever the President shall find that operations, practices, or transactions, at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business cause or are likely to cause unjust market manipulation, or unfair and misleading market quotations, or undue depression or fluctuation of the prices of, or injurious speculation in, wheat or wheat flour, hereafter in this section called evil practices, calculated or likely to enhance unduly the liabilities of the United States under the said guaranties, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions in wheat or wheat flour at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices. Such regulations may require all persons coming within their provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions in wheat or wheat flour at, in, on, or under the rules of any such exchange, board of trade, or similar institution or place of business, including the making, execution, settlement, and fulfillment thereof. He may also require all persons acting in the capacity of a clearing house, clearing association, or similar institution, for the purpose of clearing, settling, or adjusting transactions in wheat or wheat flour at, in, on, or under the rules of any such exchange, board of trade, or similar institution or place of business, to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions, and he may appoint agents to conduct all investigations necessary to enforce the provisions of this section and all regulations made by him in pursuance thereof,

Regulations, etc., to prevent evil practices at exchanges, etc., of wheat or flour.

Records, returns, etc., of all transactions.

Clearing house operations.

Agents to investigate.

Penalty for violations.

and may fix and pay the compensation of such agents. Any person who intentionally and willfully violates any regulation made pursuant to this section, or who knowingly engages in any operation, practice, or transaction prohibited pursuant to this section, or who intentionally and willfully aids or abets in such violation, or any such prohibited operation, practice, or transaction, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by a fine not exceeding $1,000.

Establishment of open market, etc.

The President shall take seasonable steps to provide for and to permit the establishment of a free and open market for the purchase, sale, and handling of wheat and wheat products upon the expiration of this Act.

Licenses may be required for dealing, etc., in wheat or flour.

SEC. 5. That, from time to time, whenever the President shall find it essential to license any business of importation, exportation, manufacture, storage, or distribution of wheat or wheat flour in order to carry into effect any of the purposes of this Act, and shall publicly so announce: *Provided*, That as between the two articles mentioned preference shall be given to the exportation of flour, except when the public interest would, in the judgment of the President, be injuriously affected thereby, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement unless he shall secure and hold a license issued pursuant to this section.

Provisos.
Flour exports.

Regulations for accounting, etc., issue.

The regulations prescribed pursuant to this Act may include requirements with respect to the issuance of licenses, systems of accounts, and the auditing of accounts to be kept by licensees, submission of reports by them, with or without oath or affirmation, and the entry and inspection by the President's duly authorized agents of the places of business of licensees.

Unfair practices, profits, etc., unlawful.

It shall be unlawful for any licensee to engage in any unfairly discriminatory or deceptive practice or device, or to make any unjust or unreasonable rate, commission, or charge, or to exact an unreasonable profit or price, in handling or dealing in or with wheat, wheat flour, bran, and shorts.

Discontinuance on order of the President.

Whenever the President shall find that any practice, device, rate, commission, charge, profit, or price of any licensee is unfairly discriminatory, deceptive, unjust, or unreasonable, and shall order such licensee, within a reasonable time fixed in the order, to discontinue the same, unless such order, which shall recite the facts found, is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unfairly discriminatory, deceptive, unjust, or unreasonable practice, device, rate, commission, charge, profit, or price.

Establishment of fair price, etc.

The President may, in lieu of any such unfairly discriminatory, deceptive, unjust, or unreasonable practice, device, rate, commission, charge, profit, or price, find what is a fair, just, or reasonable practice, device, rate, commission, charge, profit, or price, and in any proceeding brought in any court such order of the President shall be prima facie evidence.

Penalty for violations.

Any person who, without a license issued pursuant to this section, or whose license shall have been suspended or revoked after opportunity to be heard has been afforded him, intentionally and knowingly engages in or carries on any business for which a license is required under this section, or intentionally and willfully fails or refuses to discontinue any unfairly discriminatory, deceptive, unjust, or unreasonable practice, device, rate, commission, charge, profit, or price, in accordance with the requirement of an order issued under this section, or intentionally and willfully violates any regulation prescribed under this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine not exceeding $1,000: *Provided*, That this section shall not apply to any farmer or cooperative association of farmers or other person with respect to the products of any farm or other land owned, leased, or cultivated by him, nor to any common carrier.

