

[CHAPTER 199.]

AN ACT

Amending the Shipping Act, 1916, as amended, for the purpose of further regulating common carriers by water in interstate commerce of the United States engaged in transportation by way of the Panama Canal.

March 3, 1933.

[S. 4491.]

[Public, No. 415.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act—

Intercoastal Shipping Act, 1933.

The term "common carrier by water in intercoastal commerce" for the purposes of this Act shall include every common and contract carrier by water engaged in the transportation for hire of passengers or property between one State of the United States and any other State of the United States by way of the Panama Canal.

"Common carriers by water in intercoastal trade."
Term defined.

SEC. 2. That every common carrier by water in intercoastal commerce shall file with the United States Shipping Board and keep open to public inspection schedules showing all the rates, fares, and charges for or in connection with transportation between intercoastal points on its own route; and, if a through route has been established, all the rates, fares, and charges for or in connection with transportation between intercoastal points on its own route and points on the route of any other carrier by water. The schedules filed and kept open to public inspection as aforesaid by any such carrier shall plainly show the places between which passengers and/or freight will be carried, and shall contain the classification of freight and of passenger accommodations in force, and shall also state separately each terminal or other charge, privilege, or facility, granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates, fares, or charges, or the value of the service rendered to the passenger, consignor, or consignee. Such carriers in establishing and fixing rates, fares, or charges may make equal rates, fares, or charges for similar service between all ports of origin and all ports of destination, and it shall be unlawful for any such carrier, either directly or indirectly, through the medium of any agreement, conference, association, understanding, or otherwise, to prevent or attempt to prevent any such carrier from extending service to any publicly owned terminal located on any improvement project authorized by the Congress at the same rates which it charges at its nearest regular port of call. Such schedules shall be plainly printed, and copies shall be kept posted in a public and conspicuous place at every wharf, dock, and office of such carrier where passengers or freight are received for transportation, in such manner that they shall be readily accessible to the public and can be conveniently inspected.

Rate, etc., schedules filed with Shipping Board.

Contents.

Equal rates, etc., to be fixed.

Unlawful to prevent service extension at same rates, etc.

Posting schedules required.

No change permitted until 30 days after posting new schedule.

New schedule to show proposed changes.

No change shall be made in the rates, fares, or charges, or classifications, rules, or regulations, which have been filed and posted as required by this section, except by the publication, filing, and posting as aforesaid of a new schedule or schedules which shall become effective not earlier than thirty days after date of posting and filing thereof with the board, and such schedule or schedules shall plainly show the changes proposed to be made in the schedule or schedules then in force and the time when the rates, fares, charges, classifications, rules, or regulations as changed are to become effective: *Provided*, That the board may, in its discretion and for good cause, allow changes upon less than the period of thirty days herein specified: *And provided further*, That schedules or changes which provide for extension of actual service to additional ports at rates of said carrier already in effect for similar service at the nearest port

Provisos.
Discretionary reduction of period.
Rates to secondary ports.

of call to said additional ports shall become effective immediately upon notice to the board.

Intercoastal commerce.
Regulations governing.

From and after ninety days following enactment hereof no person shall engage in transportation as a common carrier by water in intercoastal commerce unless and until its schedules as provided by this section have been duly and properly filed and posted; nor shall any common carrier by water in intercoastal commerce charge or demand or collect or receive a greater or less or different compensation for the transportation of passengers or property or for any service in connection therewith than the rates, fares, and/or charges which are specified in its schedules filed with the board and duly posted and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified, nor extend or deny to any person any privilege or facility, except in accordance with such schedules.

Form and manner of publishing schedule.

Rejection, if nonconforming.

The board shall by regulations prescribe the form and manner in which the schedules required by this section shall be published, filed, and posted; and the board is authorized to reject any schedule filed with it which is not in consonance with this section and with such regulations. Any schedule so rejected by the board shall be void and its use shall be unlawful.

Penalty for violation.

