

## Change No. 12

1. Material transmitted. This Change No. 12 to the CEFR consists of revised pages i, ii, iii and a new Chapter 17-Department of Agriculture.

2. Filing instructions:

Remove

Pages i, ii, iii.  
Chapter 17 [Reserved].

Insert

New pages i, ii, iii.  
Chapter 17, October 1, 1976;  
Pages 17-1-1 through 17-1-4.  
Pages 17-2-1 through 17-2-7.  
Pages 17-2A-1 through 17-2A-8.  
Pages 17-2B-1 through 17-2B-4.  
Pages 17-3-1 through 17-3-6.  
Pages 17-3A-1 through 17-3A-6.  
Pages 17-4-1 through 17-4-7.  
Pages 17-4A-1 through 17-4A-8.  
Pages 17-5-1 through 17-5-6.  
Pages 17-5A-1 through 17-5A-6.  
Pages 17-6-1 through 17-6-13.  
Pages 17-6A-1 through 17-6A-4.  
Pages 17-6B-1 through 17-6B-3.

## Explanation

### I. Purpose and scope.

The Code of Emergency Federal Regulations (CEFR) is issued under section 2002(6), E.O. 11490 (3 CFR, 1966-1970 Comp., pp. 820 and 914), as amended by E.O. 11921 (41 FR 24294, June 15, 1976) and E.O. 11953 (42 FR 2492, January 11, 1977). It is designed to provide continuity in the publication of Federal statutes and regulations during a condition of enemy attack or threatened attack. It provides a vehicle for the prepositioning of emergency regulations on a stand-by basis for implementation as described in paragraph III below. By centralizing stand-by emergency regulations in one publication, the CEFR makes available information that may be essential to coordinated action and planning by all agencies having emergency functions.

Emergency documents published in the CEFR do not supersede all existing law. Rather, when called into effect, these documents would amend and supplement existing law to the extent necessary to meet the emergency. The CEFR, therefore, would be used in conjunction with normal sources, such as the United States Code and the Code of Federal Regulations.

### II. Distribution.

The CEFR is issued in loose-leaf format and is kept up-to-date by periodic transmittal of new material and changed pages. A limited number of copies are furnished to agencies through their mobilization officers. At least two sets of the CEFR should be maintained at each agency relocation site.

### III. Implementation of the CEFR.

(a) Emergency Federal Register. Under 44 U.S.C. 1505(c), the President may establish an alternate system for promulgating, filing, or publishing Presidential proclamations,

Executive orders, and other legal documents during a period of attack or threatened attack. In such event, a serial publication designated the Emergency Federal Register (EFR) may be issued. Documents published in the EFR would then implement by reference, amend, or supplement the material carried in the CEFR.

(b) Original documents. The signed original of a document issued during an emergency shall be retained by the issuing agency. In lieu of a separate original, agencies may elect to use the CEFR pages containing the document. Affixation of an official signature to the CEFR document would create the original. Original documents and two duplicate originals or two certified copies shall be preserved for transmission to the Office of the Federal Register when requested after the emergency period.

(c) Effectiveness. A document published in the CEFR may automatically become effective as prescribed by its own terms (self-triggering) or may be made effective by separate announcement published in the EFR during an emergency. To the extent practicable, when a self-triggering document goes into effect during an emergency, notice of that effectiveness should also be published in the EFR.

#### IV. Submission instructions.

The CEFR is produced by means of a photographic printing process, based on the pages of the material as actually submitted. Its quality is therefore dependent on the quality of the submissions. The following considerations and requirements are involved:

(a) Security classification. All submissions must be unclassified.

(b) Number of copies. Two copies of each document (three if printed on both sides) shall be submitted.

(c) Size and quality. All submitted copies shall be single-spaced, in black ink on white paper, 8" x 10½", with 1-inch margins. All copies shall be amply clear for photographic reproduction. Printed or reproduced copies are acceptable if prepared in conformance with these standards.

(d) Numbering system and pagination. Agencies normally are assigned chapter numbers by the CEFR editor when they first submit material. Documents are assigned numbers keyed to the agency's chapter. Thus, the third document issued within Chapter 8 would be numbered "EFR Doc. 8-3". Each document carries an independent pagination based on its EFR Document number: e.g., page 8-3-4 is page 4 of EFR Doc. 8-3. There is no prescribed internal numbering system.

(e) Headings. Each document shall include the following headings: Name of issuing department or agency and a brief descriptive subject heading. If needed, agency numerical document designations, such as "Regulation 64", may be carried preceding the subject heading.

(f) Amendments. Amendments to previously submitted material shall be prepared in the form of completely revised paragraph units that facilitate cutting and pasting for new camera copy.

(g) Mailing address. Submissions shall be addressed as follows:

Code of Emergency Federal Regulations  
Office of the Federal Register  
National Archives and Records Service  
General Services Administration  
Washington, DC 20408 STOP 220

(h) Messenger delivery address.

Room 8301, 1100 L Street, N.W.  
Washington, D.C.  
between the hours of 8:45 a.m. to 5:15 p.m.

(i) Inquires. Telephone inquiries may be directed to the Office of the Federal Register 523-5240 (IDS 139, extension 35240).

March 1, 1977

CODE OF EMERGENCY FEDERAL REGULATIONS

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## Chapter 17

### Department of Agriculture

[EFR Doc. 17-1]

Department of Agriculture

OFFICE OF THE SECRETARY

Defense Food Order No. 1

## PROCEDURE GOVERNING PETITIONS AND APPEALS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the National defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with industry and farm organization representatives who may be affected by Defense Food Orders issued by the USDA was had to the extent practicable, in the advance preparation of this order and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purposes
- 2. Definitions
- 3. Basis for Petitions
- 4. Procedure for Filing and Contents of Petitions
- 5. Action on Petitions and Right of Appeal
- 6. Appeals Board
- 7. Procedure for Filing Appeals
- 8. Action on Appeals
- 9. Territorial Scope
- 10. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App. § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164).

Section 1. Purpose

This order sets forth the procedure for filing petitions, for actions on such petitions, and for appeals from such actions, pursuant to Defense Food Orders providing for petitions and appeals under this order.

## Section 2. Definitions

For the purpose of this order, the terms listed below have the following meanings:

- (a) "Appeal" means a written request signed by a person, or his authorized representative, seeking review by the Appeals Board of final action taken on a petition by the Order Administrator.
- (b) "Appeals Board" means the U.S. Department of Agriculture Defense Food Order Appeals Board established pursuant to section 6 hereof.
- (c) "Defense Food Order" means:
  - (1) Any order, suborder, or amendment thereof issued by the Order Administrator, or
  - (2) Any other order, regulation, or directive under defense authorities, administered in whole or in part by the U.S. Department of Agriculture.
- (d) "Order Administrator" means the Secretary of Agriculture or any employee of the U.S. Department of Agriculture to whom authority has been or hereafter may be delegated to issue and administer any Defense Food Order.
- (e) "Petition" means a written request signed by a person, or his authorized representative, seeking relief from the provisions of a Defense Food Order.

## Section 3. Basis for petitions

The basis for a petition shall be exceptional or unreasonable hardship or other grounds as may be provided in the Defense Food Order under which a petition is filed.

## Section 4. Procedure for filing and contents of petitions

Petitions shall be filed with the appropriate Order Administrator. Each petition shall set forth all pertinent facts, the Defense Food Order involved, the nature of the relief sought, and the justification therefor.

## Section 5. Action on petitions and right of appeal

- (a) The Order Administrator shall consider the petition and notify the petitioner in writing as to the action taken. Within 10 days after receiving such notification of the

action taken, the petitioner may request in writing reconsideration thereof by the Order Administrator, stating new evidence or other basis for such reconsideration.

- (b) Following reconsideration, the Order Administrator shall promptly notify the petitioner in writing of his determination. The petitioner may file an appeal, in the manner prescribed in section 7 of this order, within 15 days after receiving such notification of the determination.

#### Section 6. Appeals Board

There is hereby established a United States Department of Agriculture Defense Food Order Appeals Board, which shall consider all appeals filed pursuant to this order. The Secretary of Agriculture shall appoint the Appeals Board consisting of three members, each with an alternate, one of whom shall be appointed as Chairman. In the absence of a member of the Board, his alternate shall act in his place. Agreement by two members of the Appeals Board shall constitute a determination by the Board.

#### Section 7. Procedure for filing appeals

An appeal shall be filed with the Order Administrator and shall set forth (1) the name, address, and business of the appellant; (2) the nature of the action appealed from, including but not being limited to, its date, case, or other identifying number, and the Defense Food Order involved; (3) the basis for the appeal; and (4) a request for a hearing and the justification therefor if the appellant desires a hearing in the matter.

#### Section 8. Action on appeals

- (a) The Order Administrator shall forward such appeal promptly to the Appeals Board. The Appeals Board shall docket such appeal and, in its discretion, may hold a formal or informal hearing on such appeal either upon its own initiative or upon request by the appellant.
- (b) If a hearing is to be held, the Appeals Board shall fix the date, time, and place and shall so notify the appellant and the Order Administrator. The Appeals Board may also arrange for participation in such hearing by other appropriate persons or government officials. An appellant may be represented by counsel or other person. If he is represented by counsel or other person but is not present at the hearing, the appellant must notify the Appeals Board in writing that he has authorized such counsel or other person to represent him.



- (c) The Chairman of the Appeals Board shall notify in writing the appellant, the Order Administrator, and other parties to the appeal, of its decision. Within 15 days following receipt of such notification of the decision of the Appeals Board, the appellant may file a request that such decision be reconsidered. Upon a showing of good cause in such request, the Appeals Board shall reconsider its decision, and promptly notify the parties of its final action.

Section 9. Territorial Scope

The provisions of this order, except as otherwise provided by the Order Administrator shall be applicable within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

Section 10. Effective Date

This order shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this order have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

  
John A. Knebel  
Secretary of Agriculture

EFR Doc. 17-27

Department of Agriculture

OFFICE OF THE SECRETARY

Defense Food Order No. 2

## FOOD PROCESSING, STORAGE, AND WHOLESALE DISTRIBUTION

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the National defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with food industry representatives in the advance preparation of this order was had to the extent practicable, and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purpose
2. Definitions
  3. Restrictions
  4. Authorization
  5. Controls of Other Agencies
  6. Exemptions and Exclusions
  7. Controls and Other Obligations
  8. Petitions for Relief from Hardship
  9. Records and Reports
  10. Investigations, Inspections, and Audits
  11. Communications
  12. Territorial Scope
  13. Violations
  14. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority."

### Section 1. Purpose

The purpose of this order is to control the processing, storage, and wholesale distribution of food whenever it is determined that the food supply is or may become critically short. The order states the basic rules governing the restrictions on the processing, storage, and wholesale distribution of food. It authorizes the Order Administrator to control processing, storage, and wholesale distribution of food. The policy of the United States Department of Agriculture shall be to maintain close coordination with the State and local governments and to administer this order, insofar as feasible, so as to minimize the effect of restrictions of the order upon the processing, storage, and wholesale distribution in trade channels.

### Section 2. Definitions

For the purpose of this order and any suborders issued pursuant hereto, the terms listed below have the following meanings:

- (a) "Consumer outlet" means any person engaged in distributing food to ultimate consumers including, among others, any person engaged in (1) the operation of food stores which are independent, wholly owned by a chain, members of or associated with a wholesaling cooperative, or association, or commissaries operated by the Department of Defense; (2) the operation of an institutional or inplant food service or other away-from-home eating place; and (3) locations designed by State or local government for on-site preparation of food incidental to on-site consumption.
- (b) "Customer" means any person, other than an ultimate consumer, to whom a food wholesaler or food processor sells or delivers food under the provisions of this order or to whom he customarily has sold or delivered food.
- (c) "Distribute" or "distribution" means the physical movement of food at any stage of marketing through disposition to a customer; the change in physical possession of food or the conveyance of any right, title, or interest in food.
- (d) "Food" is used in its commonly understood meaning and includes all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk by human beings, irrespective of other uses to which such commodities or products may be put. For the purposes of this order the term food shall also include all edible starches, sugars, and vegetable and animal fats and oils, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

- (e) "Food facilities" means any or all individual plants or establishments in which or from which food is processed, stored, or distributed to customers and/or consumer outlets.
- (f) "Food processing" means altering or converting food from a raw, live, or semi-processed state to a processed product ready for consumption or further processing.
- (g) "Food processor" means any person engaged in the business of food processing.
- (h) "Food wholesaler" means any person engaged in the business of wholesale distribution.
- (i) "Lot" or "shipment" means any specific quantity, usually a number of packages or a bulk quantity by weight or volume, of food being or to be (1) sold, offered, or contracted for sale; (2) processed, offered, or contracted for processing; or (3) transported, offered, or contracted for transportation.
- (j) "Order Administrator" means the Secretary of Agriculture or any employee of the United States Department of Agriculture to whom authority has been or hereafter may be delegated to issue and administer this order or suborders pursuant to its provisions.
- (k) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing. For purposes of this order, the term also includes the United States Government and any agency thereof, any foreign government, and the governments of all States, commonwealths and territories, the District of Columbia, and any of their political subdivisions and agencies.
- (l) "Public warehouseman" means the operator of a food storage facility, the service of which is available to food processors and/or wholesalers for a feed.
- (m) "Sugar and other natural sweeteners" shall mean beet and cane sugar, fructose, honey, and edible syrups, including cane, corn, maple, molasses, refiners, and sorghum.
- (n) "Ultimate consumer" means any natural person procuring or receiving food for final consumption or any natural person receiving food service at an institution, inplant or other away-from-home eating place.
- (o) "USDA" means the United States Department of Agriculture.

- (p) "USDA County Emergency Board" means those employees of USDA in a county designated to coordinate in the county those emergency period programs for which USDA is responsible.
- (q) "USDA State Emergency Board" means those employees of USDA in a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico and the Virgin Islands of the United States, designated to coordinate in the State or other specified area those emergency period programs for which USDA is responsible.
- (r) "Wholesale distribution" means the assembling of food for sale or other distribution to persons other than ultimate consumers. The term includes the bulk warehouse operations of any person distributing food primarily to his wholly owned, member, independent, or associated consumer outlet.