Proviso.
Farmers, etc., not affected.

Restrictions on importing or exporting wheat, etc.

SEC. 6. That whenever the President shall find it essential in carrying out the guaranties aforesaid, or to protect the United

States against undue enhancement of its liabilities thereunder, and shall make proclamation thereof, it shall be unlawful to import into the United States from any country named in such proclamation, or to export from or ship from or take out of the United States to any country named in such proclamation, wheat, semolina, or wheat flour, except at such time or times, and under such regulations or orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided*, That no preference shall be given to the ports of one State over those of another. Any person who shall import, export, ship, or take out of the United States, or attempt to import, export, ship, or take out of the United States, any wheat, semolina, or wheat flour in violation of this section or of any regulation or order made hereunder, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be punished by a fine not exceeding $1,000: *Provided further*, That when the President finds that the importation into the United States of any wheat, semolina, or wheat flour produced outside of the United States materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to law, and ascertains what rate of duty, added to the then existing rate of duty on wheat and to the value of wheat, semolina, or wheat flour at the time of importation, would be sufficient to bring the price thereof at which imported up to the price fixed or prevailing under the direction of the President under or pursuant to this Act, he shall proclaim such facts, and thereafter there shall be levied, collected, and paid upon wheat, semolina, or wheat flour when imported in addition to the then existing rate of duty the rate of duty so ascertained; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon wheat, semolina, or wheat flour under any then existing tariff law of the United States.

Provisos.
No port preference.
Penalty for violations.

Added duty on imports authorized to maintain price.

No existing rate reduced.

That the United States cotton-futures Act, approved August eleventh, nineteen hundred and sixteen (Thirty-ninth Statutes at Large, page four hundred and seventy-six), is hereby amended as follows:

Cotton futures Act. Vol. 39, p. 476.

In the fifth subdivision of section five of said Act, strike out the words "good ordinary" whenever the same occur and substitute therefor the words "low middling"; strike out the words "low middling" and substitute therefor the word "middling"; and strike out the words "if stained, cotton that is below the grade of middling" and substitute therefor the words "if yellow stained, cotton that is below the grade of strict middling, or, if blue stained, cotton that is below the grade of good middling," so that the said subdivision shall read as follows:

Words substituted.

"Fifth. Provide that cotton that, because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of low middling, or cotton that is below the grade of low middling, or, if tinged, cotton that is below the grade of strict middling, or, if yellow stained, cotton that is below the grade of good middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seventh-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is 'gin cut' or reginned, or cotton that is 'repacked' or 'false packed' or 'mixed packed' or 'water packed,' shall not be delivered on, under, or in settlement of such contract."

Delivery of prohibited cotton.
Details of exclusion modified.
Vol. 39, p. 477, amended.

Strike out the sentence comprising the seventh subdivision of section five of said Act and substitute therefor the following:

Tenders and settlements to follow established classifications, etc.

"Seventh. Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations. All moneys collected as such costs may be used as a revolving fund for carrying out the purposes of this subdivision, and section nineteen of this Act is amended accordingly."

Use of moneys received.

Strike out the last sentence of section five of said Act and substitute therefor the following:

Regulations.
Acceptance of certificates of classification as evidence.

"The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of the seventh subdivision of this section, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of said subdivision shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as prima facie evidence of the true classification of the cotton involved."

Effect of amendments, etc.

The foregoing amendments to section five of said Act shall become effective on and after the approval of this Act, but nothing herein shall be construed to diminish any authority conferred on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under said Act as unamended, or to impair the effect of such Act as to any contract subject to its provisions entered into prior to the effective date of said amendments, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said section five as unamended.

Fixing grade values.

Effective on and after the date of the passage of this Act, insert at the end of section eight of said Act the following:

Dealers in cotton to answer all questions, etc.
Vol. 39, p. 479, amended.