Any violation of any provision of this section by a common carrier by water in intercoastal commerce shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for each act of violation and/or for each day such violation continues, to be recovered by the United States in a civil action.

Hearings to determine lawfulness of rate, etc.

SEC. 3. Whenever there shall be filed with the board any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the board shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, charge, classification, regulation, or practice: *Provided, however,* That there shall be no suspension of a tariff schedule or service which extends to additional ports, actual service at rates of said carrier for similar service already in effect at the nearest port of call to said additional port.

Notice.

Proviso.
Tariff schedule or service not suspended.

Temporary suspension pending hearing, etc.

Pending such hearing and the decision thereon the board, upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than four months beyond the time when it would otherwise go into effect; and after full hearing whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the board may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate, fare, charge, classification, regulation, or practice shall go into effect at the end of such period. The board shall give preference to the hearing and decision of such questions and decide the same as speedily as possible. Nothing contained herein shall be construed to empower the board affirmatively to fix specific rates.

Duration.
Effect of board's orders.

Power to fix specific rates not granted.

SEC. 4. That nothing in this Act shall prevent the carriage, storage, or handling of property free or at reduced rates, for the United States, State, or municipal Governments, or for charitable purposes.

Special rates to Government, etc.

SEC. 5. That the provisions of the Shipping Act, 1916, and as amended prior to this Act, shall in all respects, except as amended by this Act, continue to be applicable to common carriers by water in intercoastal commerce.

Existing laws applicable.
Vol. 39, p. 729; Vol. 40, p. 900; Vol. 44, p. 1083.

SEC. 6. That this Act may be cited as the Intercoastal Shipping Act, 1933.

Title.

Approved, March 3, 1933.

[CHAPTER 200.]

AN ACT

To extend the operation of the Act entitled "An Act for the temporary relief of water users on irrigation projects constructed and operated under the reclamation law," approved April 1, 1932.

March 3, 1933.
[S. 5417.]
[Public, No. 416.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Act entitled "An Act for the temporary relief of water users on irrigation projects constructed and operated under the reclamation law," approved April 1, 1932, the Secretary of the Interior is authorized and directed to extend the provisions of such Act relating to certain charges coming due for 1931 and to one-half of certain charges due for 1932, in like manner to the remaining one-half of such charges coming due for 1932 and to all of similar charges to become due for 1933, and to extend the provisions of section 3 of such Act, (1) so far as they relate to the extension of time for beginning construction of a drainage system upon the Uncompahgre reclamation project, to one year from and after January 1, 1933, and (2) so far as they relate to certain charges upon or for the Uncompahgre and Grand Valley reclamation projects in the State of Colorado due and payable for the year 1932, in like manner to all similar charges due and payable for the year 1933: *Provided*, That the deferred charges shall bear interest at the rate of 3 per centum per annum for the years specified in the Act approved April 1, 1932, and as amended herein, which interest shall be paid at the same time the principal deferred herein is paid.

Water users on irrigation projects.
Extension, for 1932 and 1933 charges, authorized.
Ante, p. 75, amended.

Uncompahgre drainage construction.

Construction charges, Uncompahgre and Grand Valley projects, deferred.

Proviso.
Interest, deferred charges.

SEC. 2. That the last line of section 10 of said Act is amended by substituting "1936" for "1934."

Reimbursing advances to begin July 1, 1936.

Approved, March 3, 1933.

[CHAPTER 201.]

AN ACT

To extend temporary relief to water users on irrigation projects on Indian reservations, and for other purposes.

March 3, 1933.
[S. 5525.]
[Public, No. 417.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to extend to water users on Indian irrigation projects like relief to that provided in an Act approved April 1, 1932, applying to water users under the reclamation law for the remaining half of such charges due for the calendar year 1932 and for all similar charges to become due for the calendar year 1933, the said Secretary to issue appropriate regulations for the carrying out of the provisions of this Act.

Indian irrigation projects.
Relief provisions to water users on, extended.

Ante, p. 75.

Approved, March 3, 1933.