### Section 3. Restrictions

No person shall process, store, distribute, or accept distribution of any food on which restrictions have been imposed pursuant to this order, except in accordance with the provisions of this order and any suborders which the Order Administrator may from time to time issue pursuant to Section 4 hereof.

### Section 4. Authorization

The Order Administrator, upon making the findings required by Section 101 of the Defense Production Act of 1950, as amended, and upon approval of such finding by the Director of the Federal Preparedness Agency or its successor agency, is authorized to control the processing, storage, and wholesale distribution of food, subject to the exemptions and exclusions provided for in Section 6 hereof, and to take whatever actions he may deem necessary to effectuate the objectives of this order such as, but not limited to, issuing suborders:

- (a) Placing appropriate conditions on the processing, storage, and wholesale distribution of food, including the quantity of agricultural products which may be used for processing.
- (b) Establishing maximum food distribution allowance or level for civilians and prohibiting the distribution of food for civilians in excess of such allowance or level.
- (c) Prohibiting the distribution of food outside established trade channels, except for military use, or to those locations designated by State and/or local governments, or as authorized by the Order Administrator.
- (d) Placing limits on size of inventories of food including agricultural products used directly in food processing.

- (e) Providing for such exemptions as he determines are consistent with the objectives of this order.

#### Section 5. Controls of Other Agencies

Orders, regulations, directives, or controls of any other government agency, whether Federal, State, local or foreign, inconsistent with the provisions of this order or any suborder issued pursuant hereto, shall not apply to the processing, storage, and wholesale distribution of food; and no person shall give any effect to any such inconsistent orders, regulations, directives, or controls insofar as they relate to the processing, storage, and wholesale distribution of food.

#### Section 6. Exemptions and Exclusions

This order or any suborder issued pursuant hereto shall not apply to any person:

- (a) In his capacity as an ultimate consumer;
- (b) With respect to distribution of raw, live, unprocessed, or semi-processed food to a processor for processing;
- (c) With respect to moving to a safer place any food in danger of loss or damage from the elements or the effects of attack, or moving food from one location to another for such purposes as storage, salvage, regrading, repacking, or other handling necessary for its preservation in good condition;
- (d) With respect to assembling, preparing for market in fresh form, and distributing fluid milk or fresh fruits and vegetables except potatoes;
- (e) In his capacity as a carrier or public warehouseman with respect to food in his custody but not owned by him, except that any public warehouseman shall comply with the provisions of Section 9 "Records and Reports" and Section 11 "Communications," hereof;
- (f) With respect to the transfer of a business as a going concern to a new owner who continues to conduct substantially the same business activities as did the former owner;
- (g) With respect to legal transfer of food to heirs or devisees of deceased persons;
- (h) With respect to the food in custody of those food processors and food wholesalers under the jurisdiction of Hawaii, New Jersey, New York, and Oregon State Governments pursuant to the memorandums of understanding between USDA and such State governments regarding the division of postattack food responsibilities.

### Section 7. Contracts and Other Obligations

- (a) The provisions of this order and any suborder issued pursuant hereto and the requirements thereunder shall be observed without regard to contracts or obligations heretofore entered into, or any rights accrued or payments made thereunder.
- (b) No person shall be held liable for damages or penalties for any default under any contract when such default results directly or indirectly from compliance with this order, or any suborder issued pursuant hereto, or any requirement thereunder.

### Section 8. Petitions for Relief from Hardship

Any person affected by this order or any suborder issued pursuant hereto, or any requirement thereunder, who considers compliance therewith would work an exceptional or unreasonable hardship upon him not suffered generally by others in the same trade or industry, may file a petition for relief pursuant to the provisions of Defense Food Order No. 1. The filing of such petition shall not relieve any person of his obligation to comply with any provision in this order or any suborder issued pursuant hereto.

### Section 9. Records and Reports

- (a) The Order Administrator is authorized to obtain such information from and require such reports and the keeping of such records by any person as the Order Administrator may deem necessary to the enforcement or administration of the provisions of the order, or any suborder issued pursuant hereto, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).
- (b) Records may be retained in the original form or in the form of microfilm or other recordkeeping systems which provide the information contained in the original records.
- (c) Persons subject to this order or any suborder issued pursuant hereto shall retain such records for a period of two (2) years after the date of suspension or termination of this order or any suborder, issued pursuant hereto.

### Section 10. Investigations, Inspections, and Audits

The Order Administrator or any designated representative of the Secretary of Agriculture is authorized to make such inspections and audits of the books, records, and other writings, premises, and stocks of food of any person, as he may deem necessary for the enforcement or administration of this order or any suborder issued pursuant hereto, and in connection

therewith to exercise the subpoena power under Section 705 of the Defense Production Act of 1950, as amended (50 U.S.C. 2155), after defining the scope and purpose of the investigation, inspection, or audit to which the subpoena relates.

Section 11. Communications

All reports required to be filed hereunder and all communications concerning this order or any suborder issued pursuant hereto, unless otherwise provided herein or in a suborder issued pursuant hereto or in instructions by the Order Administrator, shall be addressed to the Order Administrator, Defense Food Order No. 2, in care of the Chairman of the USDA County Emergency Board for the county or independent city in which the processor's, wholesaler's, or public warehouseman's facility is located.

Section 12. Territorial Scope

The provisions of this order, except as otherwise provided by the Order Administrator, shall be applicable within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

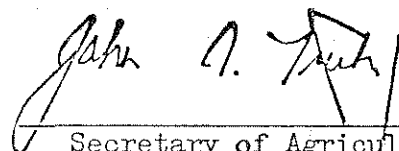
Section 13. Violations

Any person who violates or who conspires to violate any provisions of this order or any suborder issued pursuant hereto, or any requirement thereunder, may be denied all benefits under any order or suborder issued pursuant to defense authorities and administered by the United States Department of Agriculture, enjoined from further violation, and in case of willful violation, prosecuted under any or all applicable laws.

Section 14. Effective Date

This order shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this order have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.



John A. Knebel

Secretary of Agriculture



EFR Doc. 17-2A

Department of Agriculture

## OFFICE OF THE SECRETARY

Defense Food Suborder No. 2A  
of Defense Food Order No. 2PROCESSING, STORAGE, AND WHOLESALE DISTRIBUTION  
OF FOOD FOR CIVILIANS

It is hereby found and determined that food is a scarce and critical commodity essential to the National defense, and unless its processing, storage, and wholesale distribution are regulated as provided in this suborder, the National defense requirements for food cannot be met without creating a significant dislocation of the normal distribution in the civilian market to such a degree as to create appreciable hardship. This suborder, the purpose of which is stated in Section 1, therefore, is made effective pursuant to the authority vested in me under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with food industry representatives in the advance preparation of this suborder was had to the extent practicable, and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purpose
2. Definitions
  3. Restrictions on Processing Food
  4. Distribution of Food by Processors and Wholesalers
  5. Restriction on Inventory of Food
  6. Reporting
  7. Distribution Pursuant to Specific Direction
  8. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority," Defense Food Order No. 2.

## Section 1. Purposes

The purposes of this suborder are to:

- (a) Require food processors to continue their normal processing operations to the extent practicable and to use raw food and ingredients to provide the optimum output of end products.
- (b) Require food processors and wholesalers to take all reasonable precautions to assure the wholesomeness of the products produced and/or distributed.
- (c) Require food processors and wholesalers to make distribution to previously established customers, and to make distribution to other customers in need of food even though they may not have been prior customers.
- (d) Require food processors and wholesalers to establish the normal business relationship with new customers regarding payment for goods received and/or services rendered.
- (e) Require food processors and wholesalers to distribute food as equitably and continuously as possible.
- (f) Require food processors, wholesalers, and public warehousemen to make reports to the Order Administrator.
- (g) Prohibit food processors and wholesalers from making distribution of food outside established trade channels, except to those locations designated by State and/or local governments for civil defense purposes within their areas of jurisdiction, or as authorized by the Order Administrator.
- (h) Prohibit food processors and wholesalers from making distribution of food to consumer outlets in excess of the level set in Appendix 1 of this suborder, or the per person ration level set by State or local governments within their area of jurisdiction, whichever is less.
- (i) Prohibit food processors and wholesalers from accumulating excessive food inventories.

## Section 2. Definitions

For the purpose of this suborder the definitions in Defense Food Order No. 2 shall apply.

### Section 3. Restrictions on Processing Food

Any person who processes food shall follow his customary policies and procedures to the extent practicable, except he shall:

- (a) Not use sugar and other natural sweeteners as an ingredient in excess of fifty (50) percent of normal recent or seasonal use. Formulas for products using sugar and other natural sweeteners under this limitation shall be adjusted in such a manner that optimum product output is attained.
- (b) Take all reasonable precautions to assure that food processed or distributed is fit for human consumption, or is such that the end products processed therefrom will be fit for such consumption when processing is completed. Whenever any food is found by any Federal, State or local food inspector, health official, or other qualified official to be unfit for human consumption or likely to be unfit for consumption, it shall be either removed from the processing or distribution system, or processed into other consumable food products and held for reinspection.

### Section 4. Distribution of Food by Processors and Wholesalers

Any person who distributes food shall:

- (a) Distribute to established customers as equitably and continuously as possible.
- (b) Distribute to other potential customers in need of food, even though such customers may not have been prior customers. However, distribution need not be made to such customers if financial arrangements cannot be agreed upon. If agreement cannot be reached, each person shall notify the USDA County Emergency Board for the county or independent city in which his facility is located.
- (c) Require written confirmation, either prior to or at the time of each delivery, from each consumer outlet as to the expected average number of ultimate consumers per week to be served from the food ordered.
- (d) Not distribute to consumer outlets in excess of (i) the allowance or level specified in Appendix 1 hereof or (ii) the per person ration level set by State or local governments for their area of jurisdiction, whichever is less, except that cases, boxes, bags, or other customary pricing units need not be broken to comply with this provision. Delivery of food to consumer outlets may be made at any interval of time that promotes more orderly and efficient distribution, except that

the aggregate quantity delivered over a period of time shall not exceed the rate established in this subsection.

- (e) Not distribute outside of established trade channels, except to locations designated by State and local governments, or as authorized by the Order Administrator.
- (f) Not distribute food directly to ultimate consumers. See Section 7.

#### Section 5. Restriction on Inventory of Food

Food processors and wholesalers shall not willfully accumulate food in an amount in excess of reasonable needs.

#### Section 6. Reporting

Each food processor, wholesaler, and public warehouseman shall report or cause to be reported, by facility, his capability to process, distribute, or store food, whichever is applicable. This report shall be made by any means available, to the Order Administrator, in care of the USDA County Emergency Board for the county or independent city in which the facility is located within five (5) days after civil defense authorities permit access to his facility.

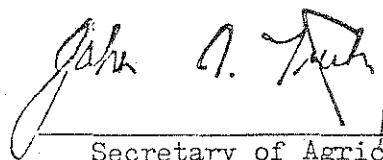
#### Section 7. Distribution Pursuant to Specific Direction

Notwithstanding any other provision of this suborder, the Order Administrator may issue specific direction to any person relating to the wholesale distribution of food to consumers and consumer outlets when he finds such action necessary under particular circumstances to accomplish the objectives of this suborder or Defense Food Order No. 2. Such person shall comply with such direction and shall not take any action inconsistent therewith.

#### Section 8. Effective Date

This suborder shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this suborder have been approved by and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.



John A. Kne

Secretary of Agriculture

## APPENDIX 1

Defense Food Suborder No. 2A  
of Defense Food Order No. 2

## USDA NATIONAL EMERGENCY MAXIMUM FOOD DISTRIBUTION ALLOWANCE

This maximum food distribution allowance is for use by food processors and wholesalers to assure conservation and equitable distribution of the food supply in a defense emergency. This allowance is compatible with the food consumption standard to be used by State and local governments in establishing the civilian ration level of between 2,000 and 2,500 calories per person per day depending upon the foods available.

Fresh fluid milk and fresh fruits and vegetables are exempt from Defense Food Order No. 2, but are included in the standard to be used by State and local governments because these foods are to be considered by those governments in establishing the per person ration level. The ration level per person per week for milk is 7 pints and for fresh and frozen fruits and vegetables is 4 pounds. Thus, if local supplies permit a full allowance of 4 pounds of fresh fruits and vegetables, the frozen would be held for later distribution if proper refrigeration facilities are available.

This appendix contains three tables.

1. Table 1 shows the maximum food distribution allowance per person per week under emergency conditions.
2. Table 2 prescribes acceptable substitutions which may be made among foods in Table 1.
3. Table 3 prescribes the substitution rates for canned, dry, and concentrated foods when neither fresh and/or frozen is available for distribution.

USDA National Emergency Maximum Food Distribution AllowanceTable 1 - Food Allowance Per Person Per Week

Food Groups and Food Items	Amt. Per Week
<u>Meat and Meat Alternates</u>	
(Fresh, frozen, and cured meat, poultry, fish, shellfish; cheese; and nuts)	3 lbs. boneless 4 lbs. bone in
<u>Eggs</u>	6 eggs
<u>Milk (Fresh Fluid)</u>	
If fresh fluid milk is not available, see Tables 2 and 3 for acceptable substitutes.	(not limited by this suborder)
<u>Cereals and Cereal Products</u>	
(Flour including mixes, fresh bakery products, corn meal, rice, hominy, macaroni, and breakfast cereals)	4 lbs.
<u>Fruits and Vegetables</u>	
Frozen	2 lbs.
<u>Food Fats and Oils</u>	
(Butter, margarine, lard, shortening, salad and cooking oils)	1/2 lb.
<u>Potatoes (white and sweet)</u>	2 lbs.
<u>Sugars, Syrups, Honey &amp; Other Sweets</u>	1/2 lb.

