

joint recommendation for revision of the Pay Readjustment Act of 1942, as amended, including but not restricted to recommendations with respect to increases authorized for flying pay, parachute pay, glider pay, submarine pay, and similar special pay and allowances.

Sec. 301. This Act may be cited as the "First Supplemental Surplus Appropriation Rescission Act, 1946".

Approved February 18, 1946.

56 Stat. 359.
37 U. S. C., Supp. V, §§ 101-120.
Ante, p. 20; *post*, pp. 343 *et seq.*, 858 *et seq.*, 868.

Short title.

[CHAPTER 31]

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended.

February 19, 1946
[H. R. 5135]
[Public Law 302]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law Numbered 118, Seventy-eighth Congress, as amended by Public Law Numbered 276, Seventy-eighth Congress, is amended by striking out all of the first sentence therein following the words "marketing years 1944-45, 1945-46" and inserting in lieu thereof the following: "1946-47 and 1947-48 shall be proclaimed and the national marketing quota proclaimed by the Secretary and the State and farm acreage allotments established pursuant to the proclaimed national quota for burley tobacco for the 1946-47 marketing year shall be reduced uniformly so as to make available a supply of burley tobacco for such marketing year not less than the reserve supply level: *Provided*, That no allotment of one acre or less shall be reduced by more than 10 per centum."

Burley and flue-cured tobacco.
Marketing quotas.
57 Stat. 387; 58 Stat. 136.
7 U. S. C., Supp. V, § 1313 note.

The amendment made by this section shall not apply to flue-cured tobacco for the 1946-47 marketing year.

SEC. 2. The first sentence of section 314 (a) of the Agricultural Adjustment Act of 1938, as amended, is hereby amended to read as follows: "The marketing of any kind of tobacco in excess of the marketing quota for the farm on which the tobacco is produced shall be subject to a penalty of 40 per centum of the average market price (calculated to the nearest whole cent) for such kind of tobacco for the immediately preceding marketing year."

Excess marketing.
54 Stat. 393.
7 U. S. C. § 1314 (a).

The amendment made by this section shall become effective July 1, 1946, except that in the case of flue-cured tobacco such amendment shall become effective May 1, 1947.

Effective dates.

Approved February 19, 1946.

[CHAPTER 32]

AN ACT

To amend section 409 of the Interstate Commerce Act, with respect to the utilization by freight forwarders of the services of common carriers by motor vehicle.

February 20, 1946
[H. R. 2764]
[Public Law 303]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of the Interstate Commerce Act, as amended, is amended to read as follows:

Freight forwarders.
56 Stat. 290.
49 U. S. C., Supp. V, § 1009.

"UTILIZATION BY FREIGHT FORWARDERS OF SERVICES OF COMMON CARRIERS BY MOTOR VEHICLE

"SEC. 409. (a) (1) The Commission shall at the earliest practicable time determine and by order prescribe the reasonable, just, and equitable terms and conditions, including terms and conditions governing the determination and fixing of the compensation to be paid or observed, under which freight forwarders subject to this part may utilize the services and instrumentalities of common carriers

Terms and conditions.

49 Stat. 543.
49 U. S. C. §§ 301-
327; Supp. V, § 302 *et*
seq.

Line haul transpor-
tation.

Infra.

Investigation.

Hearings.

Operation under
joint rates or charges.

49 Stat. 543.
49 U. S. C. §§ 301-
327; Supp. V, § 302 *et*
seq.

Tariffs filed.

Tariffs rejected.

Joint rates in effect
July 1, 1941.

by motor vehicle subject to part II of this Act, under agreements between such freight forwarders and common carriers (which agreements may be required by the Commission to be subject to its approval, disapproval, or modification), in such manner as will be in furtherance of the national transportation policy declared in this Act: *Provided*, That in the case of line haul transportation between concentration points and break-bulk points in truckload lots, such terms and conditions shall not permit payment to common carriers by motor vehicle of compensation which is lower than would be received under rates or charges established under part II of this Act, except to the extent that such lower compensation is found by the Commission to be justified by reason of the conditions under which the services and instrumentalities of common carriers by motor vehicle are utilized by freight forwarders and the character of the services performed by common carriers by motor vehicle and by freight forwarders.

