

respect to the disability or death or attainment of a specified age of a member or former member of the armed forces on and after December 7, 1941, and who was unable to file such claim by reason of being interned by a country with which the United States was at war or was otherwise prevented from filing such claim by action of such country, the award of pension or compensation shall be adjusted so as to be effective as of the date the award would have been effective had claim been filed on the date of death, discharge from the armed forces, or the occurrence of age or any disability or increased disability giving rise to a claim for pension, increased pension, compensation, or increased compensation: *Provided*, That claims for the benefits of this Act shall be filed within one year from the date of enactment of this Act.

Filing of claims.

Approved August 1, 1949.

[CHAPTER 378]

JOINT RESOLUTION

Amending an Act making temporary appropriations for the fiscal year 1950, and for other purposes.

August 1, 1949
[H. J. Res. 329]
[Public Law 196]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 154 (Eighty-first Congress), making temporary appropriations for the fiscal year 1950, and for other purposes, is hereby amended by striking out, in section (c) thereof, "July 31, 1949" and inserting in lieu thereof "August 15, 1949".

Ante, p. 405; *post*, pp. 614, 696.

Approved August 1, 1949.

[CHAPTER 379]

AN ACT

To amend the Interstate Commerce Act, as amended.

August 2, 1949
[S. 256]
[Public Law 197]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (5) of section 1 of the Interstate Commerce Act, as amended, is amended by striking out "(a)"; and is further amended by striking out "(b)" and inserting in lieu thereof "(5½)".

Interstate Commerce Act, amendments.
41 Stat. 475; 54 Stat. 900.
49 U. S. C. § 1 (5).

SEC. 2. (a) The first sentence of paragraph (2) of section 3 of the Interstate Commerce Act, as amended, is amended to read as follows:

41 Stat. 470.
49 U. S. C. § 3 (2).
Collection of freight rates and charges.

"(2) No carrier by railroad and no express company subject to the provisions of this part shall deliver or relinquish possession at destination of any freight or express shipment transported by it until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges and to prevent unjust discrimination: *Provided*, That the provisions of this paragraph shall not be construed to prohibit any carrier or express company from extending credit in connection with rates and charges on freight or express shipments transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory or political subdivision thereof, or for the District of Columbia."

Extension of credit to U. S., etc.

(b) The amendment made by subsection (a) of this section shall take effect six months after the date of the enactment of this Act.

Effective date.

SEC. 3. The second sentence of subparagraph (b) of paragraph (2) of section 5 of the Interstate Commerce Act, as amended, is amended to read as follows: "If the Commission shall consider it necessary in order to determine whether the findings specified below may properly

54 Stat. 906.
49 U. S. C. § 5 (2) (b).
Public hearing.

be made, it shall set said application for public hearing; and a public hearing shall be held in all cases where carriers by railroad are involved unless the Commission determines that a public hearing is not necessary in the public interest."

54 Stat. 908.
49 U. S. C. § 5 (10).

SEC. 4. (a) Paragraph (10) of section 5 of the Interstate Commerce Act, as amended, is amended by adding at the end thereof a new subparagraph as follows:

Ante, p. 485.

"Nothing in this section shall be construed to require the approval or authorization of the Commission in the case of a transaction within the scope of paragraph (2) where the only parties to the transaction are street, suburban, or interurban electric railways none of which is controlled by or under common control with any carrier which is operated as part of a general steam railroad system of transportation."

54 Stat. 909.
49 U. S. C. § 5 (13).

(b) Paragraph (13) of section 5 of the Interstate Commerce Act, as amended, is amended to read as follows:

"Carrier."
54 Stat. 905-909.
49 U. S. C. § 5 (2)-(12).

"(13) As used in paragraphs (2) to (12), inclusive, the term 'carrier' means a carrier by railroad and an express company and a sleeping-car company, subject to this part; and a motor carrier subject to part II; and a water carrier subject to part III."

34 Stat. 587; 41 Stat. 483.

49 U. S. C. § 6 (5).
Filing of contracts,
etc.

SEC. 5. Paragraph (5) of section 6 of the Interstate Commerce Act, as amended, is amended to read as follows:

Exceptions.

"(5) Every common carrier subject to this part shall also file with said Commission copies of all contracts, agreements, or arrangements, with other common carriers in relation to any traffic affected by the provisions of this part to which it may be a party: *Provided, however*, That the Commission, by regulations, may provide for exceptions from the requirements of this paragraph in the case of any class or classes of contracts, agreements, or arrangements, the filing of which, in its opinion, is not necessary in the public interest."

34 Stat. 591; 41 Stat. 492.

49 U. S. C. § 16 (5).
Service of notice.

SEC. 6. Paragraph (5) of section 16 of the Interstate Commerce Act, as amended, is amended by changing the period at the end thereof to a colon and adding thereafter the following: "*Provided*, That in such proceedings service of notice of the suspension of a tariff or schedule upon an attorney in fact of a carrier who has filed said tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier, and service of notice of the suspension of a joint tariff or schedule upon a carrier which has filed said joint tariff or schedule to which another carrier is a party shall be deemed to be due and sufficient notice upon the several carriers parties thereto. Such service of notice may be made by mail to such attorney in fact or carrier at the address shown in the tariff or schedule."