USDA National Emergency Maximum Food Distribution AllowanceTable 2 - Acceptable Substitutes  
(Among Foods in Table 1)

<u>Weekly Allowance</u>	<u>Equivalent Allowance</u>	<u>Substitute Foods or Food Groups</u>
<u>Meat and Meat Alternates</u>		
1 lb. boneless	1/2 lb. 1/4 lb. 12 2-3/4 lbs.	Cereals & Cereal Products Food Fats and Oils Eggs Potatoes
<u>Eggs</u>		
6 eggs	1/2 lb. 1/4 lb. 10 oz.	Meat and meat alternates Cereal and cereal products Frozen whole eggs
<u>Milk</u> (Fresh Fluid)		
1 pint	2/5 lb. 1/5 lb.	Meat and meat alternates Cereals and Cereal Products
<u>Cereals and Cereal Products</u>		
1 lb.	2 lbs. 5 lbs.	Meat and meat alternates Potatoes (white and sweet)
<u>Food Fats and Oils</u>		
1 lb.	4 lbs. 2 lbs.	Meat and Meat Alternates Cereal and Cereal Products
<u>Potatoes</u>		
1 lb.	1/5 lb. 2 lbs.	Cereals and Cereal Products Fruits and vegetables

USDA National Emergency Maximum Food Distribution AllowanceTable 3 - Substitution Rates for Canned, Dry and Concentrated Foods

Weekly Allowance	Equivalent Allowance	Substitute Foods or Food Groups
<u>Meat and Meat Alternates</u>		
1 lb. boneless	1 lb.	Canned meats, poultry & fish
	2 lbs.	Canned pork and beans
	2 lbs.	Canned meat mixtures, such as hash, chili, stew, spaghetti and meatballs, etc.
	1 lb.	Dry beans and peas
<u>Eggs</u>		
6 eggs	3 oz.	Dried whole eggs
<u>Milk (Fresh Fluid)</u>		
1 pint	8 oz.	Canned evaporated milk
	3 oz.	Canned condensed milk
	2 oz.	Dried milk, whole
	3 oz.	Dried milk, nonfat solids
	3 oz.	Malted milk, dry powder
<u>Fruits and Vegetables - frozen</u>		
1 lb.	2/3 lb.	Canned fruits & vegetables
<u>Food Fats and Oils</u>		
1 lb.	1 lb.	Canned Food Fats and Oils
<u>Potatoes</u>		
1 lb.	3 oz.	Dried Potato Flakes



EFR Doc. 17-2B

Department of Agriculture

OFFICE OF THE SECRETARY

Defense Food Suborder No. 2B  
of Defense Food Order No. 2PROCESSING AND DISTRIBUTION OF FOOD  
FOR THE MILITARY

It is hereby found and determined that food is a scarce and critical commodity essential to the National defense, and unless its processing, storage, and wholesale distribution are regulated as provided in this suborder, the National defense requirements for food cannot be met without creating a significant dislocation of the normal distribution in the civilian market to such a degree as to create appreciable hardship. This suborder, the purpose of which is stated in Section 1, therefore, is made effective pursuant to the authority vested in me under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with military representatives and food industry in the advance preparation of this suborder was had to the extent practicable and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purpose
- 2. Definitions
- 3. Contract Holder
- 4. Previous Supplier
- 5. Other Supplier
- 6. Food Owned by the Military
- 7. Food in Excess of Needs
- 8. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority," Defense Food Order No. 2.

### Section 1. Purposes

The purposes of this suborder are to:

- (a) Require food processors and wholesalers to honor military contracts.
- (b) Require food processors and wholesalers to set-aside food for the military.
- (c) Establish recognition of food ownership by the military.
- (d) Prohibit accumulation of excessive inventory.

### Section 2. Definitions

For the purpose of this suborder, the definitions in Defense Food Order No. 2 shall apply and in addition, the terms listed below have the following meanings:

- (a) "Contract Holder" means any food processor or wholesaler who has a military contract, currently in effect, to process and/or deliver a specified quantity of food in a specified time period.
- (b) "Military" means the armed forces of the United States of America.
- (c) "Previous Supplier" means any food processor or wholesaler who is not a contract holder but has supplied food to the military during the twelve (12) month period immediately preceeding the effective date of this suborder.

### Section 3. Contract Holder

- (a) Any contract holder shall make every practicable effort to complete such contract. Food already processed or subsequently processed under such contract, but undelivered, shall be held by the contract holder, subject to disposition by the military, for a period of:
  - (1) Sixty (60) days for types of food or food in packages not normally distributed in civilian commercial channels.
  - (2) Thirty (30) days for types of food in packages normally distributed in civilian commercial channels.
- (b) Unless otherwise instructed by the military, at the end of the time periods in subsection a herein, such food shall be available for civilians under the terms of Defense Food Suborder No. 2A of Defense Food Order No. 2.

- (c) Any contract holder, who has completed delivery on his military contract, shall become a previous supplier and subject to the provisions of subsections 4 a(2) and b herein.

Section 4. Previous Supplier

- (a) On the effective date of this suborder each previous supplier shall promptly:
- (1) Set-aside from his inventory an amount of food equal to the percent that his business conducted with the military during the immediately preceeding twelve (12) month period was to his total business in such period.
  - (2) Set-aside each day an amount of food from his processing output or receipts equal to the percent that his business conducted with the military during the immediately preceeding twelve (12) month period was to his total business in such period.
- (b) Each previous supplier shall hold such set-aside food for the duration of the most recent 30 calendar days following the effective date of this suborder, unless delivered to or released by the military. Food not required to be set-aside, including that which has been released by the military and that which has not been delivered to the military by the end of the 30 days, shall be available for civilians under the terms of Defense Food Suborder No. 2A of Defense Food Order No. 2.

Section 5. Other Suppliers

Any food processor or wholesaler who is neither a contract holder or previous supplier shall make every practicable effort to comply with food requests from the military.

Section 6. Food Owned by the Military

Food owned by the military shall remain under the control of and subject to disposition by the military, regardless of location or temporary custody for storage or processing.

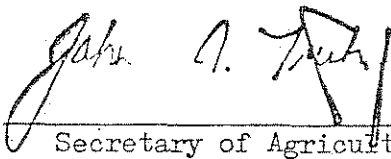
Section 7. Food in Excess of Needs

Persons subject to the provisions of this suborder, including the military, shall not willfully accumulate food in excess of reasonable needs.

Section 8. Effective Date

This suborder shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this suborder have been approved by and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

 John A. Knebel  
Secretary of Agriculture

EFR Doc. 17-37

Department of Agriculture

OFFICE OF THE SECRETARY

Defense Food Order No. 3

## DISTRIBUTION AND USE OF SEED

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the National defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with industry and farmer organization representatives in the advance preparation of this order was had to the extent practicable, and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purpose  
2. Definitions  
3. Restrictions  
4. Authorization  
5. Controls of Other Agencies  
6. Exemptions and Exclusions  
7. Contracts and Other Obligations  
8. Petitions for Relief from Hardship  
9. Records and Reports  
10. Investigations, Inspections, and Audits  
11. Communications  
12. Territorial Scope  
13. Violations  
14. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority."

### Section 1. Purpose

The purpose of this order is to control the distribution and use of seed whenever it is determined that seed is or may become in critically short supply. The order states the basic rules governing the restrictions on the distribution and use of seed. It authorizes the Order Administrator to control distribution and use of seed and to issue suborders restricting distribution and use thereof. The policy of the United States Department of Agriculture shall be to administer this order, insofar as feasible, so as to minimize the effect of the restrictions of the order upon the normal distribution of seed in trade channels.

### Section 2. Definitions

For the purpose of this order and any suborders issued pursuant hereto, the terms listed below shall have the following meanings:

- (a) "Distribute" or "distribution" means the physical movement of seed at any stage of marketing through disposition to the user; the change in physical possession of seed or the conveyance of any right, title, or interest in seed.
- (b) "Order Administrator" means the Secretary of the United States Department of Agriculture or any employee of the United States Department of Agriculture to whom authority has been or hereafter may be delegated to issue and administer this order or suborders pursuant to its provisions.
- (c) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing. For purposes of this order, the term also includes the United States Government and any agency thereof, any foreign government, and the governments of all States, commonwealths and territories, the District of Columbia, and any of their political subdivisions and agencies.
- (d) "Seed" is used herein in its commonly understood meaning and includes all seed grown for and customarily sold to users for planting for the production of agricultural crops.
- (e) "Supplier" means any person who sells or otherwise distributes seed to a user. This includes, but is not limited to, processors, distributors, mail order houses, retailers, farmers, and others who sell or otherwise distribute seed directly to a user.
- (f) "USDA County Emergency Board" means those employees of the United States Department of Agriculture in a county designated to coordinate emergency period programs in the county for which the United States Department of Agriculture is responsible.

- (g) "USDA State Emergency Board" means those employees of the United States Department of Agriculture in a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico and the Virgin Islands of the United States, designated to coordinate emergency period programs in the State or other specified area for which the United States Department of Agriculture is responsible.
- (h) "User" means any person who plants or causes the planting of seed for production purposes.

### Section 3. Restrictions

No person shall use for any purpose, distribute, or accept distribution of any seed on which restrictions have been imposed pursuant to this order, except in accordance with the provisions of this order and any suborders which the Order Administrator may from time to time issue pursuant to Section 4 hereof.

### Section 4. Authorization

The Order Administrator, upon making findings required by Section 101 of the Defense Production Act of 1950, as amended, which are approved by the Director of the Federal Preparedness Agency or its successor agency, is authorized to control the distribution and use of any seed subject to the exemptions and exclusions provided in Section 6 hereof, and to take whatever actions he may deem necessary to effectuate the objectives of this order such as, but not limited to, issuing suborders:

- (a) Prohibiting distribution of any seed until public announcements of restrictions on distribution and use are made by the USDA State Emergency Board or Order Administrator.
- (b) Designating kinds of seed to be controlled.
- (c) Placing appropriate conditions on distribution and use of seed.
- (d) Placing limits on size of inventories.
- (e) Establishing reserves on a nationwide basis or in specified areas or places.
- (f) Providing for such exemptions as he determines are consistent with the objectives of this order.

### Section 5. Controls of Other Agencies

Orders, regulations, directives or controls of any other government agency, whether Federal, State, local, or foreign, inconsistent with the provisions of this order or any suborder issued pursuant hereto, shall not apply to

the distribution or use of any seed; and no supplier or user shall give any effect to any such inconsistent orders, regulations, directives, or controls insofar as they relate to the distribution or use of seed.

#### Section 6. Exemptions and Exclusions

Nothing contained in this order or any suborder issued pursuant hereto shall prohibit:

- (a) A person from harvesting or processing seed.
- (b) A person from planting or distributing seed for breeding or seed increase purposes.
- (c) A user from planting seed in his possession when this order becomes effective.
- (d) Transfer of a business as a going concern to a new owner who continues to conduct substantially the same business activities as did the former owner.
- (e) Legal transfer of seed to heirs or devisees of deceased persons.

#### Section 7. Contracts and Other Obligations

- (a) The provisions of this order and of suborders issued pursuant hereto and the requirements thereunder shall be observed without regard to contracts or obligations heretofore or hereafter entered into, or any rights accrued or payments made thereunder.
- (b) No person shall be held liable for damages or penalties for any default under any contract when such default results directly or indirectly from compliance with this order, or any suborder issued pursuant hereto, or any requirement thereunder.

#### Section 8. Petitions for Relief from Hardship

Any person affected by this order or any suborder issued pursuant hereto, or any requirement thereunder, who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may file a petition for relief pursuant to the provisions of Defense Food Order No. 1. The filing of such petition shall not relieve any person of his obligation to comply with any provision in this order or any suborder issued pursuant hereto.

#### Section 9. Records and Reports

- (a) The Order Administrator is authorized to obtain such information from, and require such reports and the keeping of such records by, any person as the Order Administrator may deem necessary to



the enforcement or administration of the provisions of this order, or any suborder issued pursuant hereto, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).

- (b) Records may be retained in the original form or as microfilm or other recordkeeping systems which provide the information contained in the original records.
- (c) Persons subject to this order, or any suborder issued pursuant hereto, shall retain such records for a period of two (2) years after the date of suspension or termination of this order or any suborder issued pursuant hereto.

#### Section 10. Investigations, Inspections, and Audits

The Order Administrator or any designated representative of the Secretary of Agriculture is authorized to make such investigations, and to make such inspections and audits of the books, records and other writings, premises, and stocks of seed of any person, as he may deem necessary for the enforcement of administration of this order or any suborder issued pursuant hereto, and in connection therewith to exercise the subpoena power under Section 705 of the Defense Production Act of 1950, as amended (50 U.S.C. 2155), after defining the scope and purpose of the investigation, inspection, or audit to which the subpoena relates.

#### Section 11. Communications

All reports required to be filed hereunder and all communications concerning this order or any suborder issued pursuant hereto, unless otherwise provided herein or in a suborder issued pursuant hereto or in instructions issued by the Order Administrator, shall be addressed to the Order Administrator, Defense Food Order No. 3, National Headquarters, United States Department of Agriculture.

#### Section 12. Territorial Scope

The provisions of this order, except as otherwise provided by the Order Administrator, shall be applicable within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

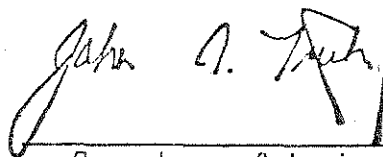
#### Section 13. Violations

Any person who violates or who conspires to violate any provision of this order or any suborder issued pursuant hereto, or any requirement thereunder, may be denied all benefits under any order or suborder issued pursuant to defense authorities and administered by the United States Department of Agriculture, enjoined from further violation, and in case of willful violation, prosecuted under any or all applicable laws.

Section 14. Effective Date

This order shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this order have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.