“(2) The Commission, when it has prescribed such terms and conditions, shall by order specify a reasonable time after which subsection (b) of this section shall no longer be effective; and the order or orders issued under this paragraph may, if the Commission deems it to be in furtherance of the national transportation policy declared in this Act, provide for the termination of the effectiveness of such subsection (b) at different times in different territories or sections.

“(3) The Commission is authorized, upon complaint or upon its own initiative without complaint, to investigate and determine whether, in order to carry out the purposes of paragraph (1) of this subsection, any terms and conditions prescribed thereunder should be modified or rescinded or whether additional terms and conditions should be prescribed thereunder, and, after such investigation, the Commission shall by order modify or rescind any such terms and conditions, or prescribe additional terms and conditions, to the extent it finds such action necessary or appropriate to carry out the purposes of such paragraph.

“(4) No order shall be entered under this subsection except after interested parties have been afforded reasonable opportunity for hearing.

“(b) Subject to the authority of the Commission to terminate by order the effectiveness of this subsection, as provided in subsection (a) (2), nothing in this part or in part II of this Act shall be construed to make it unlawful for freight forwarders subject to this part and common carriers by motor vehicle subject to part II of this Act to operate under joint rates or charges. The provisions of part II of this Act shall apply with respect to such joint rates or charges and the divisions thereof, and with respect to the parties thereto, as though such joint rates or charges had been established under the provisions of such part II, and the provisions of this part shall not apply with respect thereto: *Provided, however*, That—

“(1) Joint rates or charges and concurrences contained in tariffs heretofore filed with the Commission shall become effective, without notice, as of the date of enactment of this part, unless the parties thereto file notice with the Commission, within thirty days after the date of enactment of this part, canceling such joint rates or charges and concurrences;

“(2) Joint rates or charges and concurrences, contained in tariffs heretofore offered for filing with the Commission, but rejected by the Commission, shall become effective, without notice, as of the date of enactment of this part, if filed with the Commission within thirty days after the date of enactment of this part;

“(3) Joint rates or charges and concurrences, under which freight forwarders and common carriers by motor vehicle subject to part II

of this Act were actually operating on July 1, 1941, may become effective, without notice, as of the date of enactment of this part, if tariffs covering such joint rates or charges and concurrences are filed with the Commission within thirty days after the date of enactment of this part;

“(4) No new or additional joint rate or charge may be established under authority of this subsection for service from any point of origin to any point of destination with respect to any particular commodity or class of traffic unless at least one rate or charge for service from such point of origin to such point of destination with respect to such commodity or class of traffic, established by an individual freight forwarder or by a freight forwarder jointly with a common carrier by motor vehicle, is already lawfully in effect; but for purposes of this paragraph the making of a change in a joint rate or charge which has been established, or which has become effective pursuant to this subsection, shall not be deemed to constitute the establishment of a new or additional joint rate or charge;

New or additional joint rates, restriction.

Changes.

“(5) Any joint rate or charge or concurrence established, or which becomes effective pursuant to this subsection, may at any time be canceled or withdrawn in accordance with the provisions of part II of this Act;

Cancellation or withdrawal.

“(6) The filing of tariffs under paragraph (2) or (3) of this subsection may be in accordance with the requirements with respect to the form and manner of filing tariffs in effect under part II of this Act prior to December 31, 1936;

Filing of tariffs.

“(7) For the purpose of computing the period of thirty days prescribed in paragraph (1), (2), or (3) of this subsection, the date of mailing by registered mail shall be deemed the date of filing; and

“(8) As used in this subsection the term ‘rates or charges’ includes classifications, rules, and regulations with respect thereto.”

“Rates or charges.”

Approved February 20, 1946.

[CHAPTER 33]

AN ACT

To declare a national policy on employment, production, and purchasing power, and for other purposes.

February 20, 1946
[S. 380]
[Public Law 304]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the “Employment Act of 1946”. ^{Post, pp. 838, 912, 913.}

DECLARATION OF POLICY

SEC. 2. The Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power.