34 Stat. 593; 41 Stat. 493.

49 U. S. C. § 20 (1).
Reports from carriers,
etc.

SEC. 7. Paragraph (1) of section 20 of the Interstate Commerce Act, as amended, is amended to read as follows:

"(1) The Commission is hereby authorized to require annual, periodical, or special reports from carriers, lessors, and associations (as defined in this section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers, lessors, and associations specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary, classifying such carriers, lessors, and associations as it may deem proper for any of these purposes. Such annual reports shall give an account of the affairs of the carrier, lessor, or association in such form and detail as may be prescribed by the Commission."

34 Stat. 594; 41 Stat. 493.

49 U. S. C. § 20 (5).

SEC. 8. The second sentence of paragraph (5) of section 20 of the Interstate Commerce Act, as amended, is amended by striking out "carriers and lessors" and inserting in lieu thereof the following: "carriers, lessors, and associations".

54 Stat. 919.
49 U. S. C. § 20 (8).

SEC. 9. Paragraph (8) of section 20 of the Interstate Commerce Act, as amended, is amended to read as follows:

“(8) As used in this section, the words ‘keep’ and ‘kept’ shall be construed to mean made, prepared, or compiled, as well as retained; the term ‘carrier’ means a common carrier subject to this part, and includes a receiver or trustee of such carrier; the term ‘lessor’ means a person owning a railroad, a water line, or a pipe line, leased to and operated by a common carrier subject to this part, and includes a receiver or trustee of such lessor; and the term ‘association’ means an association or organization maintained by or in the interest of any group of carriers subject to this part which performs any service, or engages in any activities, in connection with any traffic, transportation, or facilities subject to this Act.”

Definitions

SEC. 10. Paragraph (1) of section 20a of the Interstate Commerce Act, as amended, is amended to read as follows:

41 Stat. 494.
49 U. S. C. § 20a (1).

“(1) That as used in this section, the term ‘carrier’ means a common carrier by railroad (except a street, suburban, or interurban electric railway which is not operated as a part of a general steam railroad system of transportation) which is subject to this part, or any corporation organized for the purpose of engaging in transportation by railroad subject to this part, or a sleeping-car company which is subject to this part.”

“Carrier.”

SEC. 11. The first two sentences of subsection (a) of section 220 of the Interstate Commerce Act, as amended, are amended to read as follows:

49 Stat. 563.
49 U. S. C. § 320 (a).

“(a) The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, brokers, lessors, and associations (as defined in this section); to prescribe the manner and form in which such reports shall be made; and to require from such carriers, brokers, lessors, and associations specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, broker, lessor, or association in such form and detail as may be prescribed by the Commission.”

Reports from motor carriers, etc.

SEC. 12. The third sentence of subsection (d) of section 220 of the Interstate Commerce Act, as amended, is amended to read as follows: “The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of motor carriers, brokers, and lessors; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, brokers, lessors, and associations (as defined in this section), and such accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person’s relation to or transactions with such carrier.”

54 Stat. 927.
49 U. S. C. § 320 (d).
Inspection authority.

SEC. 13. Subsection (e) of section 220 of the Interstate Commerce Act, as amended, is amended to read as follows:

54 Stat. 927.
49 U. S. C. § 320 (e).

“(e) As used in this section, the words ‘keep’ and ‘kept’ shall be construed to mean made, prepared, or compiled, as well as retained; the term ‘lessor’ means a lessor of any right to operate as a motor carrier; the term ‘motor carrier’, ‘broker’, or ‘lessor’ includes a receiver or trustee of any such motor carrier, broker, or lessor; and the term ‘association’ means an association or organization maintained by or in the interest of any group of motor carriers or brokers subject to this part which performs any service, or engages in any activities in connection with any traffic, transportation, or facilities subject to this Act.”

Definitions.

SEC. 14. (a) The third sentence of subsection (a) of section 221 of the Interstate Commerce Act, as amended, is amended by striking out the word “registered”.

49 Stat. 563.
49 U. S. C. § 321 (a).

49 Stat. 564.
49 U. S. C. § 321 (a).
Service of notice.

(b) The last sentence of such subsection (a) is amended to read as follows: "In proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice of the suspension of a tariff or schedule upon an attorney in fact of a carrier who has filed said tariff or schedule in behalf of such carrier naming the rates, fares, charges, classifications, or practices, involved in such proceedings shall be deemed to be due and sufficient service upon the carrier and service of notice of the suspension of a joint tariff or schedule upon a carrier which has filed said joint tariff to which another carrier is a party naming the rates, fares, charges, classifications, or practices involved in such proceedings shall be deemed to be due and sufficient service upon the several carriers parties thereto, but such manner of service shall not be considered as excluding service in any other manner authorized by law."

49 Stat. 564.
49 U. S. C. § 322.

Failure to keep records, etc.; penalty.