John A. Knebel

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Secretary of Agriculture

EFER Doc. 17-3A

Department of Agriculture

## OFFICE OF THE SECRETARY

Defense Food Suborder No. 3A  
of Defense Food Order No. 3

## RESTRICTIONS ON DISTRIBUTION AND USE OF SEED

It is hereby found and determined that seed is a scarce and critical commodity essential to the National defense, and unless its distribution and use are regulated as provided in this suborder, the National defense requirements for seed cannot be met without creating a significant dislocation of the normal distribution in the civilian market to such a degree as to create appreciable hardship. This suborder, the purpose of which is stated in Section 1, therefore, is made effective pursuant to the authority vested in me under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with industry and farmer organization representatives in the advance preparation of this suborder was had to the extent practicable, and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purposes
- 2. Definitions
- 3. Restrictions on Use of Seed for Purposes Other Than Planting
- 4. Restrictions on Distribution of Seed for Redistribution
- 5. Temporary Prohibition on Distribution of Schedule A Seed to a User
- 6. Release of Temporary Prohibition on Distribution of Schedule A Seed
- 7. Restrictions on Distribution of Schedule A Seed to a User
- 8. Retention of Seed Use Certificate
- 9. Distribution Pursuant to Specific Direction of the Order Administrator
- 10. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the

Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority," Defense Food Order No. 3.

Section 1. Purposes

The purposes of this suborder are:

- (a) To prohibit the use of any seed for purposes other than planting.
- (b) To require that any person who distributes seed for resale shall make such distribution as equitably as possible.
- (c) To restrict the distribution to users, and the use by users, of the kinds of seed specified in Schedule A herein.

Section 2. Definitions

For the purpose of this suborder, the definitions in Defense Food Order No. 3 shall apply and, in addition, the term listed below shall have the following meaning:

"Schedule A seed" means, for the purpose of this suborder, the kinds of seed listed in Schedule A of this suborder.

Section 3. Restrictions on Use of Seed

No person shall use any seed for a purpose other than planting.

Section 4. Restrictions on Distribution of Seed for Redistribution

Any person who distributes seed for redistribution shall make such distribution as equitably as possible under existing circumstances.

Section 5. Temporary Prohibition on Distribution of Schedule A Seed to a User

No person shall distribute any quantity of Schedule A seed to a user, and no user shall accept distribution of any such seed, until the actions in Section 6 below are taken by the USDA State Emergency Board for the State or other area in which the seed is to be planted.

Section 6. Release of Temporary Prohibition on Distribution of Schedule A Seed

Each USDA State Emergency Board, with respect to each kind of seed listed in Schedule A that is customarily used for planting purposes in its respective area, shall determine and publicly announce:

- (a) The date on and after which a supplier may distribute such seed to a user in accordance with Section 7 below; and
- (b) The maximum planting rate per acre for the particular area or parts thereof as may be specified.

Section 7. Restrictions on Distribution of Schedule A Seed to a User

On and after the release date announced by the USDA State Emergency Board in accordance with Section 6 above for any kind of Schedule A seed, a supplier may distribute such kind of seed to a user as follows:

- (a) Small quantities, as specified in Column (2) of Schedule A, without restrictions; and
- (b) Larger quantities, not to exceed the rate per acre announced under Section 6(b) above for the area in which the seed will be planted, provided the supplier receives a properly executed seed use certificate (Schedule B) from the user or his representative. The certificate, which must appear on or be attached to the purchase order, shall be in the form of Schedule B.

Section 8. Retention of Seed Use Certificate

- (a) Any person receiving an executed Schedule B (Seed Use Certificate) shall keep it for a period of two (2) years in accordance with Section 9 of Defense Food Order No. 3.
- (b) Any person who substitutes his own records for the Seed Use Certificate, as permitted by Section 9(b), shall keep them for a period of two (2) years in accordance with Section 9 of Defense Food Order No. 3.

Section 9. Distribution Pursuant to Specific Direction of the Order Administrator

Notwithstanding any other provision of this suborder, the Order Administrator may issue specific direction to any person relating to the distribution of any seed when he finds such action necessary under particular circumstances in order to accomplish the objectives of this suborder or Defense Food Order No. 3. Such person shall comply with such direction and shall not make any distribution inconsistent therewith.

Section 10. Effective Date

This suborder shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

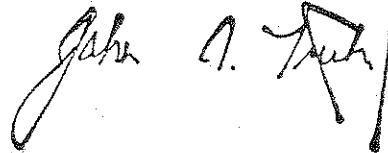
Oct. 1, 1976

CODE OF EMERGENCY FEDERAL REGULATIONS

17-3A-4

NOTE: All reporting and recordkeeping requirements of this suborder have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

SECRET

A handwritten signature in dark ink, appearing to read "John A. Knebel", is written over a horizontal line.

John A. Knebel

Secretary of Agriculture

SCHEDULE "A" OF DEFENSE FOOD SUBORDER NO. 3A  
(of Defense Food Order No. 3)

SEED TO WHICH SECTIONS 5, 6, AND 7 OF THIS SUBORDER APPLY

Kind of seed	Small quantities <u>1/</u>
(1)	(2)
Alfalfa	None
Bean	1 pound or less
Beet, except sugar beet	4 ounces or less
Cabbage	4 ounces or less
Carrot	4 ounces or less
Field corn	None
Grain sorghum	None
Peanut, certified and registered	None
Pea	1 pound or less
Potatoes, certified and registered	None
Red clover	None
Rice, certified and registered	None
Sorghum-Sudangrass hybrid	None
Soybean, certified and registered	None
Sweet corn	1 pound or less
Sweetpotatoes, certified and registered	None
Tomato	4 ounces or less
Wheat, certified and registered	None

1/ See Section 7(a).

Approved by OMB  
 SCHEDULE B  
 to Defense Food Suborder  
 No. 3A of Defense Food  
 Order No. 3 - Distribution  
 and Use of Seed

## SEED USE CERTIFICATE

In accordance with the Defense Food Order and suborder in force governing the distribution and use of seed, I certify, subject to criminal penalties for misrepresentation, that with respect to the seed specified below:

1. I will plant, or cause to be planted, such seed at a rate not in excess of that authorized, by the USDA State Emergency Board for the State or other area, or part thereof, in which such seed will be planted; and
2. I expect that at the appropriate time sufficient farm machinery, petroleum, fertilizer, insecticides, water, labor, transportation and storage facilities will be available to produce, harvest, and transport or store the crop produced by such seed.

Kind of Seed	Rate per acre (not in excess of approved rates)	Number of acres to be planted	Total quantity
(1)	(2)	(3)	$\frac{(4)}{[ \text{Cols. } (2) \times (3) ]}$

(Signature of user or his  
 representative receiving  
 seed for planting purposes)

(Address of user)

(Date)



[EFR Doc. 17-4]

Department of Agriculture

OFFICE OF THE SECRETARY

Defense Food Order No. 4

## MANUFACTURE, DISTRIBUTION, AND USE OF FEED

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the National defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with industry and farmer organization representatives in the advance preparation of this order was had to the extent practicable, and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section
1. Purpose
  2. Definitions
  3. Restrictions
  4. Authorization
  5. Controls of Other Agencies
  6. Exemptions and Exclusions
  7. Contracts and Other Obligations
  8. Petitions for Relief from Hardship
  9. Records and Reports
  10. Investigations, Inspections, and Audits
  11. Communications
  12. Territorial Scope
  13. Violations
  14. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App. § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority."

## Section 1. Purpose

The purpose of this order is to control the manufacture, distribution, and use of feed whenever it is determined that feed is or may become in critically short supply. The order states the basic rules governing the restrictions on the manufacture, distribution, and use of feed. It authorizes the Order Administrator to control manufacture, distribution, and use of feed and to issue suborders restricting manufacture, distribution, and use thereof. The policy of the United States Department of Agriculture shall be to administer this order, insofar as feasible, so as to minimize the effect of the restrictions of the order upon the manufacture of feed and its normal distribution in trade channels.

## Section 2. Definitions

For the purpose of this order and any suborders issued pursuant hereto the terms listed below shall have the following meanings:

- (a) "Order Administrator" means the Secretary of Agriculture or any employee of the U.S. Department of Agriculture to whom authority has been or hereafter may be delegated to issue and administer any Defense Food Order.
- (b) "Distribute" or "distribution" means the physical movement of feed at any stage of marketing, through dispersion to the user; the change in physical possession of feed or the conveyance of any right, title, or interest in feed.
- (c) "Feed" means all edible materials which are consumed by livestock or poultry and contribute nutrients or other necessary factors to the diet. (Hay and roughage are excluded from "feed" for purpose of this order.)
- (d) "Feed ingredient" means any single edible material which furnishes something essential to the growth, sustenance, or maintenance of livestock or poultry. In cases involving specific ingredients, the definitions found in the Official Publication of the Association of American Feed Control Officials will prevail.
- (e) "Hay" is the aerial portion of grasses or herbage especially cut and cured for animal feeding.
- (f) "Roughage" is any rough or coarse, edible substance (stover, fodder, or straw), high in indigestible material (especially cellulose) whose bulk promotes elimination from the digestive track.

- (g) "Manufacture" or "manufacturing" refers to the overall action of processing and combining feed ingredients to produce premixes, supplements/concentrates, or complete feeds. It may or may not include processing other than mixing.
- (h) "Process" or "processing" refers to grinding, rolling, flaking, mixing, pelleting, or similar physical actions applied to feeds.
- (i) "Premix" means a uniform mixture of one or more micro-ingredients with diluent and/or carrier. Premixes are used to facilitate uniform dispersion of the micro-ingredients in a larger mix.
- (j) "Supplement/concentrate" means a manufactured feed used with another to improve the nutritive balance or performance of the total and intended to be fed undiluted as a supplement to other feeds, or further diluted and mixed to produce a complete feed.
- (k) "Complete feed" is a nutritionally adequate manufactured feed for animals (livestock and poultry) other than man; by specific formula is compounded to be fed as the sole ration and is capable of maintaining life and/or promoting production without any additional substance being consumed except water.
- (l) "Use" refers to the process of feeding livestock or poultry.
- (m) "User" means any person who feeds or causes the feeding of livestock or poultry.
- (n) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing. For purposes of this order, the term also includes the United States Government and any agency thereof, any foreign government, and the governments of all States, commonwealths and territories, the District of Columbia, and any of their political subdivisions and agencies.

### Section 3. Restrictions

No person shall manufacture, distribute, accept distribution of, or use any feed or feed ingredient on which restrictions have been imposed pursuant to this order, except in accordance with the provisions of this order and any suborders which the Order Administrator may from time to time issue pursuant to Section 4 hereof.

#### Section 4. Authorization

The Order Administrator, upon making the findings required by Section 101 of the Defense Production Act of 1950, as amended, which are approved by the Director of the Federal Preparedness Agency or its successor agency, is authorized to control the manufacture, distribution, and use of any feed and feed ingredient subject to the exemptions and exclusions provided in Section 6 hereof, and to take whatever actions he may deem necessary to effectuate the objectives of this order such as, but not limited to, issuing suborders:

- (a) Placing appropriate conditions on the manufacture, distribution, and use of feed and feed ingredients, including limiting the quantity which may be distributed or used.
- (b) Placing priorities for which feed or feed ingredients may be distributed for a specified class or classes of animals.
- (c) Placing limits on size of inventories.
- (d) Establishing reserves on a nationwide basis or in specified areas or places.
- (e) Providing for such exemptions as he determines are consistent with the objectives of this order.

#### Section 5. Controls of Other Agencies

Orders, regulations, directives, or controls of any other government agency, whether Federal, State, local, or foreign, inconsistent with the provisions of this order or any suborder issued pursuant hereto, shall not apply to the manufacture, distribution, or use of any feed; and no person shall give any effect to any such inconsistent orders, regulations, directives, or controls insofar as they relate to the manufacture, distribution, or use of feed.

#### Section 6. Exemptions and Exclusions

Nothing contained in this order or any suborder issued pursuant hereto shall prohibit:

- (a) A user from using feed, which he owns when this order becomes effective, to feed his own livestock and poultry or another person's livestock and poultry which the user is feeding under an existing contract or similar agreement. However, the quantity of such feed on hand, at the time the user desires to obtain additional feed, shall be counted as inventory in determining the amount of any additional feed the user may procure.
- (b) Distribution and use of hay and roughage, except that any person who distributes hay or roughage shall make such distribution as equitably and continuously as possible under existing circumstances.

- (c) Manufacture, distribution, or use of dry foods for pet animals such as cats and dogs.
- (d) Transfer of a business as a going concern to a new owner who continues to conduct substantially the same business activities as did the former owner.
- (e) Legal transfer of feed to heirs or devisees of deceased persons.

#### Section 7. Contracts and Other Obligations

- (a) The provisions of this order and of suborders issued pursuant hereto and the requirements thereunder shall be observed without regard to contracts or obligations heretofore or hereafter entered into, or any rights accrued or payments made thereunder.
- (b) No person shall be held liable for damages or penalties for any default under any contract when such default results directly or indirectly from compliance with this order, or any suborder issued pursuant hereto, or any requirements thereunder.

#### Section 8. Petitions for Relief from Hardship

Any person affected by this order or any suborder issued pursuant hereto, or any requirement thereunder, who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may file a petition for relief pursuant to the provisions of Defense Food Order No. 1. The filing of such petition shall not relieve any person of his obligation to comply with any provisions in this order or any suborder issued pursuant hereto.

#### Section 9. Records and Reports

- (a) The Order Administrator is authorized to obtain such information from, and require such reports and the keeping of such records by, any person as the Order Administrator may deem necessary to the enforcement or administration of the provisions of this order, or any suborder issued pursuant hereto, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).
- (b) Records may be retained in the original form or as microfilm or other recordkeeping systems which provide the information contained in the original records.
- (c) Persons subject to this order or any suborder issued pursuant hereto, shall retain such records for a period of two (2) years after the date of suspension or termination of this order or any suborder issued pursuant hereto.

#### Section 10. Investigations, Inspections, and Audits

The Order Administrator or any designated representative of the Secretary of Agriculture is authorized to make such inspections and audits of the books, records and other writings, premises, and stocks of feed of any person, as he may deem necessary for the enforcement or administration of this order or any suborder issued pursuant hereto, and in connection therewith to exercise the subpoena power under Section 705 of the Defense Production Act of 1950, as amended (50 U.S.C. 2155), after defining the scope and purpose of the investigation, inspection, or audit to which the subpoena relates.

#### Section 11. Communications

All reports required to be filed hereunder and all communications concerning this order or any suborder issued pursuant hereto, unless otherwise provided herein or in a suborder issued pursuant hereto or in instructions issued by the Order Administrator, shall be addressed to the Order Administrator, Defense Food Order No. 4, National Headquarters, United States Department of Agriculture.