"*Provided further*, That it shall be the duty of any person engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale, of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter. Any such person who shall, within a reasonable time prescribed by the Secretary of Agriculture or such agent, willfully fail or refuse to answer such questions or to produce such books, letters, papers, or documents, or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500."

Penalty for refusal.

Penalty for false statements, violations, etc.

SEC. 7. That any person who intentionally and knowingly makes any false statement or representation to any officer, agent, or employee of the United States engaged in the performance of any duty under this Act, or falsely represents to any of said persons that the wheat he offers for sale was grown as a part of the nineteen hundred and eighteen or nineteen hundred and nineteen crops for the purpose of securing any of the benefits of the aforesaid guaranties, or any person who willfully assaults, resists, impedes, or interferes with any officer, agent, or employee of the United States in the execution of any duty authorized to be performed by or pursuant to this Act, or any person who intentionally and knowingly violates any regulation issued pursuant to this Act, except as otherwise made punishable in this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $1,000.

Appropriation for expenses of Act.

SEC. 8. That for carrying out the aforesaid guaranties and otherwise for the purposes of this Act, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available

during the time this Act is in effect, the sum of $1,000,000,000, of which not to exceed $3,000,000 may be used for such administrative expenses, including the payment of such rent, the expense, including postage, of such printing and publications, the purchase of such material and equipment, and the employment of such persons and means, in the District of Columbia and elsewhere, as the President may deem essential. Any moneys received by the United States from or in connection with the disposal by the United States of wheat or wheat flour under this Act may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this Act. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts: *Provided*, That no part of this appropriation shall be used to pay rent in the District of Columbia.

Administrative allowance.

Use of receipts as revolving fund.

Proviso. Rent in District of Columbia excluded.

SEC. 9. That an itemized statement, covering all receipts and disbursements under this Act, shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives on or before the twenty-fifth day of each month after the taking effect of this Act, covering the business of the preceding month, and such statement shall be subject to public inspection. Not later than the expiration of sixty days after this Act shall cease to be in effect the President shall cause a detailed report to be made to the Congress of all proceedings had under this Act. Such report shall, in addition to other matters, contain an account of all persons appointed or employed, the salary or compensation paid or allowed each, the aggregate amount of the different kinds of property purchased or requisitioned, the use and disposition made of such property, and a statement of all receipts and expenditures, together with a statement showing the general character and estimated value of all property then on hand, and the aggregate amount and character of all claims against the United States growing out of this Act.

Monthly itemized statement to each House.

Final report.

Details required.

SEC. 10. That words used in this Act shall be construed to import the plural or singular, as the case demands; the word "person," wherever used in this Act, shall include individuals, partnerships, associations, and corporations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any official, agent, or other person acting for or employed by any individual, partnership, association, or corporation, within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such individual, partnership, association, or corporation, as well as that of the person.

Construction of words.

Liability of corporations, etc., for acts of officials.

SEC. 11. That the provisions of this Act shall cease to be in effect whenever the President shall find that the emergency growing out of the war with Germany has passed and that the further execution of the provisions of this Act is no longer necessary for its purposes, the date of which termination shall be ascertained and proclaimed by the President; but the date when this Act shall cease to be in effect shall not be later than the first day of June, nineteen hundred and twenty: *Provided*, That after June first, nineteen hundred and twenty, neither the President nor any agency acting for him shall purchase or contract for the purchase of wheat or flour. The termination of this Act shall not affect any act done, or any right or obligation accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said termination pursuant to this Act; but all rights and liabilities under this Act arising before its termination shall continue and may be enforced in the same manner as if the Act had not terminated. Any offense committed and all penalties or liabilities incurred prior to such termination may be prosecuted or punished in the same manner and with the same effect as if this Act had not been terminated.

Termination of Act.

Proviso. Purchase to cease June 1, 1920.

Continuance for enforcement of prior obligations, etc.

Prosecutions, etc.

Approved, March 4, 1919.