SEC. 15. Section 222 of the Interstate Commerce Act, as amended, is amended by adding at the end thereof the following new paragraph:

"(h) Any motor carrier, broker, or lessor, or other person, or any officer, agent, employee, or representative thereof, who shall fail or refuse to keep, preserve, or forward any account, record, or memorandum in the substance, form, or manner prescribed in this part or in any rule, order, or regulation prescribed under this part; or who shall fail or refuse to comply with any requirement of this part with respect to the filing with this Commission or with any agency, office, or representative of the Commission, as prescribed by the Commission, any annual, periodical, or special report, or other report, tariff, schedule, contract, document, or data or with any rule, order, or regulation prescribed with respect to such filing; or who shall fail or refuse to make full, true, or correct answer to any question required by the Commission to be made under the provisions of this part, shall forfeit to the United States the sum of \$100 for each such offense, and, in case of a continuing violation, not to exceed \$50 for each additional day during which such failure or refusal shall continue. All forfeitures provided for in this paragraph shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States, brought in the district where the motor carrier or broker has its principal office, or in any district in which such motor carrier or broker was, at the time of the offense, authorized by this Commission, or by this part, to engage in operation as such motor carrier or broker; or in any district where such forfeiture may accrue; or in the district where the offender is found. All process in any such case may be served in the judicial district whereof such offender is an inhabitant or wherever he may be found. It shall be the duty of the various district attorneys under the direction of the Attorney General of the United States to prosecute for the recovery of such forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States."

Civil suit.

Costs and expenses.

SEC. 16. The first two sentences of subsection (a) of section 313 of the Interstate Commerce Act, as amended, are amended to read as follows:

"(a) The Commission is hereby authorized to require annual, periodical, or special reports from water carriers, lessors, and associations (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such carriers, lessors, and associations specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, lessor, or association in such form and detail as may be prescribed by the Commission."

54 Stat. 944.
49 U. S. C. § 913 (a).
Reports from water carriers, etc.

SEC. 17. The first sentence of subsection (f) of section 313 of the Interstate Commerce Act, as amended, is amended by inserting after "lessors," the following: "and of associations (as defined in this section),".

54 Stat. 945.
49 U. S. C. § 913 (f).

SEC. 18. Subsection (h) of section 313 of the Interstate Commerce Act, as amended, is amended to read as follows:

54 Stat. 945.
49 U. S. C. § 913 (h).
Definitions.

"(h) As used in this section, the words 'keep' and 'kept' shall be construed to mean made, prepared, or compiled, as well as retained; the term 'lessor' means a lessor of any right to operate as a water carrier; the term 'water carrier' or 'lessor' includes a receiver or trustee of such water carrier or lessor; and the term 'association' means an association or organization maintained solely by water carriers subject to this part which engages in activities relating to the fixing of rates, publication of classifications, or filing of schedules by such carriers."

SEC. 19. (a) That the third sentence of subsection (a) of section 315 of the Interstate Commerce Act, as amended, is amended by striking out the word "registered".

54 Stat. 946.
49 U. S. C. § 915 (a).

(b) The last sentence of such subsection (a) is amended to read as follows: "In proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice of the suspension of a tariff or schedule upon an attorney in fact of a carrier who has filed a said tariff or schedule in behalf of such carrier naming the rates, fares, charges, classifications, or practices involved in such proceedings shall be deemed to be due and sufficient service upon the carrier and service of notice of the suspension of a joint tariff or schedule upon a carrier which has filed said joint tariff to which another carrier is a party naming the rates, fares, charges, classifications, or practices involved in such proceedings shall be deemed to be due and sufficient service upon the several carriers parties thereto, but such manner of service shall not be considered as excluding service in any other manner authorized by law."

54 Stat. 946.
49 U. S. C. § 915 (a).
Service of notice.

SEC. 20. The first two sentences of subsection (a) of section 412 of the Interstate Commerce Act, as amended, are amended to read as follows:

56 Stat. 294.
49 U. S. C. § 1012 (a).

"(a) For purposes of administration of the provisions of this part, the Commission is hereby authorized to require annual, periodical, or special reports from freight forwarders and associations (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such forwarders and associations specific, full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual report shall give an account of the affairs of the freight forwarder or association in such form and detail as may be prescribed by the Commission."

Reports from freight forwarders, etc.

SEC. 21. The first sentence of subsection (d) of section 412 of the Interstate Commerce Act, as amended, is amended by inserting after the words "documents of freight forwarders" the following: "and of associations (as defined in this section)".

56 Stat. 295.
49 U. S. C. § 1012 (d).

SEC. 22. Subsection (f) of section 412 of the Interstate Commerce Act, as amended, is amended to read as follows:

56 Stat. 295.
49 U. S. C. § 1012 (f).

"(f) As used in this section, the words 'keep' and 'kept' shall be construed to mean made, prepared, or compiled, as well as retained; and the term 'association' means an association or organization maintained by or in the interest of any group of freight forwarders subject to this part which performs any service, or engages in any activities, in connection with any traffic, transportation, or facilities subject to this Act."

Definitions.

Approved August 2, 1949.