#### Section 12. Territorial Scope

The provisions of this order, except as otherwise provided by the Order Administrator, shall be applicable within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

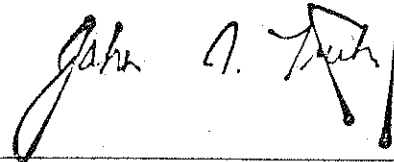
#### Section 13. Violations

Any person who violates or who conspires to violate any provision of this order or any suborder issued pursuant hereto, or any requirement thereunder, may be denied all benefits under any order or suborder issued pursuant to defense authorities and administered by the United States Department of Agriculture, enjoined from further violation, and in case of willful violation, prosecuted under any or all applicable laws.

#### Section 14. Effective Date

This order shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this order have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.



John A. Knebel

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Secretary of Agriculture

EFPR Doc. 17-4A

Department of Agriculture

## OFFICE OF THE SECRETARY

Defense Food Suborder No. 4A  
of Defense Food Order No. 4

## RESTRICTIONS ON MANUFACTURE, DISTRIBUTION, AND USE OF FEED

It is hereby found and determined that feed is a scarce and critical commodity essential to the National defense, and unless its manufacture, distribution, and use are regulated as provided in this suborder, the National defense requirements for feed cannot be met without creating a significant dislocation of the normal distribution in the civilian market to such a degree as to create appreciable hardship. This suborder, the purpose of which is stated in Section 1, therefore, is made effective pursuant to the authority vested in me under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with industry and farm organization representatives in the advance preparation of this suborder was had to the extent practicable, and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purposes
2. Definitions
  3. Limitation on Manufacturer's Feed Ingredient Inventory
  4. Restrictions on Manufacturing Feed for Distribution
  5. Restrictions on Distribution of Feed and Feed Ingredients for Redistribution
  6. Restrictions on Distribution of Feed and Feed Ingredients to a User
  7. Retention of Feed Use Certificate
  8. Daily Feed Rations
  9. Priority Distribution of Feed When Supply is Insufficient for Minimum Ration
  10. Restrictions on Custom Operators
  11. Publicizing USDA State and County Emergency Board Determinations
  12. Distribution Pursuant to Specific Direction of the Order Administrator
  13. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App. § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R.



12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority," Defense Food Order No. 4.

#### Section 1. Purposes

The purposes of this suborder are to:

- (a) Conserve feed supplies by restricting the distribution to users and the use by users.
- (b) Limit the feed ingredient inventories of manufacturers.
- (c) Require any person who manufactures feed for distribution to continue his normal manufacturing operations to the extent practicable but to adjust his operations as necessary to meet approved feed uses in his trade area.
- (d) Require any person who distributes feed for redistribution to make such distribution as equitably and continuously as possible under the circumstances.
- (e) Prohibit the distribution and use of feed for certain classes of livestock and poultry as may be specified when the feed supply is not sufficient for all classes.
- (f) Prohibit the feeding of livestock and poultry known to have received a deadly dose of radioactive fallout or to be afflicted with a fatal disease.

#### Section 2. Definitions

For the purpose of this suborder, the definitions in Defense Food Order No. 4 shall apply and, in addition, the terms listed below shall have the following meanings:

- (a) "Custom Operator" means any person who processes feed for a user who supplies one or more of the feed ingredients.
- (b) "USDA County Emergency Board" means those employees of the United States Department of Agriculture in a county designated to coordinate in the county emergency period programs for which the United States Department of Agriculture is responsible.
- (c) "USDA State Emergency Board" means those employees of the United States Department of Agriculture in a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico and

the Virgin Islands of the United States, designated to coordinate in the State or other specified area emergency period programs for which the United States Department of Agriculture is responsible.

Section 3. Limitation on Manufacturer's Feed Ingredient Inventory

- (a) Except as provided in paragraph (b), no person who manufactures feed for distribution, or as a custom operator, may accept delivery of any feed ingredient if his inventory of such ingredient is, or by such delivery would become, in excess of the largest inventory of such ingredient he had on hand at any one time during the 30-day period immediately preceding the effective date of this suborder. However, if this limitation precludes delivery of the minimum procurable quantity of an ingredient, he may accept delivery of the minimum quantity procurable. If any person keeps separate inventory records for separate operating units, this paragraph (a) applies to each such operating unit independently.
- (b) Any USDA State or County Emergency Board may increase the inventory limitation in paragraph (a) for any person if he files a request for an upward adjustment and the board determines that an increase is needed under existing circumstances.
- (c) Any person who manufactures feed solely for his own use becomes the user and shall comply with the inventory limitations in Section 6 (c) of this suborder.

Section 4. Restrictions on Manufacturing Feed for Distribution

Any person who manufactures feed for distribution shall follow his customary policies and procedures to the extent practicable, except that he shall adjust his output to the extent necessary and possible to produce the types of feed needed for approved feed uses in his trade area.

Section 5. Restrictions on Distribution of Feed and Feed Ingredients for Redistribution

Any person who distributes feed or feed ingredients for redistribution shall make such distribution as equitably and continuously as possible under existing circumstances.

Section 6. Restrictions on Distribution of Feed and Feed Ingredients to a User

- (a) Except as otherwise provided in paragraph (d), no person may distribute feed or a feed ingredient to a user unless he receives a properly executed "Feed Use Certificate" from the user or his representative. The certificate, which must appear on or be attached to the purchase order, shall be in the form shown in Schedule B of this suborder.

- (b) No person shall, in conjunction with any purchase order, deliver more feed or feed ingredients to a user, and no user shall accept delivery of more feed and feed ingredients, than the total quantity computed for the user's livestock and poultry as provided in the Feed Use Certificate shown in Schedule B of this suborder.
- (c) No user may acquire feed or feed ingredients for any kind of livestock or poultry in a quantity which, when added to the quantity the user already has, would exceed the total quantity required (at the daily feed ration level permitted by Section 8 for such kind of livestock or poultry for (1) the next 10 days or (2) the next number of days determined by the USDA State or County Emergency Board if either of these boards has determined a period longer or shorter than 10 days).
- (d) Any person who distributes feed or feed ingredients for his own use and to one or more other users:
  - (1) Shall make distribution as equitably as possible between himself as a user and the other user or users.
  - (2) May, with respect to distribution for his own use, substitute his customary records for the Feed Use Certificate if those records contain (or are changed to contain) the information required by the Feed Use Certificate and are retained as required by Section 7 hereof.

#### Section 7. Retention of Feed Use Certificate

- (a) Any person receiving an executed Schedule B (Feed Use Certificate) shall keep it for a period of two (2) years in accordance with Section 9 of Defense Food Order No. 4.
- (b) Any person who substitutes his own records for the Feed Use Certificate, as permitted by Section 6 (d), shall keep them for a period of two (2) years in accordance with Section 9 of Defense Food Order No. 4.

#### Section 8. Daily Feed Rations

- (a) The normal and minimum daily feed rations for each class of livestock and poultry shall be the quantities of feed shown in Schedule A of this suborder, except as provided in paragraphs (c) and (d) of this section. The normal rations shall apply when this suborder becomes effective.
- (b) Any USDA State or County Emergency Board may set daily feed rations for its State or county at the minimum quantities or anywhere between the normal and minimum quantities shown in Schedule A of this suborder if the board considers this necessary because of actual and prospective shortages of feed. A board may not set a quantity above the normal or

below the minimum except as provided in paragraph (c) of this section. During any period when communications are operative between the USDA State Emergency Board and the USDA County Emergency Board, such county board shall obtain approval of the State board before setting daily feed rations as provided in this paragraph.

- (c) The normal and minimum daily feed rations shown in Schedule A of this suborder are based on the assumption that hay and roughage will be available in sufficient quantities to feed roughage-consuming animals free choice. If any USDA County Emergency Board determines that adequate hay and roughage are not available for maintenance of breeding stock of cattle, sheep, and goats, the board may establish special daily feed rations for such breeding stock in its county. The quantities shall not exceed 10 pounds for cows and 2-1/2 pounds for sheep and goats.
- (d) USDA State and County Emergency Boards may establish daily feed rations for animals not shown in Schedule A of this suborder if such animals require feed.

Section 9. Priority Distribution of Feed When Supply is Insufficient for Minimum Ration

- (a) If a USDA State or County Emergency Board determines that supplies of feed are not sufficient to meet the minimum daily feed rations shown in Schedule A of this suborder for the classes of livestock and poultry in the State or county, the board may (1) designate the classes of livestock and poultry for which feed may be distributed in the State or county, and (2) change the designation to reflect changes in the feed supply situation. Any designation shall be in the descending order in which the classes of livestock and poultry appear in Schedule A of this suborder, except that if a USDA County Emergency Board sets daily feed rations for breeding cattle, sheep, or goats as provided in Section 8 (c), these classes may be designated ahead of the class entitled "Pigs under 125 lbs."
- (b) When a USDA State or County Emergency Board designates classes of livestock and poultry for priority distribution of feed, no person may distribute feed to a user for any class except those so designated and no user may accept delivery of any feed for any class except those so designated.

Section 10. Restrictions on Custom Operators

- (a) Any custom operator who processes feed for a user who supplies all of the feed ingredients may process such ingredients without restrictions under this suborder.

(b) Any custom operator shall comply with the provisions of:

- (1) Section 3 (a) of this suborder regarding limitations on his feed ingredient inventory.
- (2) Section 6 of this suborder regarding restrictions on the distribution of feed ingredients to a user.

Section 11. Publicizing USDA State and County Defense Board Determinations

Any USDA State or County Emergency Board shall publicly announce any determination it makes under the provisions of Sections 6, 8 (b) and (c), and 9 unless the determination applies only to a small number of persons who are informed thereof without a public announcement.

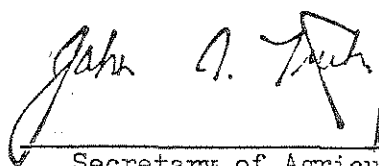
Section 12. Distribution Pursuant to Specific Direction of the Order Administrator

Notwithstanding any other provision of this suborder, the Order Administrator may issue specific direction to any person relating to the manufacture, distribution, and use of feed and feed ingredients when he finds such action necessary under particular circumstances to accomplish the objectives of this suborder or Defense Food Order No. 4. Such person shall comply with such direction and shall not take any action inconsistent therewith.

Section 13. Effective Date

This suborder shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this suborder have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.



John A. Knebel

Secretary of Agriculture

Approved by OMB  
 SCHEDULE A  
 to Defense Food Suborder  
 No. 4A of Defense Food  
 Order No. 4 - Restrictions  
 on Processing, Distribu-  
 tion, and Use of Feed

DAILY FEED RATIONS  
 FOR  
 LIVESTOCK AND POULTRY

<u>Class of livestock and poultry</u>	<u>Quantity of ration</u>	
	Normal <u>1/</u>	Minimum <u>1/</u>
1. Chicken breeding and laying stock	0.2	0.1
2. Turkey breeding and laying stock	0.7	0.35
3. Lactating sows	12	6
4. Swine breeding stock	7	3.5
5. Pigs under 125 lbs.	4	2
6. Other swine	7	3.5
7. Other chickens, including broilers	0.2	0.1
8. Turkeys under 8 lbs.	0.4	0.2
9. Other turkeys	0.7	0.35
10. Dairy calves under two months	6	0 <u>2/</u>
11. Producing milk cows or goats, per 100 lbs. milk	43	0
12. Cattle on feed	10	0
13. Other dairy and beef cattle	1.5	0
14. Lambs under 25 lbs.	0.2	0
15. Fattening lambs	2	0
16. Other sheep and goats	0.5	0
17. Horses	6	0
18. Other animals and poultry <u>3/</u>	xx	xx

1/ Pounds of feed, excluding hay and roughage.

2/ If milk not available, 3 lbs. of feed is minimum.

3/ If any of these animals or poultry require feed, the USDA County Emergency Board may establish daily feed rations for such animals in its county.

Approved by OMB

## SCHEDULE B

to Defense Food Suborder No. 4A

of Defense Food Order No. 4 -

Restrictions on Processing,

Distribution, and Use of Feed

## FEED USE CERTIFICATE

In accordance with Defense Food Order No. 4 and Suborder No. 4A, I certify, subject to criminal penalties for misrepresentation, that with respect to the feed specified below:

1. The total quantity shown in column 6 plus quantity on hand does not exceed limits approved by SEB or CEB.
2. I am not purchasing feed or feed ingredients for any livestock or poultry known to have received a deadly dose of radioactive fallout or to be afflicted with a fatal disease.
3. I will not feed or cause to be fed any livestock or poultry in excess of the daily feed ration shown in column 5.

LIVESTOCK AND POULTRY		NO. OF DAYS FEED <u>1/</u>		FEED RATIONS <u>1/</u>	
Class (See Schedule A)	No. head or cwt. milk shipped (See Schedule A)	Requested	On hand	Daily ration (lbs.) (See Schedule A)	Total quantity (cols. 2x3x5) (lbs.)
(1)	(2)	(3)	(4)	(5)	(6)

1/ Total shall not exceed limits established by SEB or CEB.

(Signature of person or his  
representative receiving feed)

(Address of feeder)

(Date)

EFTH Doc. 17-57

Department of Agriculture

OFFICE OF THE SECRETARY

Defense Food Order No. 5

## DOMESTIC MIXING, DISTRIBUTION, AND USE OF FERTILIZER

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the National defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with industry and farmer organization representatives in the advance preparation of this order was had to the extent practicable and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purpose
- 2. Definitions
- 3. Restrictions
- 4. Authorization
- 5. Controls of Other Agencies
- 6. Exemptions and Exclusions
- 7. Contracts and Other Obligations
- 8. Petitions for Relief from Hardship
- 9. Records and Reports
- 10. Investigations, Inspections, and Audits
- 11. Communications
- 12. Territorial Scope
- 13. Violations
- 14. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority."



