

CHAPTER 759.]

AN ACT

To amend the Agricultural Adjustment Act with respect to the processing tax on hogs.

June 26, 1934.  
[H. R. 9829.]  
[Public, No. 476.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (I) section 16 of the Agricultural Adjustment Act is amended by adding thereto the following new section:

Agricultural Adjustment Act amendment.  
*Ante*, p. 40.

“(C) Upon the sale or other disposition of any article processed wholly or in chief value from any commodity with respect to which the existing rate of the processing tax is to be increased, or decreased, that on the date such increase, or decrease, first takes effect with respect to the commodity, is held for sale or other disposition (including articles in transit) by any person, and upon the production of any article from a commodity in process on the date on which the rate of the processing tax is to be increased or decreased, there shall be made a tax adjustment as follows:

Processing tax on hogs.  
Tax adjustments.

“(1) Whenever the rate of the processing tax on the processing of the commodity generally or for any designated use or uses, or as to any designated product or products thereof for any designated use or uses, or as to any class of products, is decreased, there shall be credited or refunded to such person an amount equivalent to the difference between the rate of the processing tax payable or paid at the time immediately preceding the decrease in rate and the rate of the processing tax which would have been payable with respect to the commodity from which processed, if the processing had occurred on such date: *Provided, however*, That no such credit or refund shall be made unless the rate of the processing tax immediately preceding said decrease is equal to, or less than, the rate of the processing tax in effect on the date on which any floor stocks tax was paid prior to the adoption of this amendment.

Adjustment when tax rate is decreased.

*Proviso.*  
Condition.

“(2) Whenever the rate of the processing tax on the processing of the commodity generally, or for any designated use or uses, or as to any designated product or products thereof for any designated use or uses, or as to any class of products, is increased, there shall be levied, assessed and collected a tax to be paid by such person equivalent to the difference between the rate of the processing tax payable or paid at the time immediately preceding the increase in rate and the rate of the processing tax which would be payable with respect to the commodity from which processed, if the processing had occurred on such date.

When increased.

“(3) Whenever the processing tax is suspended or is to be refunded pursuant to a certification of the Secretary of Agriculture to the Secretary of the Treasury, under section 15 (a) of this Act, the provisions of subdivision (1) of subsection (c) of this section shall become applicable.

When tax is suspended or to be refunded, provisions governing.  
*Ante*, p. 39.

“(4) Whenever the Secretary of Agriculture revokes any certification to the Secretary of the Treasury under section 15 (a) of this Act, the provisions of subdivision (2) of subsection (c) shall become applicable.

Revocation of certificate.

“(5) The provisions of this amendment shall be effective on and after June 1, 1934.”

Effective date.

(II) Section 15 (a) of the Agricultural Adjustment Act, as amended, is amended to read as follows:

*Ante*, p. 39.

“(a) If at any time the Secretary of Agriculture finds, upon investigation and after due notice and opportunity for hearing to interested parties, that any class of products of any commodity is of such low value, considering the quantity of the commodity used

Commodities of low value.

Effect of tax upon, to be studied.

for their manufacture, that the imposition of the processing tax would prevent in whole or in large part the use of the commodity in the manufacture of such products and thereby substantially reduce consumption and increase the surplus of the commodity, then the Secretary of Agriculture shall so certify to the Secretary of the Treasury, specifying whether such result will in his judgment most effectively be prevented by a suspension of the imposition of the processing tax or a refund of the tax paid, with respect to such amount of the commodity or any product thereof as is used in the manufacture of such products, and thereafter, as shall be specified in such certification, (1) the imposition of the processing tax shall be suspended with respect to such amount of the commodity as is used in the manufacture of such products, and thereafter, as shall be specified in such certification, (2) the imposition of the processing tax shall be suspended with respect to such amount of the commodity as is used in the manufacture of such products until such time as the Secretary of Agriculture, after further investigation and due notice and opportunity for hearing to interested parties, revokes his certification to the Secretary of the Treasury, or (3) the Secretary of the Treasury shall refund (in accordance with the provisions of, to such persons and in such manner as shall be specified in, such certification) the amount of any tax paid (prior to the date of any revocation by the Secretary of Agriculture of his certification to the Secretary of the Treasury, upon further investigation and after due notice and opportunity for hearing to interested parties) under this title with respect to such amount of the commodity or any product thereof as is used after the date of such certification in the manufacture of such products."

Suspension, etc.

Temporary suspension, pending further investigation.

Refunds.

Ante, p. 36, repealed.

SEC. 2. (a) Paragraph (4) of subsection (d) of section 9 of the Agricultural Adjustment Act, as amended, is repealed.

Ante, pp. 528, 675.

(b) Paragraph (7) of subsection (d) of such section 9 is amended to read as follows:

Definition of "processing" as applied to other commodities.

"(7) In the case of any other commodity, the term 'processing' means any manufacturing or other processing involving a change in the form of the commodity or its preparation for distribution or use, as defined by regulations of the Secretary of Agriculture; and in prescribing such regulations the Secretary shall give due weight to the customs of the industry."

Collecting taxes. Ante, p. 41.

SEC. 3. Section 19 (b) of the Agricultural Adjustment Act, as amended, is amended by striking out the word "ninety" and inserting in lieu thereof the words "one hundred and eighty".

Approved, June 26, 1934.

[CHAPTER 760.]

JOINT RESOLUTION

June 26, 1934. [S.J. Res. 115.] [Pub. Res., No. 46.]

Whereas it is learned that the Federal Trade Commission, because of lack of time, money, and personnel, intends to close its utilities investigation under S. Res. 83, Seventieth Congress, first session, without investigating various important corporations included among those described in said resolution; and Whereas it is in the public interest that certain of said corporations be investigated: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Trade Commission be, and it is hereby, authorized and directed to proceed under the Senate resolution aforesaid until it has investigated such of said corporations as in its judgment should be investigated, but the investigation shall be completed and the Commission's final report, with recommendations, shall be submitted to the Congress not later than the First Monday in January 1936.

Approved, June 26, 1934.

Federal Trade Commission. Directed to complete its investigations of utilities.

Final report, etc., not later than January 1936.