### Section 1. Purpose

The purpose of this order is to control the domestic mixing, distribution, and use of fertilizer whenever it is determined that fertilizer is or may become in critically short supply. The order states the basic rules governing the restrictions of domestic mixing, distribution, and use of fertilizer. It authorizes the Order Administrator to control domestic mixing, distribution, and use of fertilizer and to issue suborders restricting mixing, distribution, and use thereof. The policy of the United States Department of Agriculture shall be to administer this order, insofar as feasible, so as to minimize the effect of the restrictions of the order upon the mixing and domestic distribution of fertilizer in trade channels.

### Section 2. Definitions

For the purpose of this order and any suborders issued pursuant hereto, the terms listed below shall have the following meanings:

- (a) "Distribute" or "distribution" means the physical movement of fertilizer at any stage of marketing through disposition to the user; the change in physical possession; or the conveyance of any right, title, or interest therein.
- (b) "Domestic" means for use or intended for use within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands of the United States.
- (c) "Fertilizer" means any product, mixture or combination of products which contains one or more of the elements - nitrogen, phosphorus, and potassium - for use as a plant nutrient. Excluded are unprocessed animal and poultry manures, peat, humus, and basic slag.
- (d) "Grade" means the guaranteed plant nutrient content of any fertilizer expressed in percentages of its principal plant nutrient components in the following order: nitrogen (N), phosphorus as available phosphoric oxide ( $P_2O_5$ ), potassium as potassium oxide ( $K_2O$ ).
- (e) "Mix" or "mixing" means combining two or more fertilizer materials. This includes dry mixes, bulk blending of dry materials, granulated mixtures, and clear liquid mixed fertilizers, suspensions and slurries. The mixture may contain only one primary plant nutrient in combination with one or more secondary nutrients or micronutrients.
- (f) "Nitrogen" means any nitrogenous fertilizer, including, but not limited to, anhydrous ammonia, ammonium sulfate, ammonium nitrate, urea, sodium nitrate, nitrogen solutions, processed tankages, sewage sludge, and guano.

- (g) "Order Administrator" means the Secretary of the United States Department of Agriculture or any employee of the United States Department of Agriculture to whom authority has been or hereafter may be delegated to issue and administer this order or suborders pursuant to its provisions.
- (h) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing. For purposes of this order, the term also includes the United States Government and any agency thereof, any foreign government, and the governments of all States, commonwealths and territories, the District of Columbia, and any of their political subdivisions and agencies.
- (i) "Phosphorus" means any phosphatic fertilizer, including, but not limited to, normal and concentrated superphosphate, phosphate rock, phosphoric acid, ammonium phosphate, and bone meal.
- (j) "Potassium" means any potassic fertilizer, including, but not limited to, potassium chloride, potassium sulfate, sulfate of potash-magnesia, and manure salts.
- (k) "Supplier" means any person who sells or otherwise distributes fertilizer to a user.
- (l) "Use" means any application of fertilizer for plant nutrition.
- (m) "User" means any person who accepts distribution of any fertilizer for use as a plant nutrient.

### Section 3. Restrictions

No person shall mix, package, distribute, accept distribution of, or use any fertilizer on which restrictions have been imposed pursuant to this order except in accordance with the provisions of this order and any suborders which the Order Administrator may from time to time issue pursuant to Section 4 hereof.

### Section 4. Authorization

The Order Administrator, upon making the findings required by Section 101 of the Defense Production Act of 1950, as amended, which are approved by the Director of the Federal Preparedness Agency or its successor agency, is authorized to control the mixing, packaging, domestic distribution, and use of any fertilizer, subject to the exemptions and exclusions provided in Section 6 hereof, and to take whatever actions he may deem necessary to effectuate the objectives of this order such as, but not limited to, issuing suborders:

- (a) Designating the fertilizer grades to be mixed or the proportion of fertilizer to be combined into specified grades.
- (b) Placing appropriate conditions on the distribution and use of fertilizer, including the designation of permitted uses and limiting the quantity which may be distributed or used for any designated use.
- (c) Placing limits on the size of inventories.
- (d) Establishing reserves on a nationwide basis, or in specified areas or places, or for the production of particular agricultural crops.
- (e) Specifying the nature and sizes of packages in which fertilizer may be distributed.
- (f) Providing for such exemptions as he determines are consistent with the objectives of this order.

#### Section 5. Controls of Other Agencies

Orders, regulations, directives, or controls of any other government agency, whether Federal, State, local, or foreign, inconsistent with the provisions of this order or any suborder issued pursuant hereto, shall not apply to the mixing, packaging, domestic distribution, and use of any fertilizer; and no person shall give any effect to any such inconsistent orders, regulations, directives, or controls, insofar as they relate to the mixing, packaging, domestic distribution, or use of fertilizer.

#### Section 6. Exemptions and Exclusions

Nothing contained in this order or any suborder issued pursuant hereto shall prohibit:

- (a) A user from using fertilizer in his possession when this order becomes effective, but the quantity of such fertilizer shall be considered in determining the amount of any additional fertilizer the user may procure.
- (b) Distribution and use of fertilizer already packaged in packages of less than 50 pounds when this order becomes effective.
- (c) Distribution of nitrogenous or phosphatic material for normal nonfertilizer uses such as for livestock feed.
- (d) Transfer of a business as a going concern to a new owner who continues to conduct substantially the same business activities as did the former owner.
- (e) Legal transfer of fertilizer to heirs or devisees of deceased persons.

### Section 7. Contracts and Other Obligations

- (a) The provisions of this order and of suborders issued pursuant hereto and the requirements thereunder shall be observed without regard to contracts or obligations heretofore or hereafter entered into, or any rights accrued or payments made thereunder.
- (b) No person shall be held liable for damages or penalties for any default under any contract when such default results directly or indirectly from compliance with this order, or any suborder issued pursuant hereto, or any requirement thereunder.

### Section 8. Petitions for Relief from Hardship

Any person affected by this order or any suborder issued pursuant hereto, or any requirement thereunder, who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may file a petition for relief pursuant to the provisions of Defense Food Order No. 1. The filing of such petition shall not relieve any person of his obligation to comply with any provision in this order or any suborder issued pursuant hereto.

### Section 9. Records and Reports

- (a) The Order Administrator is authorized to obtain such information from, and require such reports and the keeping of such records by, any person as the Order Administrator may deem necessary to the enforcement or administration of the provisions of this order, or any suborder issued pursuant hereto; subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).
- (b) Records may be retained in the original form or as microfilm, or other recordkeeping systems which provide the information contained in the original reports.
- (c) Persons subject to this order, or any suborder issued pursuant hereto, shall retain such records for a period of two (2) years after the date of suspension or termination of this order, or any suborder, issued pursuant hereto.

### Section 10. Investigations, Inspections, and Audits

The Order Administrator or any designated representative of the Secretary of Agriculture is authorized to make such inspections and audits of the books, records, and other writings, premises, and stocks of fertilizer of any person, as he may deem necessary for the enforcement or administration of this order or any suborder issued pursuant hereto, and in connection therewith to exercise the subpoena power under Section 705 of the Defense Production Act of 1950, as amended (50 U.S.C. 2155), after defining the scope and purpose of the investigation, inspection, or audit to which the subpoena relates.

### Section 11. Communications

All reports required to be filed hereunder and all communications concerning this order or any suborder issued pursuant hereto, unless otherwise provided herein or in a suborder pursuant hereto or in instructions issued by the Order Administrator, shall be addressed to the Order Administrator, Defense Food Order No. 5, National Headquarters, United States Department of Agriculture.

### Section 12. Territorial Scope

The provisions of this order, except as otherwise provided by the Order Administrator, shall be applicable within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

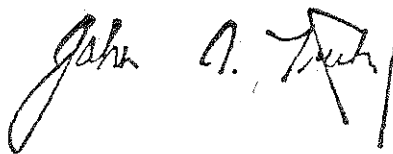
### Section 13. Violation

Any person who violates or who conspires to violate any provision of this order, or any suborder issued pursuant hereto, or any requirement thereunder, may be denied all benefits under any order or suborder issued pursuant to defense authorities and administered by the United States Department of Agriculture, enjoined from further violation, and in case of willful violation, prosecuted under any or all applicable laws.

### Section 14. Effective Date

This order shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this order have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.



John A. Knebel

Secretary of Agriculture

[EFR Doc. 17-5A]

Department of Agriculture

## OFFICE OF THE SECRETARY

Defense Food Suborder No. 5A  
of Defense Food Order No. 5

## RESTRICTION ON DOMESTIC MIXING, DISTRIBUTION, AND USE OF FERTILIZER

It is hereby found and determined that fertilizer is a scarce and critical commodity essential to the National defense, and unless mixing, distribution, and use thereof are regulated as provided in this suborder, the National defense requirements for fertilizer cannot be met without creating a significant dislocation of normal distribution in the civilian market to such a degree as to create appreciable hardship. This suborder, the purpose of which is stated in Section 1, therefore, is made effective pursuant to the authority vested in me under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with industry and farmer organization representatives in the advance preparation of this suborder was had to the extent practicable and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

## Section 1. Purposes

2. Definitions
3. Restrictions on Use of Fertilizer
4. Restrictions of Mixing and Packaging Fertilizer
5. Restrictions on Distribution for Redistribution
6. Restrictions on Distribution to a User
7. Retention of Certificates
8. Distribution Pursuant to Specific Direction of the Order Administrator
9. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority," Defense Food Order No. 5.

### Section 1. Purposes

The purposes of this suborder are to:

- (a) Conserve fertilizer supplies and channel them into production of most-needed agricultural crops (see Schedule A).
- (b) Prohibit the use of any fertilizer for purposes other than the production of agricultural crops.
- (c) Require any person who mixes fertilizer for distribution to continue his mixing operations to the extent practicable, but only of those grades suitable for use on agricultural crops.
- (d) Prohibit the packaging of fertilizer in packages of less than 50 pounds.
- (e) Require any person who distributes fertilizer for redistribution to make such distribution as equitably as possible within his established trade area.

### Section 2. Definitions

For the purpose of this suborder, the definitions in Defense Food Order No. 5 shall apply and, in addition, the terms listed below shall have the following meanings:

- (a) "USDA" means the United States Department of Agriculture.
- (b) "USDA County Emergency Board" means those employees of the USDA in a county designated to coordinate emergency period programs in the county for which the USDA is responsible.
- (c) "USDA State Emergency Board" means those employees of the USDA in a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and the Virgin Islands of the United States, designated to coordinate emergency period programs in the State or other specified area for which the USDA is responsible.

### Section 3. Restrictions on Use of Fertilizer

Except for the exemptions and exclusions provided in Section 6 of Defense Food Order No. 5, no person shall use any fertilizer for a purpose other than the production of the kinds of agricultural crops listed in Schedule A of this suborder.

Section 4. Restrictions on Mixing and Packaging Fertilizer

- (a) Any person who mixes fertilizer for distribution shall, to the extent practicable under existing circumstances, continue his fertilizer mixing operations for his established trade area to produce fertilizer suitable only for the kinds of agricultural crops listed in Schedule A of this suborder.
- (b) No person shall mix fertilizer for a purpose other than the production of the kinds of agricultural crops listed in Schedule A of this suborder.
- (c) No person shall package fertilizer in packages of less than 50 pounds.

Section 5. Restrictions on Distribution for Redistribution

- (a) Any person who distributes fertilizer for redistribution shall make such distribution as equitable as possible, under existing circumstances, within his established trade area.
- (b) No person shall distribute any fertilizer outside his established trade area except with the approval of the USDA State Emergency Board for the State in which said person has an established trade area.

Section 6. Restrictions on Distribution to a User

Except as provided in Section 6 of Defense Food Order No. 5, no person may distribute fertilizer to a user unless he has received a fertilizer use certificate properly executed by the user or his representative and approved by the county office of the USDA Agricultural Stabilization and Conservation Service. The certificate, which must appear on or be attached to the purchase order, shall be in substantially the form of Schedule B of this suborder.

Section 7. Retention of Fertilizer Use Certificate

- (a) Any person receiving an executed Schedule B (Fertilizer Use Certificate) shall keep it for a period of two (2) years in accordance with Section 9 of Defense Food Order No. 5.
- (b) Any person who substitutes his own records for the Fertilizer Use Certificate, as permitted by Section 9 (b), shall keep them for a period of two (2) years in accordance with Section 9 (c) of Defense Food Order No. 5.



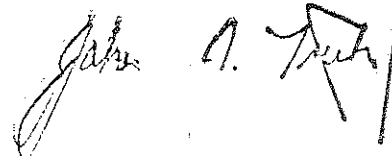
Section 8. Distribution Pursuant to Specific Direction of the Order Administrator

Notwithstanding any other provision of this suborder, the Order Administrator may issue specific direction to any person relating to the mixing, packaging, domestic distribution, or use of fertilizer when he finds such action necessary under particular circumstances in order to accomplish the objectives of this suborder or Defense Food Order No. 5. Such person shall comply with such direction and shall not take any action inconsistent therewith.

Section 9. Effective Date

This suborder shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this suborder have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.



John A. Knebel

Secretary of Agriculture

SCHEDULE "A" OF DEFENSE FOOD SUBORDER NO. 5A  
(of Defense Food Order No. 5)

Kinds of agricultural crops on which fertilizer may be used  
(See sections 3 and 4 of Suborder No. 1)

Food and feed grains  
Pulses  
Sugar crops  
Vegetable crops  
Edible fruits and nuts

Oil crops  
Seed crops  
Fiber crops  
Forage crops  
Tobacco

Approved by OMB  
SCHEDULE B  
to Defense Food Suborder  
No. 5A of Defense Food  
Order No. 5 - Restriction  
on Domestic Mixing, Dis-  
tribution, and Use of  
Fertilizer

## FERTILIZER USE CERTIFICATE

In accordance with the Defense Food Order and suborder in force governing the distribution of fertilizer, I certify, subject to criminal penalties for misrepresentation, that all fertilizer covered by this certificate will be used on the following crops:

Agricultural Crop	Acreage	Grade of Fertilizer	Total Pounds

[EFR Doc. 17-6]

Department of Agriculture

OFFICE OF THE SECRETARY

Defense Food Order No. 6

## DOMESTIC DISTRIBUTION OF FARM EQUIPMENT AND REPAIR PARTS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the National defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with industry and farmer organization representatives in the advance preparation of this order was had to the extent practicable, and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purpose
2. Definitions
  3. Restrictions
  4. Authorization
  5. Controls of Other Agencies
  6. Exemptions and Exclusions
  7. Contracts and Other Obligations
  8. Petitions for Relief from Hardship
  9. Records and Reports
  10. Investigations, Inspections, and Audits
  11. Communications
  12. Territorial Scope
  13. Violations
  14. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App. § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority."

### Section 1. Purpose

The purpose of this order is to control the domestic distribution of farm equipment and/or repair parts whenever it is determined that they are or may become in critically short supply. The order states the basic rules governing the restrictions on domestic distribution of farm equipment and repair parts. It authorizes the Order Administrator to control domestic distribution of farm equipment and repair parts and to issue suborders restricting distribution thereof. The policy of the United States Department of Agriculture shall be to administer this order, insofar as feasible, so as to minimize the effect of the restrictions of the order upon the normal domestic distribution of farm equipment and repair parts in trade channels.

### Section 2. Definitions

For the purpose of this order and any suborders issued pursuant hereto, the terms listed below shall have the following meanings:

- (a) "Dealer" means any person who distributes farm equipment and/or repair parts to a user.
- (b) "Distribute" or "distribution" means the physical movement of farm equipment and repair parts at any stage of marketing through disposition to the user; the change in physical possession or the conveyance of any right, title, or interest therein.
- (c) "Distributor" means any person who distributes farm equipment and/or repair parts to a person other than a user.
- (d) "Domestic" means for use or intended for use of any kind within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands of the United States.
- (e) "Farm equipment" means the items of machinery and equipment (including imports) enumerated in Schedule A of this order.
- (f) "Manufacturer" means any person engaged in the business of making or assembling farm equipment and/or repair parts.
- (g) "Order Administrator" means the Secretary of the United States Department of Agriculture or any employee of the United States Department of Agriculture to whom authority has been or hereafter may be delegated to issue and administer this order or suborders pursuant to its provisions.

- (h) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing. For purposes of this order, the term also includes the United States Government and any agency thereof, any foreign government, and the governments of all States, commonwealths and territories, the District of Columbia, and any of their political subdivisions and agencies.
- (i) "Repair parts" means all types of new, rebuilt or reconditioned parts, considered separately or as assemblies, manufactured specifically for use or intended for use in the repair and maintenance of farm equipment.
- (j) "USDA County Emergency Board" means those employees of the United States Department of Agriculture in a county designated to coordinate emergency period programs in the county for which the United States Department of Agriculture is responsible.
- (k) "USDA State Emergency Board" means those employees of the United States Department of Agriculture in a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico and the Virgin Islands of the United States, designated to coordinate emergency period programs in the State or other specified area for which the United States Department of Agriculture is responsible.
- (l) "User" means any person who accepts distribution of an item of farm equipment or repair parts for use.

### Section 3. Restrictions

No person shall distribute or accept distribution of any item of farm equipment or repair parts on which restrictions have been imposed pursuant to this order, except in accordance with the provisions of this order and any suborders which the Order Administrator may from time to time issue pursuant to Section 4 hereof.

### Section 4. Authorization

The Order Administrator, upon making the findings required by Section 101 of the Defense Production Act of 1950, as amended, which are approved by the Director of the Federal Preparedness Agency or its successor agency, is authorized to control the domestic distribution of any farm equipment and/or repair parts, subject to the exemptions and exclusions provided in Section 6 hereof, and to take whatever actions he may deem necessary to effectuate the objectives of this order such as, but not limited to, issuing suborders:

- (a) Prohibiting distribution until a distribution control program can be set up.
- (b) Designating the items of farm equipment and/or repair parts to be controlled.
- (c) Placing appropriate conditions on distribution.
- (d) Placing limits on the size of inventories.
- (e) Establishing reserves on a nationwide basis or in specified areas or places.
- (f) Providing for such exemptions as he determines are consistent with the objectives of this order.

#### Section 5. Controls of Other Agencies

Orders, regulations, directives, or controls of any other Government agency, whether Federal, State, local, or foreign, shall not apply to the domestic distribution of any item of farm equipment or repair parts; and no manufacturer, distributor, or dealer shall give any effect to any such orders, regulations, directives, or controls insofar as they relate to the domestic distribution of farm equipment and repair parts.

#### Section 6. Exemptions and Exclusions

Nothing contained in this order or any suborder issued pursuant hereto shall prohibit:

- (a) A person from loaning or renting used farm equipment in his possession when this order becomes effective.
- (b) The customary movement of any used farm equipment to a repairman for the purpose of having it repaired, and from the repairman to the user after repairs are made.
- (c) Transfer of a business as a going concern to a new owner who continues to conduct substantially the same business activities as did the former owner.
- (d) Legal transfer of farm equipment to heirs or devisees of deceased persons.

#### Section 7. Contracts and Other Obligations

- (a) The provisions of this order and of suborders issued pursuant hereto and the requirements thereunder shall be observed without regard to contracts or obligations heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

- (b) No person shall be held liable for damages or penalties for any default under any contract when such default results directly or indirectly from compliance with this order, or any suborder issued pursuant hereto, or any requirement thereunder.

#### Section 8. Petitions for Relief from Hardship

Any person affected by this order or any suborder issued pursuant hereto, or any requirement thereunder, who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may file a petition for relief pursuant to the provisions of Defense Food Order No. 1. The filing of such petition shall not relieve any person of his obligation to comply with any provision in this order or any suborder issued pursuant hereto.

#### Section 9. Records and Reports

- (a) The Order Administrator is authorized to obtain such information from, and require such reports and the keeping of such records by, any person as the Order Administrator may deem necessary to the enforcement or administration of the provisions of this order, or any suborder issued pursuant hereto, subject to terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).
- (b) Records may be retained in the original form or as microfilm or other recordkeeping systems which provide the information contained in the original records.
- (c) Persons subject to this order, or any suborder issued pursuant hereto, shall retain such records for a period of two (2) years after the date of suspension or termination of this order or any suborder issued pursuant hereto.

#### Section 10. Investigations, Inspections, and Audits

The Order Administrator or any designated representative of the Secretary of Agriculture is authorized to make such inspections and audits of the books, records and other writings, premises, and stocks of farm equipment and repair parts of any person, as he may deem necessary for the enforcement or administration of this order or any suborder issued pursuant hereto, and in connection therewith to exercise the subpoena power under Section 705 of the Defense Production Act of 1950, as amended (50 U.S.C. 2155), after defining the scope and purpose of the investigation, inspection, or audit to which the subpoena relates.

#### Section 11. Communications

All reports required to be filed hereunder and all communications concerning this order or any suborder issued pursuant hereto, unless otherwise provided herein or in a suborder issued pursuant hereto or



in instructions issued by the Order Administrator, shall be addressed to the Order Administrator, Defense Food Order No. 6, National Headquarters, United States Department of Agriculture.

Section 12. Territorial Scope

The provisions of this order, except as otherwise provided by the Order Administrator, shall be applicable within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

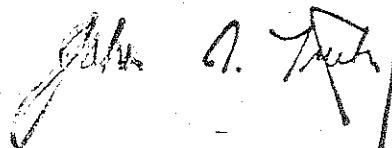
Section 13. Violations

Any person who violates or who conspires to violate any provision of this order, or any suborder issued pursuant hereto, or any requirement thereunder, may be denied all benefits under any order or suborder issued pursuant to defense authorities and administered by the United States Department of Agriculture, enjoined from further violation, and in case of willful violation, prosecuted under any of all applicable laws.

Section 14. Effective Date

This order shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this order have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

  
John A. Knebel  
Secretary of Agriculture

Approved by OMB  
SCHEDULE A to  
Defense Food Order No. 6 -  
Domestic Distribution of Farm  
Equipment and Repair Parts

## SCHEDULE A

## IRRIGATION DISTRIBUTION EQUIPMENT

Attachments for farm irrigation equipment.  
Gates, flood, irrigation.  
Pipe or tubing, aluminum (converted for portable irrigation systems)  
including risers, fittings, and sprinkler heads (except lawn).  
Syphons, irrigation.  
Transportation carriers, irrigation pipe or tubing, farm types.  
Valves, irrigation.

## PLOWS

Attachments for plows (except planting attachments).  
Bedders.  
Cutters, root.  
Middlebusters.  
Plows, farm types, including rotary-tiller, subsoil, terracing and  
ditching.  
Ridge busters.  
Ridge levelers.  
Tillers, basin and disk.

TRACTORS, WHEEL, UNDER 150 BELT H.P., EXCEPT THOSE MANU-  
FACTURED SPECIFICALLY FOR NONFARM USE AND THOSE OVER  
150 BELT H.P. MANUFACTURED SPECIFICALLY FOR FARM USE

Attachments, wheel tractor, except garden.  
Tractors, wheel, all purpose, except garden.  
Tractors, wheel, except all purpose and garden.

## PLANTING, SEEDING, FERTILIZING AND LIMING MACHINERY

Attachments for fertilizing, liming, planting and seeding equipment,  
including planting attachments for other farm machinery and other  
equipment.  
Broadcast seeders, drawn, mounted, hand, wheelbarrow, and other types.  
Cutters, potato.  
Drills, beet, bean, and grain, including fertilizer.

Fertilizer distributors and applicators.  
Field markers.  
Lime spreaders, all types, farm.  
Limestone pulverizers, farm size under 14 inches.  
Listers and lister planting attachment units.  
Loaders, manure and general utility, except beet and sugarcane.  
Planters.  
Pumps, liquid manure.  
Seeders.  
Spreaders, manure, including tank type.  
Transplanters.

#### HARROWS, ROLLERS, PULVERIZERS, STALK CUTTERS, AND SIMILAR EQUIPMENT

Attachments for harrows, rollers, pulverizers, stalk cutters, and similar equipment.  
Combination harrows and rollers.  
Cutters, brush, stalk, weed, farm type.  
Drawbars for harrow and rotary sections, wheel type, folding.  
Harrows, disk, including bush and bag, cane, and offset.  
Harrows, spike-tooth, spring-tooth, and tine-tooth.  
Pulverizers, stalk.  
Rollers, land, excluding lawn rollers.  
Shredders, brush and stalk.  
Soil pulverizers and packers.  
Stubble shavers, cane.  
Transport carriers, farm implement.

#### HARVESTING MACHINERY

Attachments for harvesting machinery.  
Aprons, cups, gutters, and bark-chipping hacks, crude pine gum and maple sirup.  
Binders, corn, grain and hemp.  
Combines, harvester-thresher, including corn heads.  
Forage boxes and carriages for mounting these boxes, self-propelled or pull type.  
Harvesting machines and equipment, crop, nut, fruit, grape, and vegetable.  
Loading equipment, beet and cane, farm type.  
Pickers, corn attachments for combines.  
Pickers and strippers, cotton.  
Power units for harvesting equipment, self-propelled.  
Swathers.  
Threshers, grain, rice, and seed.  
Windrowers.

## HAYING MACHINERY

Attachments for haying machinery.  
Bale loaders, stackers, and throwers.  
Balers, hay and straw.  
Conditioners, hay crushers and crimpers.  
Hay wafering, pelletizing, and cubing machines.  
Loaders, loose hay.  
Mowers, excluding lawn mowers.  
Rakes, side delivery, including combination side rakes and tedders.  
Rakes, sulky (dump).  
Rakes, sweep or buck.

## TRACTORS, GARDEN TYPE, AND MOTOR TILLERS

Attachments for tractors, garden type, and motor tillers.  
Motor tillers.  
Tractors, garden type.

## SPRAYERS AND DUSTERS, AGRICULTURAL

Attachments for sprayers and dusters.  
Dusters, hand, power, and traction.  
Pumps, sprayer, hand and power.  
Sprayers, hand and power.  
Sprayers, hand-pulled and garden types  
Sprayers, hose end (not nozzle).  
Sprayers, flame.

## DAIRY MACHINERY AND EQUIPMENT, FARM TYPE

Attachments for dairy farm machines and equipment.  
Butter-making equipment, including churns and molds.  
Coolers, milk can types, farm.  
Milk transfer units.  
Milking machines.  
Pasteurizers, milk, farm home size.  
Racks, milk can.  
Separators, cream, under 1,500 pounds per hour.  
Stirrers, milk and cream.  
Strainers and filters, milk.  
Tanks, sterilizing and washing, and bulk milk holding and cooling,  
farm type.  
Water heaters, dairy and milk room.

## CULTIVATORS AND WEEDERS

Attachments for cultivators and weeders.  
Blockers and thinners, row-crop.  
Cultivators, including flame.  
Tillers, farm types.  
Tool bars and tool carriers.  
Weeders, all types, including rod.

## MACHINERY FOR PREPARING CROPS FOR MARKET OR FOR USE

Attachments for machines for preparing crops for market or for use.  
Balers, broom corn.  
Bunchers and tiers, vegetable, farm type.  
Cane mills, farm size.  
Cane sirup evaporators, farm type, including complete sets of pans and furnaces.  
Cider mills and fruit presses, farm size.  
Cleaners and graders, farm type, grain and seed.  
Curers, tobacco.  
Deseeders, broom corn.  
Driers, crop, heated air types, farm size.  
Fans, crop drying.  
Feed grinders and crushers (farm), including burr, hammer, combination roughage, and roller types.  
Grinder-mixers (combination), farm type.  
Hullers and cleaners, castor bean, field type.  
Hullers, graders, sackers, conveyors, farm type (nut and seed).  
Huskers and shredders, corn, including combination husker-shredders.  
Maple sirup evaporators, farm size, including complete sets of pans and furnaces.  
Mixers, farm feed types (except concrete mixers).  
Shellers, corn.  
Sorters and graders, potato.  
Sorters, graders, washers, sackers and conveyors (farm type), fruit and vegetable.  
Toppers, crop and vegetable.  
Treaters, seed, farm type.

## POULTRY EQUIPMENT, FARM TYPE

Attachments for farm poultry equipment.  
Bands, leg and wing, poultry.  
Baskets, egg.  
Batteries, growing and laying.  
Boxes, grit.  
Brooders, poultry.

Cages, including power-driven feeders and cleaners.  
Candlers, egg.  
Caps, chimney.  
Carts, feed.  
Catchers, fowl.  
Cleaners, poultry house, power-driven.  
Cones, killing.  
Coolers, including humidifiers, egg.  
Equalizers, draft.  
Feeders, poultry.  
Gatherers, egg.  
Graders, egg.  
Heaters, poultry waterers.  
Incubators, poultry.  
Nests.  
Punches, poultry.  
Washers, egg, farm size.  
Waterers, poultry.

#### ELEVATORS AND BLOWERS, FARM TYPES

Attachments for farm elevators and blowers.  
Blowers, grain and forage, including combination grain and forage.  
Elevators, portable and stationary, farm size.

#### HOG EQUIPMENT

Attachments for hog equipment.  
Brooders, pig.  
Cleaners, hog house and lot.  
Crates and stalls, farrowing.  
Feeders, hog and pig, including feeding systems.  
Holders, hog.  
Oilers, hog.  
Pens, hog and pig.  
Ringers, hog.  
Rings, hog.  
Troughs, hog.  
Waterers, all types, hog.

#### OTHER BARN AND BARNYARD EQUIPMENT

Attachments for other barn and barnyard equipment.  
Applicators, insecticide, livestock.  
Branding equipment, livestock.  
Brooders, lamb.

Carriers, hay.  
Carriers, litter and feed, overhead and track.  
Cattle prods.  
Chains, halter.  
Cleaners, barn and feeding yard.  
Clippers and shearing machines, power, livestock.  
Cookers and steamers, feed.  
Currycombs.  
Dehorning equipment, cattle.  
Drinking cups, livestock.  
Feeders, cattle and sheep, all types.  
Heaters, livestock waterers.  
Hoists, hay.  
Kickers, anticow.  
Pens, cattle.  
Ringers, bull.  
Slings, hay.  
Stackers, manure.  
Staffs, bull.  
Stalls and fittings, including grates, cattle.  
Stanchions and fittings, cattle.  
Tags, identification, livestock.  
Tanks and bins, bulk feed storage, farm.  
Tanks, livestock dipping.  
Tanks, stock watering.  
Trainers, livestock.  
Trucks, feed, not motor.  
Unloaders, silo.  
Ventilating units, livestock, barn.  
Watering bowls, cattle.  
Waterers, livestock, except hog.  
Weaners, calf.

FARM EARTHMOVING EQUIPMENT, PULLED  
OR PUSHED, NOT SELF-PROPELLED

Attachments for farm earthmoving equipment.  
Blade ditchers and terracers.  
Border shapers, irrigation.  
Corrugators, irrigation.  
Dozers, blades designed for farm-use wheel-type tractors.  
Land levelers.  
One-disk terracers.  
Scrapers, farm type.

## FARM MACHINERY AND EQUIPMENT, N.E.C.

Attachments for farm machines and equipment, n.e.c.  
Beehives.  
Beekeepers supplies, n.e.c.  
Bug-catchers, power-driven.  
Controllers and accessories, electric fence.  
Diggers, post-hole, tractor mounted, farm type.  
Extractors, honey.  
Heaters, beehive, electric.  
Orchard heaters and smudge pots.  
Post drivers and pullers, power, farm type.  
Shoes, horse, mule, oxen, wrought iron.  
Stone pickers, farm type.  
Stump pullers, farm type.  
Wind frost protection machines.  
Windmill heads.  
Windmill towers.

## WATER SUPPLY EQUIPMENT, FARM, EXCEPT IRRIGATION

Attachments for farm water supply equipment (except irrigation).  
Jacks, pump.  
Pumps, hand and windmill.  
Water systems, domestic, deep well and shallow well, jet and nonjet.

## FARM WAGONS AND OTHER FARM TRANSPORTATION EQUIPMENT

Attachments for farm wagons and other farm transportation equipment.  
Boxes and racks for mounting on wagons, trucks (not motor), and trailer gears.  
Boxes with integral running gear, grain and forage types.  
Gears, farm trailer.  
Gears, wagon, less box.  
Sleighs and bobsleds, farm.  
Sulkies, farm.  
Trailers, farm.  
Trucks, farm (not motor).  
Trucks, tobacco (not motor).  
Unloaders, truck or wagon, farm types.  
Wagon, dump.  
Wagons, carts, sleds and water carts, cane.  
Wagons, farm, self-propelled or drawn.

## SILOS AND PARTS - REPAIR AND REPLACEMENT PARTS

Parts manufactured specifically for use in the maintenance and repair of the farm equipment (including plowshares and disk blades) listed above in this Schedule A.



EFPR Doc. 17-6A

Department of Agriculture

OFFICE OF THE SECRETARY

Defense Food Suborder No. 6A  
of Defense Food Order No. 6RESTRICTIONS ON DOMESTIC DISTRIBUTION OF  
REPAIR PARTS FOR FARM EQUIPMENT

It is hereby found and determined that repair parts for farm equipment are scarce and critical materials essential to the National defense, and unless distribution thereof is regulated as provided in this suborder, the National defense requirements for repair parts cannot be met without a significant dislocation of normal distribution in the civilian market to such a degree as to create appreciable hardship. This suborder, the purpose of which is stated in Section 1, therefore, is made effective pursuant to the authority vested in me under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with industry and farm organization representatives in the advance preparation of this suborder was had to the extent practicable and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purpose
- 2. Definitions
- 3. Restrictions on Domestic Distribution of Repair Parts to a User
- 4. Acceptance of Emergency Certificate
- 5. Retention of Certificate
- 6. Domestic Distribution of Repair Parts for Resale
- 7. Distribution Pursuant to Specific Direction of the Order Administrator
- 8. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority," Defense Food Order No. 6.

### Section 1. Purpose

The purpose of this suborder is to regulate the domestic distribution of repair parts for farm equipment so that users may procure only the parts they need for immediate use. This suborder implements the purpose of that part of Defense Food Order No. 6 relating to restrictions on domestic distribution of repair parts.

### Section 2. Definitions

For the purpose of this suborder, the definitions in Defense Food Order No. 6 shall apply.

### Section 3. Restrictions on Domestic Distribution of Repair Parts to a User

Except as provided in Section 6 of Defense Food Order No. 6, no dealer or other person may distribute any repair part or parts to a user unless (a) such user surrenders to the transferor the part(s) being replaced, except in cases where the transferor determines it is not practicable to do so, and (b) the transferor has received from such user an Emergency Certificate (Schedule B). The emergency certificate shall be in the form of Schedule B and must appear on or be attached to the purchase order, and be executed by the user or his representative.

### Section 4. Acceptance of Emergency Certificate

- (a) The emergency certificate (Schedule B), properly executed, constitutes a representation to the dealer and to the Order Administrator that all statements in it are true. Any person who receives this certificate may rely on it unless he knows or has reason to believe it to be false.
- (b) The dealer may, in the event of a telephone or telegraphic order, or if he is repairing the farm equipment involved, sign the emergency certificate as representative of the user if he is willing to assume full responsibility for the truth of all statements in it.

### Section 5. Retention of Certificate

The dealer shall keep the emergency certificate and related purchase order for a period of two (2) years in accordance with Section 9 of Defense Food Order No. 6.

### Section 6. Domestic Distribution of Repair Parts for Resale

Nothing contained in this suborder shall prohibit a dealer or distributor from following customary procedure in replenishing his domestic stock of repair parts. However, a dealer who is unable to satisfy a user's order, supported by an emergency certificate, for a repair part or parts from

his own stock may extend the emergency certificate (Schedule B) to his source of supply. This may be done in the form of a simple certification by the dealer that he has on hand an order, supported by an emergency certificate, for a specific repair part(s) which he does not have in stock. The person receiving such order shall satisfy each "emergency certificate" order on hand before satisfying any other type of domestic order for the same repair part(s). If he is unable to satisfy such order from his own stock, he may extend the emergency certificate to the manufacturer, and each such order shall be satisfied by the manufacturer before any other type of domestic order for such repair part(s) is satisfied.

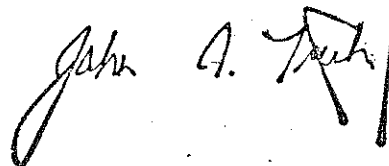
Section 7. Distribution Pursuant to Specific Direction of the Order Administrator

Notwithstanding any other provision of this suborder, the Order Administrator may issue specific direction to any person relating to domestic distribution of repair parts when he finds such action necessary under particular circumstances in order to accomplish the objective of this suborder or Defense Food Order No. 6. Such person shall comply with such direction and shall not make any distribution inconsistent therewith.

Section 8. Effective Date

This suborder shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this suborder have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.



John A. Knebel

Secretary of Agriculture

Approved by OMB  
SCHEDULE B  
to Defense Food Suborder  
No. 6A of Defense Food  
Order No. 6 - Domestic  
Distribution of Farm  
Equipment and Repair Parts

### EMERGENCY CERTIFICATE

In accordance with the Defense Food Order and suborder now in force governing the distribution of repair parts for farm equipment, I certify, subject to criminal penalties for misrepresentation, that all the repair parts covered by this purchase order are presently necessary to replace worn-out or broken parts (on which repair is not practicable) to put my \_\_\_\_\_ in serviceable condition, and are not for  
(name of equipment)  
stock; that I do not have like parts on hand; that I do not have another order in effect with any person for any of these parts; and that the parts will be used only on the aforesaid equipment.

\_\_\_\_\_  
(Signature of user, or name of user and signature  
of his representative receiving parts)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Address of user)

EFPR Doc. 17-6B

Department of Agriculture

OFFICE OF THE SECRETARY

Defense Food Suborder No. 6B  
of Defense Food Order No. 6

## RESTRICTIONS ON DOMESTIC DISTRIBUTION OF NEW FARM EQUIPMENT

It is hereby found and determined that farm equipment is a scarce and critical material essential to the National defense and unless distribution thereof is regulated as provided in this suborder, the National defense requirements for farm equipment cannot be met without creating a significant dislocation of normal distribution in the civilian market to such a degree as to create appreciable hardship. This suborder, the purpose of which is stated in Section 1, therefore, is made effective pursuant to the authority vested in me under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.).

Consultation with industry and farm organization representatives in the advance preparation of this suborder was had to the extent practicable, and consideration was given to their recommendations. Further consultation immediately prior to issuance has been rendered impracticable by emergency circumstances.

- Section 1. Purpose
2. Definitions
  3. Restrictions on Domestic Distribution
  4. Movement of New Farm Equipment for Protection
  5. Distribution to Avert or Alleviate Emergency Conditions
  6. Distribution Pursuant to Specific Direction of the Order Administrator
  7. Retention of Records
  8. Release from Restrictions
  9. Effective Date

AUTHORITY: Sections 101, 701-705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151-2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., § 2153 note); E.O. 11490, as amended (41 F.R. 24301) (50 U.S.C. App. 2292); Defense Mobilization Order 3 (28 F.R. 12164); Assignment of Defense Responsibilities in USDA (40 F.R. 33057-33060); Delegation 1 - Emergency Delegation of Priorities and Allocation Powers (29 F.R. 3824); E.O. entitled "Providing for Mobilization of the Nation's Resources;" Office of Defense Resources action entitled "Delegation of Priorities and Allocations Authority," Defense Food Order No. 6.

### Section 1. Purpose

The purpose of this suborder is to prohibit domestic distribution of all items of new farm equipment until an appraisal can be made of the supply situation and a control program can be set up which will provide for orderly domestic distribution of designated items. Exceptions to this prohibition may be made for specific items needed for Civil Defense use or for saving a significant quantity of deteriorating crops. This suborder implements the purpose of that part of Defense Food Order No. 6 relating to restrictions on domestic distribution of farm equipment.

### Section 2. Definitions

For the purpose of this suborder, the definitions in Defense Food Order No. 6 shall apply.

### Section 3. Restrictions on Domestic Distribution

No manufacturer, distributor, dealer, or other person shall domestically distribute or accept distribution of any item of new farm equipment, except as provided herein.

### Section 4. Movement of New Farm Equipment for Protection

Any person may physically move any new farm equipment in need of protection from blast, fire, flood, or other unusual hazards, but such movement shall not be farther than available storage facilities affording adequate protection under the circumstances.

### Section 5. Distribution to Avert or Alleviate Emergency Conditions

USDA State and County Emergency Boards may authorize any dealer to distribute specific items of new farm equipment to specified users when needed to avert or alleviate emergency conditions. This authority shall be used only when the need is urgent, such as for Civil Defense use in protecting life or property or for harvesting a significant quantity of deteriorating crops. A dealer receiving authorization to distribute shall not make any distribution inconsistent therewith. Any person receiving new farm equipment for Civil Defense use shall not redistribute such equipment during the next 12 months without approval of the USDA State or County Emergency Board which authorized the initial distribution.

### Section 6. Distribution Pursuant to Specific Direction of the Order Administrator

Notwithstanding any other provision of this suborder, the Order Administrator may issue specific direction to any person relating to domestic distribution of new farm equipment when he finds such action necessary

under particular circumstances in order to accomplish the objectives of this suborder or Defense Food Order No. 6. Such person shall comply with such direction and shall not make any distribution inconsistent therewith.

Section 7. Retention of Records

Any person distributing new farm equipment shall keep his distribution records for a period of two (2) years in accordance with Section 9 of Defense Food Order No. 6.

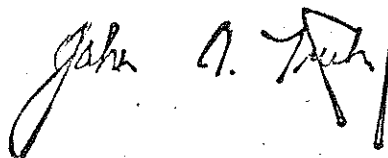
Section 8. Release from Restrictions

Release of any or all items of farm equipment from the restrictions of this suborder may be made by amendment of this suborder or by specific provisions of other suborders of Defense Food Order No. 6.

Section 9. Effective Date

This suborder shall become effective on the date specified in an announcement to be published in the Emergency Federal Register during a defense emergency.

NOTE: All reporting and recordkeeping requirements of this suborder have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.



John A. Knebel

Secretary of Agriculture